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## Legislation

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## I

*(Acts whose publication is obligatory)*

**DECISION No 1719/1999/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 12 July 1999  
on a series of guidelines, including the identification of projects of common interest, for trans-European networks for the electronic interchange of data between administrations (IDA)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the first paragraph of Article 156 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>,

Having regard to the opinion of the Committee of the Regions <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(4)</sup>,

- (1) Whereas the Council, in its resolution of 20 June 1994 <sup>(5)</sup>, emphasised the need for coordination with regard to information exchange between administrations;
- (2) Whereas the Council, in its resolution of 21 November 1996 <sup>(6)</sup>, established new policy priorities regarding the information society;
- (3) Whereas the Commission, in its Communication of 19 July 1994, proposed an action plan for the information society;
- (4) Whereas the Commission has proposed an action plan for the single market;
- (5) Whereas the European Parliament, in its resolution of 12 June 1997 <sup>(7)</sup>, invited the European Union and the Member States to take action with regard to the develop-

ment and application of new information and communication technologies (ICT) in the next decade;

- (6) Whereas the European Parliament and the Council, in Decision No 2717/95/EC <sup>(8)</sup>, adopted a series of guidelines for the development of Euro-ISDN as a trans-European network;
- (7) Whereas the European Parliament and the Council, in Decision No 1336/97/EC <sup>(9)</sup>, adopted a series of guidelines for trans-European telecommunication networks;
- (8) Whereas, in order to establish economic and monetary union and to implement Community policies and activities, it is necessary for Member State administrations and the Community to access, exchange and process increasing amounts of information;
- (9) Whereas, in order to exercise the powers conferred on them, it is necessary for Community institutions to access, exchange and process increasing amounts of information;
- (10) Whereas the efficient, effective and secure exchange of processable information requires the availability of integrated data communication systems, hereinafter referred to as telematic networks;
- (11) Whereas telematic networks linking the information systems of the Member State administrations and the Community across Europe are trans-European telecommunication networks for administrations;
- (12) Whereas the smooth functioning of the internal market and the elimination of obstacles to communication between public administrations and the private sector are important factors for the prosperity and competitiveness of Community industry;
- (13) Whereas use of telematic networks can contribute to the protection of the financial interests of the Community and to the fight against fraud;

<sup>(1)</sup> OJ C 54, 21.2.1998, p. 3 and OJ C 23, 28.1.1999, p. 8.

<sup>(2)</sup> OJ C 214, 10.7.1998, p. 33.

<sup>(3)</sup> OJ C 251, 10.8.1998, p. 1.

<sup>(4)</sup> Opinion of the European Parliament of 18 November 1998 (OJ C 379, 7.12.1998, p. 68), Council Common Position of 21 December 1998 (OJ C 55, 25.2.1999, p. 1) and Decision of the European Parliament of 13 April 1999 (OJ C 219, 30.7.1999). Council Decision of 21 June 1999.

<sup>(5)</sup> OJ C 181, 2.7.1994, p. 1.

<sup>(6)</sup> OJ C 376, 12.12.1996, p. 1.

<sup>(7)</sup> OJ C 200, 30.6.1997, p. 196.

<sup>(8)</sup> OJ L 282, 24.11.1995, p. 16.

<sup>(9)</sup> OJ L 183, 11.7.1997, p. 12.

- (14) Whereas Member States should take account of the telematic networks developed within the framework of Community action in the development of the projects they carry out together in areas included in the Treaty establishing the European Community as a consequence of the Treaty of Amsterdam and in other areas subject to the Treaty on European Union, as well as any other action they may carry out that meets the objectives of the Treaty establishing the European Community, and in particular Articles 3(d), 14, 18 and 39 thereof;
- (15) Whereas the modification and enhancement of telematic networks may be required during the preparation for the enlargement of the European Union;
- (16) Whereas responsive and transparent public administrations will encourage citizens of the European Union to reap the benefits of the information society;
- (17) Whereas the Community is a user or a beneficiary of those telematic networks which support the Community policies and activities, interinstitutional communication and economic and monetary union;
- (18) Whereas the task of establishing such networks is incumbent on both the Community and the Member States;
- (19) Whereas it is essential to maximise the use of standards, publicly available specifications and public domain applications to ensure seamless interoperability in order to achieve economies of scale and to increase the benefits of such networks;
- (20) Whereas, by means of coordinated development, such networks should converge towards a common telematic interface between the Community and the Member States;
- (21) Whereas, in order to make efficient use of the Community's financial resources, it is necessary to share the cost of such networks between the Member States and the Community on an equitable basis and, at the same time, to avoid needless proliferation of equipment, repetition of investigations and diversity of approach;
- (22) Whereas the Member States shall in principle each bear the cost incurred by their own implementation of IDA projects and services;
- (23) Whereas there is thus a need to define specific guidelines of general application to all such networks, as well as a specific financial framework for projects of common interest under such guidelines;
- (24) Whereas, in accordance with the principles of subsidiarity and proportionality established by Article 5 of the Treaty, the objective of establishing such networks cannot be adequately attained by the Member States and can therefore, by reason of the scale and effects of the proposed action, be better attained at Community level;
- whereas the proposed action does not go beyond what is necessary to achieve the said objective;
- (25) Whereas the implementation of the Agreement on the European Economic Area and the association agreements with the European Community requires the relevant telematic networks to be modified and enhanced;
- (26) Whereas there is an inherent international dimension to telematic networks and electronic communication;
- (27) Whereas the measures aimed at ensuring the interoperability of telematic networks between administrations are in accordance with the priorities adopted in relation to the guidelines for trans-European telecommunication networks;
- (28) Whereas actions have been carried out under Council Decision 95/468/EC of 6 November 1995 on a Community contribution for telematic interchange of data between administrations in the Community (IDA) <sup>(1)</sup>; whereas the Court of Justice annulled Decision 95/468/EC on 28 May 1998; whereas the effects of the measures taken by the Commission on the basis of this Decision before annulment by the Court are maintained;
- (29) Whereas this Decision establishes a financial framework which should be the principal point of reference, within the meaning of point 1 of the Declaration of the European Parliament, the Council and the Commission of 6 March 1995 <sup>(2)</sup>, for the budgetary authority for the purposes of the annual budgetary procedure;
- (30) Whereas a *modus vivendi* between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 251 of the Treaty was concluded on 20 December 1994 <sup>(3)</sup>;

HAVE ADOPTED THIS DECISION:

#### Article 1

#### Scope and objectives

1. The Community, in cooperation with the Member States, shall act in the field of trans-European telematic networks for administrations and shall take the measures set out in this Decision with the following objectives:

<sup>(1)</sup> OJ L 269, 11.11.1995, p. 23.

<sup>(2)</sup> OJ C 102, 4.4.1996, p. 4.

<sup>(3)</sup> OJ C 102, 4.4.1996, p. 1.

- (a) the establishment of operational, interoperable, trans-European telematic networks between Member State administrations, whether national or regional, as well as between such administrations and the Community institutions and bodies as appropriate, enabling the efficient, effective and secure interchange of information in order to support the establishment of economic and monetary union and in order for the Member States and the Community to implement, within their respective areas of competence, the Community policies and activities referred to in Articles 3 and 4 of the Treaty, taking into account work already under way in existing Community or Member State programmes;
- (b) the establishment of integrated telematic networks for the facilitation of communication between the Community institutions and in support of the Community decision-making process.
2. This Decision covers all networks under the IDA programme.

#### Article 2

##### Definitions

For the purpose of this Decision, the following definitions shall apply:

- (a) 'telematic network': a comprehensive data-communication system, comprising not only the physical infrastructure and connections, but also the service and application layers which are built on top of this infrastructure, thus enabling the interchange of information electronically between organisations and individuals;
- (b) 'IDA network': a trans-European telematic network for administrations established or continued under this Decision. Such a network is established on the initiative of the Community as a user of, or a party to, the network or as a beneficiary having an interest in ensuring its implementation;
- (c) 'sectoral network': a trans-European telematic network for administrations or a set of services and applications, devoted to the implementation or the administrative support of one particular Community policy, activity or objective which is hereinafter referred to as an 'administrative sector';
- (d) 'IDA project': a set of interrelated actions which are undertaken or continued under this Decision, as identified in the Annex, and which concern the establishment or enhancement of sectoral networks.

#### Article 3

##### Projects of common interest

- In order to achieve the objectives laid down in Article 1, the Community and the Member States shall implement projects of common interest as set out in the Annex.
- Implementation of such projects shall be carried out in accordance with the IDA work programme and with global implementation plans as described in Article 5.

#### Article 4

##### Priorities

For the purpose of establishing the IDA work programme, and in the allocation of Community financial resources to IDA projects, priority shall be given to those projects which enhance the economic viability of public administrations, European Community institutions, Member States and the regions, and which, by means of the establishment or enhancement of a sectoral network:

- directly contribute to removing the obstacles to the free movement of goods, persons, services and capital; or
- directly contribute to the successful implementation or the satisfactory operation of economic and monetary union; or
- encourage interinstitutional cooperation between the Community institutions as well as between the latter and national and regional administrations, including national and regional parliaments; or
- contribute to the protection of the financial interests of the Community and the Member States or to the fight against fraud; or
- facilitate the preparation for the enlargement of the European Union; or
- facilitate industrial competitiveness in the Community, with particular emphasis on the competitiveness of small and medium-sized enterprises; or
- provide benefits to persons in the European Union.

#### Article 5

##### Broad lines for implementation

- In implementing IDA projects, the principles set out in this Article shall be observed.
  - The implementation of an IDA project shall require a legal basis. For the purpose of this Decision, an IDA project shall be considered to fulfil this requirement when the network or networks concerned support communication between administrations in the framework of the implementation of one or several Community acts.
- The first subparagraph shall not apply to projects that support interinstitutional communication or the Community decision-making process, or to common activities for the support of two or more IDA projects.
- IDA projects shall comprise all actions necessary for the establishment or enhancement of sectoral networks, including feasibility studies and demonstrations, the establishment of working groups of Member State and Community experts, and the procurement of goods and services for the Community, as appropriate.

- IDA projects shall include a preparatory phase, a feasibility phase, a development and validation phase, and an implementation phase.

The preparatory phase shall lead to the establishment of a preparatory report comprising the objectives, scope and rationale of the project and in particular the anticipated costs and benefits, as well as the achievement of the necessary commitment and understanding among the participants through appropriate consultation.

The feasibility phase shall lead to the establishment of a global implementation plan which shall comprise:

- (a) a description of the network or networks intended to be established under the project in terms of their objectives, functionalities, participants and technical approach;
- (b) the assignment of roles and tasks to the Community and to the Member States throughout the subsequent development and validation and implementation phases;
- (c) a detailed description of the expected benefits which includes assessment criteria for measuring those benefits beyond the implementation phase;
- (d) a schema which defines an equitable sharing between the Community and the Member States of the operational and maintenance costs of the networks concerned on conclusion of the implementation phase.

During the development and validation phase, the solution proposed for the network or networks concerned may, if relevant, be constructed, tested, evaluated and monitored on a small scale, and the results shall be used to adjust the global implementation plan accordingly.

During the implementation phase, the fully functional network or networks concerned shall be established in accordance with the global implementation plan.

5. IDA projects shall build on the horizontal actions and measures undertaken by the Community within the framework of European Parliament and Council Decision 1720/1999/EC of 12 July 1999 adopting a series of actions and measures in order to ensure interoperability of and access to trans-European networks for the electronic interchange of data between administrations (IDA) <sup>(1)</sup>; in particular, common generic services and applications shall be used where appropriate.

6. The initiation and implementation of an IDA project, the definition of its phases, as well as the definition of user requirements, both technical and functional, for the network or networks concerned under such a project, shall be made within the framework of the Community policy or activity concerned and controlled in accordance with the applicable committee procedure, if any.

Where no sectoral committee procedure applies, the Community and the Member States shall set up sectoral groups of experts to examine these issues.

The conclusions resulting from sectoral committees and groups of experts shall be reported by the Commission to the committee referred to in Article 8 together with its proposals for the measures referred to in Article 7.

7. Each IDA project shall be technically specified with reference to European standards or publicly available specifications, such as open Internet standards, as appropriate, in order to ensure a high degree of interoperability between national and Community systems within and across administrative sectors and with the private sector. Particular account shall be taken of Community guidelines and support tools in the area of standar-

disation in public procurement for information and communication technologies (ICT) systems and services.

8. The definition and implementation of each IDA project shall build on suitable results achieved by other relevant Community activities, in particular the Community research and technological development programmes and the Community activities in the field of trans-European telecommunication networks.

9. A post-implementation review of each IDA project shall be carried out in coordination with the Member States within the framework of the Community policy or activity concerned and presented to the relevant sectoral committee and to the committee referred to in Article 8 within one year following the end of the implementation phase. This review shall include cost-benefit analysis.

#### Article 6

#### Community financial contribution

1. In the implementation of IDA projects, the Community shall bear costs in proportion to its interest.

2. The financial contribution of the Community for each IDA project shall be determined in accordance with paragraphs 3 to 7. This contribution does not include any costs arising from the continued use of applications or specifications which contradict the priorities or the requirements of this Decision or of European Parliament and Council Decision 1720/1999/EC.

3. In the preparatory and feasibility phases of a project, the Community contribution may cover the full cost of the necessary studies.

4. In the development and validation phase and in the implementation phase of a project, the Community shall bear the cost of those tasks which are assigned to it in the global implementation plan of that project.

5. The Community may contribute, in exceptional cases and in accordance with the procedure laid down in Article 8, by means of direct grants to the costs incurred by one or more Member States, in order for such Member States to carry out:

- (a) activities relating to an IDA project or network which are deemed to be of benefit to other participants or to other IDA projects or networks,
- (b) an enhancement of a system which is deemed necessary in order to improve or simplify the overall implementation of a particular IDA network.

The intended grants will be specified in the IDA work programme for each IDA project or network concerned and for the current budgetary year, in terms of their maximum allowable value, the expected benefits to IDA projects and networks, the objectives to be achieved, the beneficiary administrations in the Member States and the tasks to be financed by means of such grants.

Other than in exceptional circumstances, grants shall not exceed one half of the expenditure actually incurred by each beneficiary Member State in implementing the tasks for which the grant is given.

<sup>(1)</sup> See page 9 of this Official Journal.

6. Community funding under this Decision shall cease on completion of the implementation phase of an IDA project; however, further funding may exceptionally, and in accordance with the procedure laid down in Article 8, be granted under this Decision in order to cover all or part of the cost of the operation and maintenance of an IDA network until the end of the year following the year in which its implementation is completed.

7. The Community may also, within the framework of this Decision and until the end of 1999, bear the cost of the operation and maintenance of those IDA networks which are continued under this Decision and which are already operational on the date of entry into force of this Decision.

8. The financial resources provided for under this Decision shall not, in principle, be assigned to projects or phases of projects which benefit from other sources of Community funding.

#### Article 7

##### Implementation

1. The Commission shall implement the Community action set out in Articles 3 to 6.

2. The procedure set out in Article 8 shall apply in respect of the approval, on the basis of compliance with the priorities established in Article 4 and the principles laid down in Article 5, of the section of the IDA work programme concerning the implementation of this Decision, which the Commission shall draw up at yearly intervals. The IDA work programme shall include a breakdown of past expenditure by project for the previous year(s).

3. The procedure set out in Article 8 shall apply in respect of the approval, on the basis of its compliance with the principles laid down in Article 5, of the preparatory report and of the global implementation plan of each IDA project at the end of the feasibility phase and at the end of the development and validation phase, as well as the approval of any subsequent substantial amendments to that implementation plan.

4. The procedure set out in Article 8 shall apply in respect of the approval, on the basis of the priorities laid down in Article 4 and the principles laid down in Articles 5 and 6, of the breakdown by project of the yearly budgetary expenditure under this Decision. Proposals for any budgetary changes of more than EUR 250 000 per project line within a year, shall also be subject to this procedure.

5. The technical specifications of calls for tender to be issued in the implementation of this Decision shall, for contract values in excess of EUR 500 000 be defined in coordination with the Member States.

#### Article 8

##### Committee procedure

1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by a representative of the Commission. This committee shall be called the Telematics between Administrations Committee (TAC).

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 timelimit 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 205(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 shall defer application of the measures which it has decided for a period of three months from the date of communication;

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

2. The Commission shall report annually to the TAC on the implementation of this Decision.

#### Article 9

##### Review and evaluation

1. The Commission shall, in coordination with the Member States, carry out an evaluation of the implementation of this Decision at two-yearly intervals.

2. The evaluation shall establish the progress and current status of the projects of common interest identified in the Annex.

The evaluation shall also examine, in the light of the expenditure incurred by the Community, the benefits yielded by IDA networks to the Community for the advancement of common policies and institutional cooperation, the Member States, Community industry and citizens of the European Union and identify areas for potential improvement and verify synergy with other Community activities in the field of trans-European telecommunication networks.

3. The Commission shall forward its evaluation to the European Parliament and the Council, once the TAC has examined it, together with any appropriate proposal for the amendment of the Annex. The evaluations shall be forwarded no later than the draft budget for the years 2001, 2003 and 2005 respectively.

#### Article 10

##### Extension to the EEA and associated countries

1. The IDA programme may be opened, within the framework of their respective agreements with the European Community, to participation by the countries of the European Economic Area and the associated countries of central and eastern Europe and Cyprus in projects of common interest which are relevant to such agreements.

2. In the course of implementing projects, cooperation with non-member countries and with international organisations or bodies, as appropriate, shall be encouraged.

*Article 11***Other sectoral networks**

1. With regard to the establishment or enhancement of all other sectoral networks which are not IDA projects (hereinafter 'other sectoral networks'), Member States and the Community shall, in accordance with the relevant provisions of Community legislation governing the implementation of those sectoral networks, ensure that paragraphs 2 to 6 are complied with.

2. The other sectoral networks shall make use of the horizontal actions and measures undertaken by the Community within the framework of European Parliament and Council Decision 1720/1999/EC, unless those actions and measures are inappropriate to meet the user requirements of the other sectoral networks.

3. Each of the other sectoral networks shall be technically specified with reference to European standards or publicly available specifications, such as open Internet standards, as appropriate, in order to ensure a high degree of interoperability between national and Community systems within and across administrative sectors and with the private sector. Particular account shall be taken of Community guidelines and support tools in the area of standardisation in public procurement for ICT systems and services.

4. In the definition and implementation of each of the other sectoral networks, care shall be taken to build on suitable results achieved by other relevant Community activities, in particular the Community research and technological development programmes and the Community activities in the field of trans-European telecommunication networks.

5. A post-implementation review of each of the other sectoral networks shall be carried out.

6. In the implementation of the other sectoral networks the Community shall bear costs in proportion to its interest.

7. By 3 October 1999, and at yearly intervals thereafter, the Commission shall forward to the TAC a report on the implementation of paragraphs 1 to 6. In that report, the Commission shall specify any relevant user requirements that prevent other sectoral networks from making use of generic services under paragraph 2, and discuss the possibility of upgrading those generic services in order to meet those user requirements.

*Article 12***Financial framework**

The financial framework for Community action under this Decision for the period 1998 to 2000 shall be EUR 38,5 million.

Annual appropriations shall be authorised by the budgetary authority within the limit of the financial perspective.

*Article 13***Entry into force**

This Decision shall be published in the *Official Journal of the European Communities*. It shall enter into force on the day that of its publication and shall apply until 31 December 2004.

*Article 14***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 12 July 1999.

*For the European Parliament*

*The President*

J. M. GIL-ROBLES

*For the Council*

*The President*

S. NIINISTÖ



## ANNEX

**PROJECTS OF COMMON INTEREST IN THE SPHERE OF TRANS-EUROPEAN NETWORKS FOR THE INTER-CHANGE OF DATA BETWEEN ADMINISTRATIONS**

The following projects shall be projects of common interest under the IDA programme:

**A. IN GENERAL**

1. Development and implementation of telematic networks supporting EMU and Community policies and activities (in accordance with section B), interinstitutional information exchange (in accordance with section C), as well as the globalisation of IDA networks (in accordance with section D).
2. Continuation and enhancement of sectoral projects and networks undertaken under Council Decision 95/468/EC, with the exception of the networks referred to in section E.
3. Implementation of those networks required for the functioning of the European Agencies and bodies and in support of the legal framework arising from the creation of the European Agencies.
4. Implementation of networks in the field of policies related to the free movement of persons, in so far as they are required to support the action of the Community and/or the Member States under the Treaty establishing the European Community.
5. Implementation of those networks which, within the framework of the Community policies and activities and in unforeseen circumstances, are urgently required to support the action of the Community and the Member States, inter alia, in protecting the life and health of humans, animals and plants, the rights of European consumers, the living conditions of persons in the European Union, or the fundamental interests of the Community.

**B. SPECIFIC NETWORKS SUPPORTING EMU AND COMMUNITY POLICIES AND ACTIVITIES**

1. Telematic networks concerning economic and monetary policy, notably to facilitate the monitoring of compliance with convergence criteria and the introduction of the euro.
2. Telematic networks concerning the enlargement of the European Union, notably through the implementation of efficient electronic communication between, on one side, the translation services of the Commission and the Council and, on the other side, the temporary translation/revision offices that may be set up in each candidate country.
3. Telematic networks concerning regional and cohesion policies, notably to facilitate the collection, management, and dissemination of information concerning the implementation of regional and cohesion policies at the level of central and regional administration.
4. Telematic networks concerning Community funding, notably to create an interface to existing Commission databases in order to facilitate the access of European organisations, and particularly SMEs, to Community sources of funding.
5. Telematic networks in the area of statistics, notably regarding the collection and dissemination of statistical information.
6. Telematic networks in the area of publication of official documents.
7. Telematic networks in the agricultural and fisheries sectors, notably regarding support for the management of agricultural markets and structure, more efficient financial management, exchange of farm accounts data (RICA) between national agencies and the Commission, and the fight against fraud.
8. Telematic networks in the industry sector, notably concerning the exchange of information between administrations in charge of industrial affairs, and between such administrations and industry federations, for the exchange of data regarding automobile type-approval data interchange between administrations, as well as services to simplify and improve the process of administrative form filling.
9. Telematic networks concerning competition policy, notably through the implementation of improved electronic data exchange with the national administrations in order to facilitate information and consultation procedures.

10. Telematic networks in the areas of culture, information, communication, and audiovisual sector, notably for the exchange of information concerning content issues on open networks and to promote the development and free circulation of new audiovisual and information services.
11. Telematic networks in the transport sector, notably for the support of the exchange of data concerning drivers, vehicles and transport operators.
12. Telematic networks in the area of tourism, environment, consumer protection and consumer health protection for the support of the exchange of information between Member States.

#### C. INTERINSTITUTIONAL NETWORKS

Telematic networks in support of the interinstitutional exchange of information, notably:

1. in support of the Community decision-making process and Parliamentary questions;
2. for the setting up of the necessary telematic links between the Commission, European Parliament, other European institutions and the Council (including the site of the European Union Presidency-in-office and the Permanent Representation of the Member States);
3. in facilitation of multilingualism in interinstitutional information exchanges, means of translation workflow management and translation support tools, the sharing/exchanging of multilingual resources, and the organisation of common access to terminology databases;
4. for document sharing between European Agencies and bodies and the European institutions.

#### D. GLOBALISATION OF IDA NETWORKS

Extension of IDA networks to the EEA, EFTA, CEECs and other associated countries, as well as to G7 countries and international organisations, in particular regarding the social security, healthcare, pharmaceutical and environmental telematic networks.

#### E. OTHER SECTORAL NETWORKS

The projects which were previously funded by the IDA programme and which now have their own Community funding nevertheless fall within the group 'other sectoral networks' referred to in Article 11 of the Decision.

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**DECISION No 1720/1999/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 12 July 1999**

**adopting a series of actions and measures in order to ensure interoperability of and access to  
trans-European networks for the electronic interchange of data between administrations (IDA)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 156 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>,

Having regard to the opinion of the Committee of the Regions <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(4)</sup>,

- (1) Whereas the Council, in its resolution of 20 June 1994 <sup>(5)</sup>, emphasised the need for coordination with regard to information exchange between administrations;
- (2) Whereas the Council, in its resolution of 21 November 1996 <sup>(6)</sup>, established new policy priorities regarding the information society;
- (3) Whereas the Commission, in its communication of 19 July 1994, proposed an action plan for the information society;
- (4) Whereas the Commission has proposed an action plan for the single market;
- (5) Whereas the European Parliament, in its resolution of 12 June 1997 <sup>(7)</sup>, invited the European Union and the Member States to take action with regard to the development and application of new information and communication technologies (ICT) in the next decade;
- (6) Whereas the European Parliament and the Council, in Decision No 2717/95/EC <sup>(8)</sup>, adopted a series of guidelines for the development of Euro-ISDN as a trans-European network;
- (7) Whereas the European Parliament and the Council, in Decision No 1336/97/EC <sup>(9)</sup>, adopted a series of guidelines for trans-European telecommunication networks;
- (8) Whereas the Council, in its recommendation of 7 April 1995 on common information technology security evaluation criteria (ITSEC) <sup>(10)</sup>, recommended the use of

security evaluation criteria within evaluation and certification schemes;

- (9) Whereas, in order to establish economic and monetary union, to implement Community policies and activities and to support communication between the Community institutions and bodies, there is a need to establish integrated data communications systems between administrations, hereinafter referred to as 'telematic networks';
- (10) Whereas such networks must link the information systems, both existing and future, of the Member State administrations and the Community across Europe and are, therefore, trans-European telecommunication networks for administrations;
- (11) Whereas the effective linkage of such information systems requires a maximum degree of interoperability between the various systems and their components;
- (12) Whereas it is essential to maximise the use of standards, publicly available specifications and public domain applications to ensure seamless interoperability in order to achieve economies of scale and to increase the benefits of such networks;
- (13) Whereas an enhanced interface with public administrations will encourage citizens of the European Union to reap the benefits of the information society;
- (14) Whereas the elimination of obstacles to communication between public administrations and the private sector is an important factor for the prosperity and competitiveness of Community industry;
- (15) Whereas the Community is a user or a beneficiary of those telematic networks which support Community policies and activities, interinstitutional communication and economic and monetary union;
- (16) Whereas the task of establishing such networks is incumbent on both the Community and the Member States;
- (17) Whereas, in order to make efficient use of the Community's financial resources, it is necessary to avoid needless proliferation of equipment, repetition of investigations and diversity of approach;
- (18) Whereas common tools and techniques for sectoral network applications can, *inter alia*, be related to document management and dissemination, data gathering, multilingual user interfaces and security of electronic communication;

<sup>(1)</sup> OJ C 54, 21.2.1998, p. 12 and OJ C 10, 14.1.1999, p. 8.

<sup>(2)</sup> OJ C 214, 10.7.1998, p. 33.

<sup>(3)</sup> OJ C 251, 10.8.1998, p. 1.

<sup>(4)</sup> Opinion of the European Parliament of 18 November 1998 (OJ C 379, 7.12.1998, p. 74), Council Common Position of 21 December 1998 (OJ C 55, 25.2.1999, p. 15) and Decision of the European Parliament of 13 April 1999 (OJ C 219, 30.7.1999). Council Decision of 21 June 1999.

<sup>(5)</sup> OJ C 181, 2.7.1994, p. 1.

<sup>(6)</sup> OJ C 376, 12.12.1996, p. 1.

<sup>(7)</sup> OJ C 200, 30.6.1997, p. 196.

<sup>(8)</sup> OJ L 282, 24.11.1995, p. 16.

<sup>(9)</sup> OJ L 183, 11.7.1997, p. 12.

<sup>(10)</sup> OJ L 93, 26.4.1995, p. 27.

- (19) Whereas cost-efficiency, responsiveness, flexibility and adaptability to technological change in the establishment and operation of such networks can best be achieved by embracing a market-oriented approach and thus selecting suppliers on a competitive basis in a multi-vendor environment;
- (20) Whereas any measures to ensure interoperability between and access to such networks must maintain a judicious balance between satisfying common requirements and preserving national specificities;
- (21) Whereas there is thus a need to carry out specific horizontal actions and measures in order to ensure interoperability between such networks;
- (22) Whereas, in accordance with the principles of subsidiarity and proportionality established by Article 5 of the Treaty the objective of carrying out such horizontal actions and measures cannot be adequately attained by the Member States and can therefore, by reason of the scale and effects of the proposed action, be better attained at Community level; whereas the proposed action does not go beyond what is necessary to achieve the said objective;
- (23) Whereas the implementation of the Agreement on the European Economic Area and the Association Agreements with the European Community requires a high degree of interoperability within and across the relevant telematic networks;
- (24) Whereas there is an inherent international dimension to telematic networks and electronic communication;
- (25) Whereas the measures aimed at ensuring the interoperability of telematic networks between administrations are in accordance with the priorities adopted in relation to the guidelines for trans-European telecommunications networks;
- (26) Whereas actions have been carried out under Council Decision 95/468/EC of 6 November 1995 on a Community contribution for telematic interchange of data between administrations in the Community (IDA) <sup>(1)</sup>; whereas the Court of Justice annulled Decision 95/468/EC on 28 May 1998; whereas the effects of the measures taken by the Commission on the basis of this Decision before annulment by the Court are maintained;
- (27) Whereas this Decision establishes a financial framework which should be the principal point of reference, within the meaning of point 1 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995 <sup>(2)</sup>, for the budgetary authority for the purposes of the annual budgetary procedure,

HAS DECIDED AS FOLLOWS:

### Article 1

#### Scope and objectives

1. The Community shall act in the field of trans-European telematic networks for administrations and shall take the measures set out in this Decision with the following objectives:
  - (a) the achievement of a high degree of interoperability, within and across different administrative sectors and, where appropriate, with the private sector, between the telematic networks established in the Member States and between the Community and the Member States in order to support the establishment of economic and monetary union and to implement the Community policies and activities referred to in Articles 3 and 4 of the Treaty taking into account work already under way in the existing Community or Member State programmes;
  - (b) the convergence of such networks towards a common telematic interface between the Community and the Member States;
  - (c) the achievement of substantial benefits for Member State administrations and the Community by streamlining operations, reducing maintenance, speeding up implementation of new networks and enhancements, achieving an overall secure and reliable interchange of data, as well as the achievement of greater cost-efficiency, responsiveness, flexibility and adaptability to technological change and market evolution in the establishment and operation of such networks;
  - (d) the extension of the benefits of such networks, as mentioned in the previous paragraph, to Community industry and citizens of the European Union;
  - (e) the promotion of the spread of best practice and the encouragement of the development of innovative telematic solutions in administrations.
2. This Decision forms part of the IDA programme.

### Article 2

#### Definitions

For the purpose of this Decision, the following definitions shall apply:

- (a) 'telematic network': a comprehensive data-communication system, comprising not only the physical infrastructure and connections, but also the service and application layers which are built on top of this infrastructure, thus enabling the interchange of information electronically between organisations and individuals;
- (b) 'sectoral network': a trans-European telematic network for administrations or set of services and applications, devoted to the implementation or the administrative support of one particular Community policy, activity or objective which is hereinafter referred to as an 'administrative sector';

<sup>(1)</sup> OJ L 269, 11.11.1995, p. 23.

<sup>(2)</sup> OJ C 102, 4.4.1996, p. 4.

(c) 'generic services': telematic network functionalities which meet common user requirements, such as data collection, data dissemination, data exchange, and security. The characteristics of each service shall be clearly specified and associated with a guaranteed level of quality.

#### Article 3

##### Horizontal actions and measures

1. In order to achieve the objectives laid down in Article 1, the Community shall undertake horizontal actions and measures, as provided for by Articles 4 to 10, in support of sectoral networks and in accordance with the IDA work programme.

2. For each action or measure envisaged under this Decision, the IDA work programme shall contain, as appropriate:

- a complete description of the intended actions, including their objectives, scope, rationale and potential beneficiaries, as well as the anticipated costs and benefits,
- a complete description of the functionalities and of the technical approach;
- a detailed plan for its implementation, specifying the individual tasks and their sequence.

3. Implementation of the horizontal actions and measures shall include feasibility studies and demonstrations, the establishment of working groups of Member State and Community experts, and the procurement of goods and services for the Community, as appropriate.

4. The implementation of the horizontal actions and measures shall build on suitable results achieved by other relevant Community activities, in particular the Community research and technological development programmes and Community activities in the field of trans-European telecommunication networks.

5. Horizontal actions and measures shall make reference to European standards or publicly available specifications, such as open Internet standards, as appropriate, in order to ensure a high degree of interoperability between national and Community systems within and across administrative sectors and with the private sector. Account shall be taken of guidelines and support tools in the area of standardisation in public procurement for information and communication technologies (ICT) systems and services.

#### Article 4

##### Generic services

1. The Community shall adopt all necessary measures in order for a suitable choice of common generic services that meet sectoral user requirements to be made available to sectoral networks on a competitive basis in a multi-vendor environment. These measures shall include the continuation of suitable measures undertaken under Decision 95/468/EC as appropriate.

2. With the aim of enabling sectoral network users to identify their technical requirements and making available the suitable choice of common generic services that meet sectoral user requirements, the Community shall, in particular:

- (a) define architecture guidelines for the sectoral networks designed to ensure interoperability between the various physical infrastructures and services;
- (b) define and publish the specifications of the generic services which are commonly required by telematic networks between administrations, including the quality of service and the relevant interoperability requirements imposed by a multi-vendor and competitive environment;
- (c) identify and/or specify appropriate standard interfaces to encourage portability and replicability of application developments;
- (d) define and implement a mechanism through which the degree of interoperability between the services offered by the telematic service providers can be assessed and published;
- (e) ensure a sustained evolution of common requirements and a continued monitoring of the telematics services offered by the said providers.

#### Article 5

##### Common tools and techniques

The Community shall ensure that common tools and techniques for sectoral network applications are acquired from the market or are developed if the market cannot appropriately support the requirement with the aim of reducing the overall costs associated with application development, rationalising and improving technical solutions, decreasing the time required for the implementation of operational systems, and streamlining system maintenance.

For this purpose, the Community shall identify and specify, within sectoral networks, fundamental and recurring functionalities which can form the basis of common tools and techniques or modules.

It shall also encourage the development and use of such common tools and techniques and modules by sectoral networks; in particular, the spread of suitable solutions which are developed within a sectoral network shall be ensured.

#### Article 6

##### Information content interoperability

1. The Community shall encourage interoperability in terms of the content of the information which is exchanged within and across administrative sectors and with the private sector. For this purpose, and subject to the legal, security, data protection, and confidentiality requirements of the sectoral users, the Community shall adopt appropriate measures and, in particular, the following:

- (a) support for the efforts of the administrations of the Member States to ensure such interoperability, simplify administrative procedures and improve information flows;
- (b) coordination of the requirements of sectoral networks for formatted information exchange, and the ensuring of the spread of suitable solutions;
- (c) the monitoring of suitable technological developments in the field of electronic data communication, including innovative data collection and presentation mechanisms, investigation of their impact and encouragement of their adoption by sectoral networks.

2. For the purpose of paragraph 1, solutions facilitating interoperability between different message formats shall be preferred to, but not exclude, the development of harmonised message formats. Due consideration shall be given to the linguistic diversity in the Community.

Solutions allowing the private sector to integrate administrative requirements easily into business processes shall also be favoured.

#### Article 7

##### Reference legal and security practices

Without prejudice to the competence and specific obligations of the Member States in the areas covered by this Article, the Community shall contribute to the identification of barriers that impede the smooth exchange of data between network users and shall ensure an appropriate degree of security within sectoral networks. In particular, the Community shall:

- (a) identify, in cooperation with the Member States, reference legal and security practices for the trans-European interchange of data between administrations and between administrations and the private sector, in order to facilitate a common approach;
- (b) issue appropriate recommendations to support the efforts of the Member States to apply these practices referred to in (a) within their own administrative environments;
- (c) ensure, with regard to sectoral networks and in accordance with the practices referred to in (a): the recognition, within the administrative environment of the Community, of the evidential value of the data exchanged; the establishment of a methodology for the protection of personal data; the definition of the rights and responsibilities of the users; the confidentiality, integrity, authentication and non-repudiation of the information exchanged, as well as measures to control access to networks;
- (d) identify and analyse the different levels of security depending on the nature and purpose of sectoral networks;
- (e) formulate guidelines and provide common solutions for the choice and implementation of tools, components and systems that ensure the identified levels of security.

#### Article 8

##### Quality assurance and control

The Community, taking into account the results of similar actions, shall define, implement, and continuously update a specific, consistent, integrated quality programme, which shall apply to the horizontal actions and measures under this Decision and to the projects of common interest under Decision No 1719/1999/EC of the European Parliament and of the Council of 12 July 1999 on a series of guidelines, including the identification of projects of common interest, for trans-European networks for the electronic interchange of data between administrations (IDA) <sup>(1)</sup>. That quality programme shall include the necessary actions to:

- (a) improve the manner in which user requirements and project specifications are established;
- (b) improve the quality of project deliverables, both in terms of compliance with project specifications and in terms of satisfaction of user expectations;
- (c) ensure that the experiences gained are learning experiences and are disseminated through the spread of best practice described in Article 10.

#### Article 9

##### Interoperability with national and regional initiatives

In implementing the IDA programme, the Community shall endeavour, where appropriate, to facilitate interoperability and cross-fertilisation with similar national and regional initiatives relating to the interchange of data between administrations within the Member States.

#### Article 10

##### Spread of best practice

1. The Community shall ensure coordination and the exchange of views, knowledge, and experiences within and across sectoral networks, with a view to encouraging the wider adoption of good and innovative solutions.
2. Due consideration shall be given to the linguistic diversity in the Community. The Community shall ensure general awareness of the achievements and benefits of the IDA programme, the dissemination of IDA guidelines and recommendations, and the coordination of user requirements and experiences with standardisation bodies and Community standardisation-related initiatives.

#### Article 11

##### Implementation

1. The Commission shall implement the Community action set out in Articles 3 to 10.

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

2. The section of the IDA work programme concerning the implementation of this Decision, which the Commission shall draw up for its entire duration and which shall be reviewed at least twice a year, shall be approved, based on its compliance with the relevant provisions of Articles 3 to 10, in accordance with the procedure set out in Article 12.

3. The common rules and procedures for bringing about technical and administrative interoperability shall be adopted in accordance with the procedure set out in Article 12.

4. The procedure set out in Article 12 shall also apply in respect of the approval of the breakdown of the yearly budgetary expenditure under this Decision. Proposals for any budgetary changes of more than EUR 250 000 per project line within a year shall also be subject to this procedure.

5. The technical specifications of calls for tender to be issued in the implementation of the Decision shall, for contract values in excess of EUR 500 000, be defined in coordination with the Member States.

#### Article 12

##### Committee procedures

1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by a representative of the Commission. This committee shall be called the Telematics between Administrations Committee (TAC).

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 205(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 shall defer application of the measures which it has decided for a period of three months from the date of communication;

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

2. The Commission shall report annually to the TAC on the implementation of this Decision.

#### Article 13

##### Evaluation

1. The Commission shall, in coordination with the Member States, carry out an evaluation of the implementation of this Decision at two-yearly intervals.

2. The evaluation shall establish the progress and current status of the horizontal actions and measures provided for in this Decision.

It shall also examine, in the light of the expenditure incurred by the Community, the benefits yielded by such horizontal actions and measures to the Community, the Member States, Community industry and citizens of the European Union, and identify areas for potential improvement and verify synergy with other Community activities in the field of trans-European telecommunication networks.

3. The Commission shall forward its evaluation to the European Parliament and the Council, once the TAC has examined it. The Commission shall also submit any appropriate proposal for the amendment of this Decision. The evaluations shall be forwarded no later than the draft budget for the years 2001, 2003 and 2005 respectively.

#### Article 14

##### Extension to the EEA and associated countries

1. The IDA programme may be opened, within the framework of their respective agreements with the European Community, to participation by the countries of the European Economic Area and the associated countries of central and eastern Europe and Cyprus in the horizontal actions and measures under this Decision.

2. In the course of implementing this Decision, cooperation with non-member countries and with international organisations or bodies, as appropriate, shall be encouraged.

#### Article 15

##### Financial framework

The financial framework for Community action under this Decision for the period 1998-2000 shall be EUR 33,1 million.

Annual appropriations shall be authorised by the budgetary authority within the limit of the financial perspective.

#### Article 16

##### Entry into force

This Decision shall be published in the *Official Journal of the European Communities*. It shall enter into force on the day of its publication and shall apply until 31 December 2004.

Done at Brussels, 12 July 1999.

For the European Parliament

The President

J.M. GIL-ROBLES

For the Council

The President

S. NIINISTÖ

## COUNCIL REGULATION (EC) No 1721/1999

of 29 July 1999

## laying down certain control measures in respect of vessels flying the flag of Non-Contracting Parties to the Convention on the Conservation of Antarctic Marine Living Resources

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

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

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

Whereas:

- (1) The European Community is a Contracting Party to the Convention on the conservation of Antarctic Marine Living Resources, hereafter referred to as the 'CCAMLR Convention' <sup>(3)</sup>;
- (2) The CCAMLR Convention provides a suitable framework for regional cooperation in the conservation and management of marine living resources through, *inter alia*, the setting up of a Commission for the Conservation of Antarctic Marine Living Resources, hereafter referred to as 'CCAMLR' and the adoption of proposals for conservation and enforcement measures for the marine living resources of the CCAMLR Convention Area, which become binding upon Contracting Parties;
- (3) The practice of operating fishing vessels under the flag of Non-Contracting Parties to the CCAMLR Convention as a means of avoiding compliance with conservation and enforcement measures established by CCAMLR remains one of the factors which seriously undermines the effectiveness of such measures and should, therefore, be discouraged;
- (4) CCAMLR has consistently invited the Non-Contracting Parties concerned to either become a Party to the CCAMLR Convention or to agree to apply the conservation and enforcement measures established by CCAMLR with a view to fulfilling their responsibilities with regard to fishing vessels flying their flag;
- (5) At its XVI Annual Meeting held from 27 October to 7 November 1997, CCAMLR adopted a conservation measure on a 'Scheme to Promote Compliance by Non-Contracting Party Vessels with CCAMLR Conservation Measures', the objective of which is to ensure that the effectiveness of conservation and enforcement measures established by CCAMLR is not undermined by Non-Contracting Party vessels;
- (6) This Scheme provides, *inter alia*, for the mandatory inspection of Non-Contracting Party vessels when such vessels are voluntarily in the ports of Contracting Parties, a prohibition of landings and transshipments if, in the course of such inspection, it is established that the catch

has been taken in contravention of conservation and enforcement measures established by CCAMLR as well as certain other collateral measures to be taken by Contracting Parties;

- (7) This conservation measure will become obligatory for all Contracting Parties with effect from 10 May 1998 and therefore it is necessary for the Community to implement it;
- (8) Under the Treaty, the authority over internal waters and ports is exercised by the Member States; however, as regards access to port facilities in the Community by non-Contracting Party vessels which have been sighted engaging in fishing activities in the Convention Area, it is necessary to enact additional uniform measures at Community level so that the operations of such vessels in Community ports are regulated in order to ensure the effectiveness of the conservation and enforcement measures established by CCAMLR,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'Non-Contracting Party vessel': a vessel which flies the flag of a Non-Contracting Party to the CCAMLR Convention and which has been sighted engaging in fishing activities in the Convention Area;
- (b) 'sighting': any observation of a Non-Contracting Party vessel made by a vessel flying the flag of a Contracting Party to the CCAMLR Convention and operating in the Convention area, or by an aircraft registered in a Contracting Party to the CCAMLR Convention, and overflying the Convention Area or by an inspector of the fishery control services of the Contracting Parties assigned to the CCAMLR Inspection System;

the report on a sighting shall in particular comprise information regarding the identification of the vessel, the type of activity the vessel is engaged in and its geographical position;

- (c) 'Convention Area': the area south of 60 South latitude and the area between that latitude and the Antarctic Convergence. The Antarctic Convergence shall be deemed to be the line joining the following points along parallels of latitude and meridians of longitude: 50 °S, 0 °; 50 °S, 30 °E; 45 °S, 30 °E; 45 °S, 80 °E; 55 °S, 80 °E; 55 °S, 150 °E; 60 °S, 150 °E; 60 °S, 50 °W; 50 °S, 50 °W; 50 °S, 0 °.

<sup>(1)</sup> OJ C 218, 14.7.1998.

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

<sup>(3)</sup> OJ L 252, 5.9.1981, p. 26.



*Article 2*

Upon receipt of a report of a sighting the Commission shall transmit this information without delay to the CCAMLR Secretariat and, where possible, to the Non-Contracting Party vessel, informing it that the information will be transmitted to its flag State.

*Article 3*

The Commission shall communicate to all Member States without delay each report on a sighting, which it has received pursuant to Article 2 or by way of a notification from the Secretariat of CCAMLR or another Contracting Party.

*Article 4*

Community fishing vessels shall not receive transshipments of fish from a Non-Contracting Party vessel which has been sighted and reported as having engaged in fishing activities in the Convention Area and therefore presumed as having undermined the effectiveness of CCAMLR Conservation Measures.

*Article 5*

1. The master of a Non-Contracting Party vessel who wishes to enter a port in a Member State shall notify the competent authorities in that Member State at least 72 hours in advance of the estimated time of arrival there, the origin of the catch on board and, where appropriate, the vessel or vessels from which catches have been transhipped. The vessel may not enter the port unless the competent authorities of the relevant Member State have acknowledged receipt of the required prior notification.

2. Except for cases of, *force majeure*, or distress, Non-Contracting Party vessels may only enter those ports which have been designated by the Member States for the purposes of this Regulation.

3. On the date on which this Regulation enters into force, Member States shall send the Commission a list of the ports referred to in paragraph 2. They shall notify the Commission of any subsequent changes to that list.

The Commission shall publish the list of ports and changes hereto in the C series of the *Official Journal of the European Communities*.

*Article 6*

1. Member States shall ensure that each Non-Contracting Party vessel which enters a designated port is inspected by their competent authorities. The vessel may not land or transship any catch until this inspection has been completed.

2. When, in the course of such an inspection, the competent authorities find that the Non-Contracting Party vessel has on board any of the species subject to CCAMLR Conservation Measures, the relevant Member State shall prohibit the landing and/or the transshipment of these species.

3. However, this prohibition shall not apply in the event that the master of the inspected Non-Contracting Party vessel proves to the satisfaction of the competent authorities of the relevant Member State that

- species held on board were caught outside the CCAMLR Convention Area; or
- species held on board were caught in accordance with the relevant CCAMLR Conservation Measures and requirements under the Convention.

*Article 7*

Member States shall communicate without delay to the Commission the results of each inspection and, where appropriate, any subsequent prohibition of landings and/or transshipments that was applied as a result of the inspection.

The Commission shall transmit this information without delay to the Secretariat of CCAMLR and as soon as possible to the flag State of the inspected Non-Contracting Party vessel.

*Article 8*

This Regulation shall enter into force seven days after 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, 29 July 1999.

*For the Council*

*The President*

S. HASSI

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**COUNCIL REGULATION (EC) No 1722/1999**

**of 29 July 1999**

**on the import of bran, sharps and other residues of the sifting, milling or other working of certain cereals originating in Algeria, Morocco and Egypt and the import of durum wheat originating in Morocco**

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,

Whereas:

- (1) the Cooperation Agreements and the Interim Agreements concluded in 1976 and 1977 between, on the one hand, the European Economic Community and, on the other hand, the People's Democratic Republic of Algeria, the Arab Republic of Egypt and the Kingdom of Morocco on the import into the Community of bran, sharps and other residues of the sifting, milling or other working of cereals provide for preferential arrangements based on reductions in, or exemptions from, variable levies;
- (2) the Cooperation Agreement and the Interim Agreement between the European Economic Community and the Kingdom of Morocco on special arrangements for the import of durum wheat grant a reduction in the variable levy;
- (3) Council Regulation (EEC) No 1519/76 of 24 June 1976 concerning imports of bran, sharps and other residues derived from the sifting, milling or other working of certain cereals originating in Algeria <sup>(1)</sup>, Council Regulation (EEC) No 1526/76 of 24 June 1976 concerning imports of bran, sharps and other residues derived from the sifting, milling or other working of certain cereals originating in Morocco <sup>(2)</sup>, Council Regulation (EEC) No 1251/77 of 17 May 1977 concerning imports of bran, sharps and other residues derived from the sifting, milling or other working of cereals originating in the Arab Republic of Egypt <sup>(3)</sup> and Council Regulation (EEC) No 1520/76 of 24 June 1976 on imports of durum wheat originating in Morocco <sup>(4)</sup> lay down implementing rules for the arrangements concerned;
- (4) Euro-Mediterranean Association Agreements are currently being negotiated or concluded with the People's Democratic Republic of Algeria, the Kingdom of

Morocco and the Arab Republic of Egypt; in the meantime, the cooperation agreements referred to in Regulations (EEC) No 1519/76, (EEC) No 1520/76, (EEC) No 1526/76 and (EEC) No 1251/77 apply;

- (5) under the Agreement on Agriculture concluded in the Uruguay Round of multilateral trade negotiations the Community agreed to fix the rate of variable levies and to replace them by customs duties from 1 July 1995; this could make the special arrangements based on variable levies inoperable, and therefore, pending the conclusion of new agreements with Algeria, Morocco and Egypt, temporary derogations, which leave the essence of each of those arrangements unaffected, have had to be introduced from Regulations (EEC) No 1519/76, (EEC) No 1520/76, (EEC) No 1526/76 and (EEC) No 1251/77; rules on the temporary adjustment of those Regulations are laid down in Regulations (EC) No 1710/95 <sup>(5)</sup> and (EC) No 1711/95 <sup>(6)</sup> until 30 June 1999 on the basis of Article 3 of Regulation (EC) No 3290/94 <sup>(7)</sup>;
- (6) the advantages granted under the Agreements concerning the import of bran, sharps and other residues of the sifting, milling or other working of certain cereals have thus been replaced in terms of customs duties by, for Algeria and Morocco, a flat-rate reduction of EUR 7,25 per tonne in the common customs tariff duties in replacement of the fixed component concession plus a 60 % reduction of that reduced duty in replacement of the variable component concession and, for Egypt, by a 60 % reduction of the customs duty;
- (7) pending the termination of the current negotiations or the conclusion of the agreements, measures are required to ensure the continuity of trade with the Community by extending the transitional arrangements in force;
- (8) if new agreements are concluded with the third countries in question this Regulation will have to be adjusted; it should be laid down that the Commission may adopt these amendments in accordance with the procedure provided for in Article 23 of Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(8)</sup>,

<sup>(1)</sup> OJ L 169, 28.6.1976, p. 40.

<sup>(2)</sup> OJ L 169, 28.6.1976, p. 56.

<sup>(3)</sup> OJ L 146, 14.6.1977, p. 11.

<sup>(4)</sup> OJ L 169, 28.6.1976, p. 42.

<sup>(5)</sup> OJ L 163, 14.7.1995, p. 1. Regulation last amended by Regulation (EC) No 2622/98 (OJ L 329, 5.12.1998, p. 16).

<sup>(6)</sup> OJ L 163, 14.7.1995, p. 3. Regulation last amended by Regulation (EC) No 1616/98 (OJ L 209, 25.7.1998, p. 31).

<sup>(7)</sup> OJ L 349, 31.12.1994, p. 105. Regulation last amended by Regulation (EC) No 1340/98 (OJ L 184, 27.6.1998, p. 1).

<sup>(8)</sup> OJ L 181, 1.7.1992, p. 21. Regulation last amended by Regulation (EC) No 2547/98 (OJ L 318, 27.11.1998, p. 41).

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation lays down provisions applicable to the special arrangements for the import of bran, sharps and other residues of the sifting, milling or other working of certain cereals originating in Algeria, Morocco and Egypt and provisions applicable to the special arrangements for the import of durum wheat originating in Morocco.

*Article 2*

The customs duties applicable to imports into the Community of bran, sharps and other residues of sifting, milling or other working of certain cereals falling within CN codes 2302 30 10 to 2302 40 90 and originating in Algeria and Morocco shall be 40 % of the amount laid down in the common customs tariff subsequently reduced by EUR 7,25 per tonne.

*Article 3*

The customs duties applicable to imports into the Community of bran, sharps and other residues of sifting, milling or other working of certain cereals falling within CN codes 2302 10 10 to 2302 10 90, 2302 20 10, 2302 20 90 and 2302 30 10 to 2302 40 90 originating in Egypt shall be 40 % of the amount laid down in the common customs tariff.

*Article 4*

Articles 2 and 3 shall apply to all imports for which the importer can furnish proof that the export charge was levied by Algeria, Morocco or Egypt as appropriate in accordance with Article 21 of the Cooperation Agreement with Algeria, Article 23 of the Cooperation Agreement with Morocco and Article 20 of the Cooperation Agreement with Egypt.

*Article 5*

The duty applicable to imports into the Community of durum wheat falling within CN code 1001 10 00 originating in Morocco and transported directly from that country to the Community shall be that fixed pursuant to Article 10(2) of Regulation (EEC) No 1766/92, less EUR 0,73 per tonne.

*Article 6*

Where new agreements are concluded with the third countries referred to in this Regulation, the Commission shall adopt the necessary amendments to this Regulation arising from those new agreements in accordance with the procedure provided for in Article 23 of Regulation (EEC) No 1766/92.

*Article 7*

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, 29 July 1999.

*For the Council*

*The President*

S. HASSI

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**COMMISSION REGULATION (EC) No 1723/1999**  
**of 2 August 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,

- (1) Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multi-lateral 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;

- (2) 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 3 August 1999.

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

Done at Brussels, 2 August 1999.

*For the Commission*  
Monika WULF-MATHIES  
*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 2 August 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	
0709 90 70	052	43,3	
	999	43,3	
0805 30 10	388	52,8	
	524	90,1	
	528	65,8	
	999	69,6	
0806 10 10	052	99,6	
	388	132,7	
	508	160,4	
	512	44,9	
	600	89,8	
	624	132,1	
	999	109,9	
0808 10 20, 0808 10 50, 0808 10 90	388	69,8	
	400	70,3	
	508	73,9	
	512	75,2	
	524	44,5	
	528	36,4	
	804	93,3	
	999	66,2	
	0808 20 50	052	107,8
		388	90,9
512		70,0	
528		65,7	
0809 20 95	999	83,6	
	052	171,0	
	400	234,5	
	616	222,4	
0809 40 05	999	209,3	
	064	51,1	
	624	188,6	
	999	119,8	

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 1724/1999**  
**of 2 August 1999**  
**on the supply of cereals as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security <sup>(1)</sup>, and in particular Article 24(1)(b) thereof,

- (1) Whereas the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;
- (2) Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to certain beneficiaries;
- (3) Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of prod-

ucts to be supplied under Council Regulation (EC) No 1292/96 as Community food aid <sup>(2)</sup>; whereas it is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

*Article 1*

Cereals shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

*Article 2*

This Regulation shall enter into force on the 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, 2 August 1999.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

<sup>(1)</sup> OJ L 166, 5.7.1996, p. 1.

<sup>(2)</sup> OJ L 346, 17.12.1997, p. 23.

## ANNEX

## LOT A

1. **Action No** 635/97 (A1); 703/97 (A2)
2. **Beneficiary** <sup>(2)</sup>: Euronaid, PO Box 12, NL- 2501 CA Den Haag, Nederland  
tel.: (31-70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL
3. **Beneficiary's representative**: to be designated by the recipient
4. **Country of destination**: Haiti
5. **Product to be mobilised**: common wheat flour
6. **Total quantity (tonnes net)**: 444
7. **Number of lots**: one in two parts: (A1: 260 t; A2: 184 t)
8. **Characteristics and quality of the product** <sup>(3)</sup> <sup>(5)</sup>: see OJ C 114, 29.4.1991, p. 1 (II.B.(1)(a))
9. **Packaging** <sup>(7)</sup> <sup>(8)</sup>: see OJ C 267, 13.9.1996, p. 1 (2.2 A 1.d, 2.d and B.4)
10. **Labelling or marking** <sup>(6)</sup>: see OJ C 114, 29.4.1991, p. 1 (II.B.(3))
  - Language to be used for the markings: French
  - Supplementary markings: —
11. **Method of mobilisation of the product**: the Community market
12. **Specified delivery stage**: free at port of shipment
13. **Alternative delivery stage**: —
14. a) **Port of shipment**: —  
b) **Loading address**: —
15. **Port of landing**: —
16. **Place of destination**: —
  - port or warehouse of transit: —
  - overland transport route: —
17. **Period or deadline of supply at the specified stage**:
  - first deadline: 6 to 26.9.1999
  - second deadline: 20.9 to 10.10.1999
18. **Period or deadline of supply at the alternative stage**:
  - first deadline: —
  - second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time)**:
  - first deadline: 17.8.1999
  - second deadline: 31.8.1999
20. **Amount of tendering guarantee**: EUR 5/t
21. **Address for submission of tenders and tendering guarantees** <sup>(1)</sup>: Bureau de l'aide alimentaire, Attn. Mr. T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi 200, B-1049 Bruxelles  
tlx: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund** <sup>(4)</sup>: refund applicable on 31.7.1999, fixed by Commission Regulation (EC) No 1383/1999 (OJ L 163, 29.6.1999, p. 3)

## LOT B

1. **Action No:** 633/97 (B1); 705/97 (B2)
2. **Beneficiary** <sup>(2)</sup>: Euronaid, PO Box 12, NL- 2501 CA Den Haag, Nederland  
tel.: (31-70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Haiti
5. **Product to be mobilised:** milled rice (product code 1006 30 92 9900, 1006 30 94 9900, 1006 30 96 9900, 1006 30 98 9900)
6. **Total quantity (tonnes net):** 1 120
7. **Number of lots:** one in two parts (A1: 560 t A2: 560 t)
8. **Characteristics and quality of the product** <sup>(3)</sup> <sup>(5)</sup>: see OJ C 114, 29.4.1991, p. 1 (II.A.(1)(f))
9. **Packaging** <sup>(7)</sup> <sup>(8)</sup>: see OJ C 267, 13.9.1996, p. 1 (1.0 A1.c, 2.c and B.6)
10. **Labelling or marking** <sup>(6)</sup>: see OJ C 114, 29.4.1991, p. 1 (II.A.(3))  
— Language to be used for the markings: French  
— Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —  
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —  
— port or warehouse of transit: —  
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**  
— first deadline: 6 to 26.9.1999  
— second deadline: 20.9 to 10.10.1999
18. **Period or deadline of supply at the alternative stage:**  
— first deadline: —  
— second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**  
— first deadline: 17.8.1999  
— second deadline: 31.8.1999
20. **Amount of tendering guarantee:** EUR 5/t
21. **Address for submission of tenders and tendering guarantees** <sup>(1)</sup>: Bureau de l'aide alimentaire, Attn. Mr. T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi 200, B-1049 Bruxelles  
tlx: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund** <sup>(4)</sup>: refund applicable on 31.7.1999, fixed by Commission Regulation (EEC) No 1383/1999 (OJ L 163, 29.6.1999, p. 3)



## LOT C

1. **Action No:** 709/97
2. **Beneficiary** <sup>(2)</sup>: Ethiopia
3. **Beneficiary's representative:** Food Security Unit of the European Communities, Addis Ababa, P.O. Box 5570, Tel: (251-1) 61 09 12, fax: 61 26 55
4. **Country of destination:** Ethiopia
5. **Product to be mobilised:** common wheat
6. **Total quantity (tonnes net)** 16 150
7. **Number of lots:** 1
8. **Characteristics and quality of the product** <sup>(3)</sup> <sup>(5)</sup>: see OJ C 114, 29.4.1991, p. 1 (II.A.(1)(a))
9. **Packaging** <sup>(7)</sup>: see OJ C 267, 13.9.1996, p. 1 (1.0 A1.a, 2.a and B.3)
10. **Labelling or marking** <sup>(6)</sup>: English
  - Language to be used for the markings: —
  - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage** <sup>(9)</sup>: free at destination
13. **Alternative delivery stage:** free at port of shipment — fob stowed and trimmed
14. a) **Port of shipment:** —  
b) **Loading address:** —
15. **Port of landing** <sup>(10)</sup>: Djibouti
16. **Place of destination:** EFSR warehouse Mekelle. Contact: Ato Samuel Tumoro Tel.: (251-1) 51 71 62, fax: 51 83 63
  - port or warehouse of transit: —
  - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
  - first deadline: 31.10.1999
  - second deadline: 14.11.1999
18. **Period or deadline of supply at the alternative stage:**
  - first deadline: 6 to 12.9.1999
  - second deadline: 20 to 26.9.1999
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
  - first deadline: 17.8.1999
  - second deadline: 31.8.1999
20. **Amount of tendering guarantee:** EUR 5/t
21. **Address for submission of tenders and tendering guarantees** <sup>(1)</sup>: Bureau de l'aide alimentaire, Attn. Mr. T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi 200, B-1049 Bruxelles
  - tlx: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund** <sup>(4)</sup>: refund applicable on 31.7.1999, fixed by Commission Regulation (EC) No 1383/1999 (OJ L 163, 29.6.1999, p. 3)

## Notes

- (<sup>1</sup>) Supplementary information: André Debongnie (tel.: (32-2) 295 14 65),  
Torben Vestergaard (tel.: (32-2) 299 30 50).
- (<sup>2</sup>) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (<sup>3</sup>) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (<sup>4</sup>) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex. The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted fax (32 2) 296 20 05.
- (<sup>5</sup>) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:  
— phytosanitary certificate,  
— lot C: fumigation certificate
- (<sup>6</sup>) Notwithstanding OJ C 114, 29.4.1991, point II.A(3)(c) or II.B(3)(c) is replaced by the following: 'the words "European Community"'.  

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- (<sup>7</sup>) Since, the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (<sup>8</sup>) Shipment to take place in 20-foot containers, condition FCL/FCL. The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender. The supplier has to seal each container with a numbered locktainer (ONESEAL, SYSKO Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.
- (<sup>9</sup>) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC, (OJ L 157, 7.7.1995, p. 1)).
- (<sup>10</sup>) Bagging must be carried out at the port of landing.

**COMMISSION REGULATION (EC) No 1725/1999**  
**of 2 August 1999**  
**on the supply of split peas as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food aid policy and food aid management and special operations in support of food security <sup>(1)</sup>, and in particular Article 24(1)(b) thereof,

- (1) Whereas the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;
- (2) Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated split peas to certain beneficiaries;
- (3) Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid <sup>(2)</sup>; whereas it is necessary to specify the time limits and conditions of supply to determine the resultant costs;

- (4) Whereas, in order to ensure that the supplies are carried out, provision should be made for tenderers to be able to mobilise either green split peas or yellow split peas,

HAS ADOPTED THIS REGULATION:

*Article 1*

Split peas shall be mobilised in the Community, as Community food aid for supply to the recipients listed in the Annex, in accordance with Regulation (EC) No 2519/97, and under the conditions set out in the Annex.

Tenders shall cover either green split peas or yellow split peas. Tenders shall be rejected unless they specify the type of peas to which they relate.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

*Article 2*

This Regulation shall enter into force on the 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, 2 August 1999.

*For the Commission*  
Monika WULF-MATHIES  
*Member of the Commission*

<sup>(1)</sup> OJ L 166, 5.7.1996, p. 1.

<sup>(2)</sup> OJ L 346, 17.12.1997, p. 23.

## ANNEX

## LOT A

1. **Actions No:** 634/97 (A1); 702/97 (A2)
2. **Beneficiary** <sup>(2)</sup>: Euronaid, PO Box 12, 2501 CA Den Haag, Nederland  
tel.: (31-70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Haiti
5. **Product to be mobilised** <sup>(8)</sup>: split peas
6. **Total quantity (tonnes net):** 753
7. **Number of lots:** one in two parts (A1: 360 t; A2: 393 t)
8. **Characteristics and quality of the product** <sup>(3)</sup> <sup>(4)</sup> <sup>(7)</sup>: —
9. **Packaging** <sup>(5)</sup> <sup>(9)</sup>: see OJ C 267, 13.9.1996, p. 1 (2.1 A1.a, 2.a and B.4) or (4.0A 1.c.2.c. and b.4)
10. **Labelling or marking** <sup>(6)</sup>: see OJ C 114, 29.4.1991, p. 1 (IV.A.3)  
— Language to be used for the markings: French  
— Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market  
The product must originate from the Community.
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —  
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —  
— port or warehouse of transit: —  
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**  
— first deadline: 6. — 26.9.1999  
— second deadline: 20.9. — 10.10.1999
18. **Period or deadline of supply at the alternative stage:**  
— first deadline: —  
— second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**  
— first deadline: 17.8.1999  
— second deadline: 31.8.1999
20. **Amount of tendering guarantee:** EUR 5/t
21. **Address for submission of tenders and tendering guarantees** <sup>(1)</sup>:  
Bureau de l'aide alimentaire, Attn. Monsieur T. Vestergaard Bâtiment Loi 130, bureau 7/46, Rue de la Loi  
200, B-1049 Bruxelles tlx: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund:** —

## Notes:

- (<sup>1</sup>) Supplementary information: André Debongnie (tel. (32 2) 295 14 65),  
Torben Vestergaard (tel. (32 2) 299 30 50).
- (<sup>2</sup>) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (<sup>3</sup>) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (<sup>4</sup>) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:  
— phytosanitary certificate.
- (<sup>5</sup>) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (<sup>6</sup>) Notwithstanding OJ C 114 of 29.4.1991, point IV.A(3)(c) is replaced by the following: 'the words "European Community"' and point IV.A(3)(b) by the following: 'Split peas'.
- (<sup>7</sup>) Tenders shall be rejected unless they specify the type of peas to which they relate.
- (<sup>8</sup>) Yellow or green peas (*Pisum sativum*) for human consumption of the most recent crop. The peas must not have been coloured artificially. The split peas must be steam-treated for at least two minutes or have been fumigated (\*) and meet the following requirements:  
— moisture: maximum 15 %,  
— foreign matters: maximum 0,1 %,  
— broken split peas: maximum 10 % (pea fragments passing through a sieve of circular mesh of 5 mm diameter),  
— percentage of discoloured seeds or of different colour: maximum 1,5 % (yellow peas), maximum 15 % (green peas),  
— cooking time: maximum 45 minutes (after soaking for 12 hours) or maximum 60 minutes (without soaking).
- (<sup>9</sup>) Shipment to take place in 20-foot containers, condition FCL/FCL (each containing maximum 17,5 t net).  
The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.  
The supplier has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.  
The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal), the number of which is to be provided to the beneficiary's representative.

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(\*) The successful tender shall supply to the beneficiary or its representative, on delivery a fumigation certificate.

**COMMISSION REGULATION (EC) No 1726/1999  
of 27 July 1999**

**Implementing Council Regulation (EC) No 530/1999 <sup>(1)</sup> concerning structural statistics on earnings  
and on labour costs as regards the definition and transmission of information on labour costs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 530/1999 <sup>(1)</sup> of 9 March 1999 concerning structural statistics on earnings and on labour costs and in particular Article 11 thereof,

- (1) Whereas, in accordance with Article 11 of Regulation (EC) No 530/99 implementing measures are necessary concerning the definition and breakdown of the information to be provided and the appropriate technical format for the transmission of the results;
- (2) Whereas the measures provided for in this Regulation are in accordance with the opinion delivered by the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom <sup>(2)</sup>,

*Article 1*

**Definition and breakdown of the information**

In accordance with Article 6 of Regulation (EC) No 530/1999, Member States shall provide information on the variables listed in Annex I to the present Regulation.

To this end, the definitions of the variables are laid down in Annex II to the present Regulation.

*Article 2*

**Technical format for the transmission of the results**

The appropriate technical format to be used for the transmission of the results is laid down in Annex III to the present Regulation.

*Article 3*

**Entry into force**

This Regulation shall enter into force on the 20th day after 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, 27 July 1999.

*For the Commission*  
Yves-Thibault DE SILGUY  
*Member of the Commission*

<sup>(1)</sup> OJ L 63, 12.3.1999, p. 6.

<sup>(2)</sup> OJ L 181, 28.6.1989, p. 47.

## ANNEX I

## LIST OF VARIABLES

## Structural statistics on labour costs

Table A - National data

Table B - National data by size class of enterprise

Table C - Regional data

Variables		A	B	C
A.	<i>Total staff employed</i>			
A.1	Total number of employees <sup>(1)</sup>	X	X	X
A.11	Full-time employees (excluding apprentices)	X	X	X
A.12	Part-time employees (excluding apprentices)	X	X	X
A.121	Part-time employees converted into full-time units	X	X	X
A.13	Apprentices	X	X	X
A.131	Apprentices converted into full-time units	X	X	X
B.	<i>Hours worked</i>			
B.1	Hours worked by all employees <sup>(1)</sup>	X	X	X
B.11	Hours worked by full-time employees (excluding apprentices)	X	X	X
B.12	Hours worked by part-time employees (excluding apprentices)	X	X	X
B.13	Hours worked by apprentices	X	X	X
C.	<i>Paid hours</i>			
C.1	Paid hours for all employees <sup>(1)</sup>	X		
C.11	Paid hours for full-time employees (excluding apprentices)	X		
C.12	Paid hours for part-time employees (excluding apprentices)	X		
C.13	Paid hours for apprentices	X		
D.	<i>Total labour costs</i>			
D.1	Compensation of employees <sup>(1)</sup>	X	X	X
D.11	Wages and salaries (total)	X	X	X
D.111	Wages and salaries (excluding apprentices)	X	X	X
D.1111	Direct remuneration and bonuses	X	X	X
D.11111	Direct remuneration	X		
D.11112	Bonuses <sup>(2)</sup>	X		
D.111121	Bonuses paid at fixed period (optional)	X		
D.1112	Payments to employees savings schemes	X	X	X
D.1113	Payments for days not worked	X	X	X
D.1114	Wages and salaries in kind	X	X	X
D.11141	Company products (optional)	X		
D.11142	Staff housing <sup>(3)</sup> (optional)	X		
D.11143	Company cars (optional)	X		
D.11144	Other (optional)	X		
D.112	Wages and salaries of apprentices	X	X	X
D.12	Employers' social contributions (total)	X	X	X
D.121	Employers' actual social contributions (excluding apprentices)	X	X	X
D.1211	Statutory social security contributions	X		
D.1212	Collectively agreed, contractual and voluntary social security contributions	X		
D.122	Employers' imputed social contributions (excluding apprentices)	X	X	X
D.1221	Guaranteed remuneration in the event of sickness	X		
D.1222	Guaranteed remuneration in event of short-time working	X		

Variables		A	B	C
D.1123	Payments to employees leaving the enterprise	X		
D.1124	Employers' imputed social benefits <sup>(4)</sup>	X		
D.123	Employers' social contributions for apprentices	X	X	X
D.2	Vocational training costs (excluding costs for apprentices)	X	X	X
D.3	Other expenditure	X	X	X
D.4	Taxes	X	X	X
D.5	Subsidies	X	X	X
E.	<i>Information on units</i>			
E.1	Local units, universe	X	X	X
E.2	Local units, sample	X	X	X
F.	<i>Persons employed by temporary employment agencies</i>			
F.1	Number of persons (optional)	X		
F.2	Employment costs (optional)	X		
F.3	Hours worked (optional)	X		

The Member States may make provisions to distinguish between manual workers and non-manual workers and to record more detailed data for the following variables:

- A. Total staff employed
- D.11112 Bonuses
- D.111121 Bonuses paid at fixed period
- D.1113 Payments for days not worked
- D.1114 Wages and salaries in kind
- D.11144 Other wages and salaries in kind
- D.1211 Statutory social security contributions
- D.12111 Retirement pension, sickness, maternity, disability; unemployment; occupational accidents and diseases
- D.12112 Family allowances
- D.121113 Other
- D.1212 Collectively agreed, contractual and voluntary social security contributions payable by the employer
- D.12121 Supplementary pension schemes
- D.12122 Supplementary sickness insurance schemes
- D.12123 Supplementary unemployment insurance schemes
- D.12124 Other
- D.1221 Guaranteed remuneration in the event of sickness
- D.1224 Employers' imputed social benefits
- D.2 Vocational training costs paid by the employer
- D.3 Other expenditure paid by the employer
- D.31 Recruitment costs
- D.32 Other'

<sup>(1)</sup> Persons employed by temporary agencies, are to be included in the industry of the agency which employs them, (NACE Rev. 1, 74.50) and not in the industry of the enterprise for which they actually work.

<sup>(2)</sup> Except payments to employees saving schemes.

<sup>(3)</sup> Minus removal allowances.

<sup>(4)</sup> Welfare services, occupational health services, study grants for employees and their families.



## ANNEX II

## DEFINITIONS OF THE VARIABLES

## A. TOTAL STAFF EMPLOYED

Employees are all persons who have a direct employment contract with the enterprise or local unit and receive remuneration, irrespective of the type of work performed, the number of hours worked (full or part-time) and the duration of the contract (fixed or indefinite). The outworkers <sup>(1)</sup> should be included if there is an explicit agreement that the outworker is remunerated on the basis of the work done: that is, the amount of labour which is contributed as an input into some process of production. The following should be excluded: management staff whose remuneration mainly takes the form of a share in profits or a lump sum, family workers and sales representatives.

**Reference ESA 95: 11.12 to 11.14**A.1 *Total number of employees* <sup>(2)</sup>A.11 *Full-time employees*

This covers staff (excluding apprentices) whose regular working hours are the same as the collectively agreed or customary hours worked in the enterprise, even if their contract is for less than one year.

A.12 *Part-time employees*

This covers staff (excluding apprentices) whose regular working hours are less than the collectively agreed or customary hours worked in the enterprise, whether daily, weekly or monthly (half-day, threequarter time, fourfifths time, etc.)

A.121 *Part-time employees converted into full-time units*

This conversion is to be carried out either directly by the enterprises or local units making returns or by the national statistical institutes on the basis of the normal working hours of full-time workers in this enterprise/local unit, using the method they consider most appropriate.

**Reference ESA 95: 11.32 to 11.34**A.11+121 *Total number of employees in full time unit*

This includes full-time employees and part-time employees converted into full time units.

A.13 *Apprentices*

This covers all employees who do not yet fully participate in the production process and work either under an apprenticeship contract or in a situation in which vocational training predominates over productivity.

A.131 *Part-time apprentices converted into full-time units*

This conversion is to be carried out either directly by the enterprises or local units making returns or by the national statistical institutes (the hours spent in training either in the firm or in school are therefore excluded), using the method they consider most appropriate.

**Reference ESA 95: 11.32 to 11.34**

## B. HOURS WORKED

The statistics cover the total number of hours worked by all employees during the year <sup>(3)</sup>. The total number of hours worked is recorded separately for full-time (B.11), part-time employees (B.12) and apprentices (B.13).

Annual number of hours worked are defined as: hours actually worked.

NB: Hours worked in addition to normal working hours, irrespective of the hourly pay rate applied (i.e. one hour worked at double time) should be entered as one hour.

<sup>(1)</sup> An outworker is a person who agrees to work for a particular enterprise or to supply a certain quantity of goods or services to a particular enterprise by prior arrangement or contract with that enterprise, but whose place of work is not within it (Reference ESA 95: 11.13(g)).

<sup>(2)</sup> Persons employed by temporary employment agencies are to be included in the industry of the agency which employs them, (NACE Rev.1 74.50) and not in the industry of the enterprise for which they actually work.

<sup>(3)</sup> The hours worked by persons employed by temporary employment agencies, are to be included in the industry of the agency which employs them, (NACE Rev.1, 74.50) and not in the industry of the enterprise for which they actually work.

Hours worked also include:

- (a) time spent on tasks such as work preparation, preparing, maintaining and cleaning tools and machines and writing up work cards and reports;
- (b) time spent at the place of work during which no work is done owing to, for example, machine stoppages, accidents or occasional lack of work but for which payment is made in accordance with the employment contract;
- (c) short rest periods at the place of work, including tea and coffee breaks;
- (d) hours actually worked by apprentices.

Hours actually worked do not, however, include the following:

- (a) hours paid but not worked, for example paid leave, public holidays, sick leave, etc.;
- (b) meal breaks;
- (c) time spent travelling between home and place of work;
- (d) hours of training of apprentices

**Reference ESA 95: 11.26 to 11.29**

### C. PAID HOURS

The statistics cover the total number of hours paid to all employees during the year (see footnote <sup>(3)</sup>, page 31). The total number of paid hours is recorded separately for full-time (C.11), part-time employees (C.12) and apprentices (C.13).

Annual number of paid hours is defined as

- (a) normal and overtime hours, remunerated during the year;
- (b) any hours for which the employee was paid at a reduced rate, even if the difference was made up by payments from social security funds;
- (c) hours not worked during the reference period but nevertheless paid (annual leave, sick leave, official holidays and other hours paid such as for medical examination).

In order to obtain a correct estimation of the annual working time, it is advisable not to ask directly for the total number of hours worked (B.1) or the total number of paid hours (C.1) but to ask the following separate questions:

- (a) normal annual paid hours for a full-time employee in the enterprise or local unit;
- (b) average number of days of paid leave and public holidays per employee during the year;
- (c) average number of days per employee of short paid periods of absence (leave for moving house, employee's marriage, wife's confinement, death of a member of the family, etc.);
- (d) total number of hours of overtime worked during the year;
- (e) total number of days of short-time work;
- (f) total number of days of sick leave and maternity leave;
- (g) other days of absence.

### D. TOTAL LABOUR COSTS

These are taken to mean the total expenditure borne by employers in order to employ workers, a concept which has been adopted in the Community framework and complies broadly with the international definition of the International Conference of Labour Statisticians (Geneva, 1966). Labour costs include compensation of employees, with wages and salaries in cash and in kind, employers' social contributions (D.1); vocational training costs (D.2), other expenditures (D.3), taxes relating to employment regarded as labour costs (D.4), less any subsidies received (D.5). The costs for persons employed by temporary employment agencies are to be included in the industry of the agency which employs them (NACE Rev.1 74.50) and not in the industry of the enterprise for which they actually work.

#### D.1 *Compensation of employees*

Compensation of employees is defined as the total remuneration, in cash or in kind, payable by an employer to an employee in return for work done by the latter during the reference period. It is broken down into:

- wages and salaries (D.11): wages and salaries in cash excluding apprentices (D.111); wages and salaries in kind (D.1114) and wages and salaries of apprentices (D.112);
- employers' social contributions (D.12): employers' actual social contributions (excluding apprentices) (D.121); employers' imputed social contributions (excluding apprentices) (D.122); employers' actual social contributions for apprentices (D.123).

**Reference ESA 95: 4.02 (code D.1)**

D.11 *Wages and salaries (total)*

Wages and salaries are recorded in the period during which the work is done. However, *ad hoc* bonuses or other exceptional payments, 13th month, etc. are recorded when they are due to be paid.

**Reference ESA 95 : 4.03 to 4.07 and 4.12(a) (code D.11)**D.111 *Wages and salaries (excluding apprentices)*D.1111 *Direct remuneration and bonuses*

It includes the values of any social contributions, income taxes, etc., payable by the employee even if they are actually withheld by the employer and paid directly to social insurance schemes, tax authorities, etc. on behalf of the employee. Included are direct remuneration and bonuses.

D.11111 *Direct remuneration*

This means remuneration in the form of regular cash payments paid regularly at each pay period during the year. They should be gross amounts, before deduction of taxes and social security contributions payable by employees:

- (a) basic wages and salaries;
- (b) direct remuneration calculated on the basis of time worked, output or piecework and paid to employees for hours worked;
- (c) remuneration and additional payments for overtime, night work, working on Sundays and public holidays, and shift work;
- (d) bonuses and allowances paid regularly at each pay period, including:
  - workplace bonuses for noise, risk, difficult work, shift or continuous work, night work and working on Sundays and public holidays,
  - individual performance bonuses, bonuses for output, production, productivity, responsibility, diligence, punctuality, length of service, qualifications and special knowledge.

D.11112 *Bonuses minus payments to employees saving schemes*

All payments to employees which are not paid regularly at each pay period, including bonuses paid at fixed periods, not paid regularly at each pay period, bonuses linked to individual or collective performance.

D.11121 *Bonuses paid at fixed periods*

Payments which are not paid regularly at each pay period and the amount and periodicity of which are laid down in advance irrespective of results, the activity of the enterprise or individual or collective performance, for example 13th or 14th month payments, holidays bonuses, etc.

D.1112 *Payments to employees' savings schemes*

Sums paid into savings schemes for employees (company savings schemes, share-purchase schemes, etc.). Payments made to set up a special fund for purchasing company shares or other financial assets for employees, even if they do not have immediate access to such assets, must be reduced by the amount of any tax exemption which may apply to them.

The distribution of shares, free of charge or the sale of shares at a reduced price to staff or to the special funds may be regarded as expenditure only if the shares in question are purchased on the market. The cost to the enterprise is determined by the difference between the purchase price and the selling or transfer price.

D.1113 *Payments for days not worked*

Remuneration paid for statutory, contractual or voluntarily granted leave and public holidays or other paid days not worked.

D.1114 *Wages and salaries in kind*

This refers to all goods and services made available to employees through the enterprise or local unit including company products, staff housing and company cars.

**Reference ESA 95: 4.04, 4.05, 4.06 (code D.11)**

**D.11141** *Company products*

They are supplied free of charge for private use or sold to staff below their cost to the enterprise. For example, food and drink (excluding expenditure on canteens and meal vouchers), coal, gas, electricity, fuel oil, heating, footwear and clothing (excluding working clothes), micro-computers, etc.

The net price to the enterprise should be entered, i.e. the cost of products supplied free of charge or the difference between the cost and the price at which the products are sold to staff. Compensatory payments or benefits in kind which are not taken up must also be entered.

**D.11142** *Staff housing*

It refers to expenditure by the enterprise to assist employees with housing, including: expenditure on housing owned by the enterprise (expenditure on the maintenance and administration of housing, and tax and insurance relating to such housing) and reduced-interest loans for the construction or purchase of housing by staff (the difference between the interest payment at market rates and at the rate granted) allowances and subsidies granted to employees in connection with their housing, and installation, but excluding removal allowances.

**D.11143** *Company cars*

Company cars, or the cost to the enterprise of company cars supplied to employees for their private use. It should include the net running costs incurred by the enterprise (the annual cost of leasing and interest payments — depreciation, insurance, maintenance and repairs and parking). It should not include the capital expenditure involved in purchasing the vehicles, any income derived from their resale, or the proportion of the costs attributable to work-related use.

Estimates should be calculated on information available in the enterprises, for example records of the fleet of vehicles of this type, the assessment of the average cost per vehicle, and the estimate of the proportion attributable to the private use of the vehicle by the employee.

**D.11144** *Other*

It covers in particular that part of social expenditure covering indirect benefits which are chargeable to the employer:

- (a) canteens and meal vouchers;
- (b) cultural, sporting and leisure facilities and services;
- (c) kindergartens and day nurseries;
- (d) staff shops;
- (e) transport costs for journeys between home and the usual place of work;
- (f) payments into trade union funds and costs of works committees.

All such expenditure includes depreciation, small repairs and regular maintenance of dedicated buildings and installations. Salaries and wages paid by the enterprise directly to canteen staff are not entered under this heading.

**D.112** *Wages and salaries of apprentices*

**See D.11.**

**D.12** *Employers' social contributions*

An amount equal to the value of the social contributions incurred by employers in order to secure for their employees the entitlement to social benefits. Employers' social contributions may be either actual or imputed.

**Reference ESA 95: 4.08 (code D.12)**

**D.121** *Employers' actual social contributions (excluding apprentices)*

They consist of the payments made by employers for the benefit of their employees to insurers (social security funds and private funded schemes). These payments cover statutory, conventional, contractual and voluntary contributions in respect of insurance against social risks or needs.

Employers' actual social contributions are recorded in the period during which the work is done.

**Reference ESA 95: 4.09 (code D.121) and 4.12(b)**

D.1211 *Statutory social security contributions*

Contributions paid to social security institutions payable by the employer and made compulsory by law. The amounts of such contributions must be entered net of any subsidies. They include:

- (a) contributions to insurance schemes for retirement pension, sickness, maternity, and disability;
- (b) statutory contributions to unemployment insurance schemes;
- (c) statutory contributions to insurance schemes for occupational accidents and diseases;
- (d) statutory contributions to family allowances schemes;
- (e) all other statutory contributions not mentioned elsewhere.

D.1212 *Collectively agreed, contractual and voluntary social security contributions payable by the employer*

These are all contributions paid by the employer to social security schemes which are supplementary to those which are compulsory by law. Account should be taken of any tax exemptions which may apply.

They include:

- (a) supplementary pension schemes (insured plans, self-administered funds, book reserves or provisions, all other expenditure intended to fund supplementary pension schemes);
- (b) supplementary sickness insurance schemes;
- (c) supplementary unemployment insurance schemes;
- (d) all other non-compulsory supplementary social security schemes not mentioned elsewhere.

D.122 *Employers<sup>(1)</sup> imputed social contributions (excluding apprentices)*

The employers' imputed social contributions represent the counterpart to unfunded social benefits (less eventual employees' social contributions) paid directly by employers to their employees or former employees and other eligible persons without involving an insurance enterprise or autonomous pension fund, and without creating a special fund or segregated reserve for the purpose. The fact that certain social benefits are paid directly by employers, and not through the medium of social security funds or other insurers, in no way detracts from their character as social welfare benefits.

Employers' imputed social contributions representing the counterpart of compulsory direct social benefits are recorded in the period during which the work is done.

Employers' imputed social contributions representing the counterpart of voluntary direct social benefits are recorded at the time these benefits are provided.

**Reference ESA 95 : 4.10 (code D.122) and 4.12(c)**D.1221 *Guaranteed remuneration in the event of sickness*

The sums paid directly by the employer to employees to maintain remuneration in the event of sickness, maternity or occupational accident to compensate for loss of earnings, minus any reimbursements paid by social security institutions.

D.1222 *Guaranteed remuneration in the event of short-time working*

The sums paid directly by the employer to employees to maintain remuneration in the event of short-time working, minus any reimbursements paid to the employer by social security institutions.

D.1223 *Payments to employees leaving the enterprise*

Sums actually paid to dismissed workers: severance pay and compensation in lieu of notice.

D.1224 *Employers' imputed social benefits for the employees*

Such as:

- welfare services,
- occupational health services,
- study grants for employees and their families and all other employers' imputed social contributions not mentioned elsewhere.

<sup>(1)</sup> Employer's imputed social contributions include an amount equal in value to the wages and salaries which employers temporarily continue to pay in the event of the sickness, maternity, industrial injury, disability, redundancy, etc. of their employees, if that amount can be separated.

D.123 *Employers' social contributions for apprentices*

**See D.121.**

D.2 *Vocational training costs paid by the employer*

These include: expenditure on vocational training services and facilities, depreciation, small repairs and maintenance of buildings and installations, excluding staff costs; expenditure on participation in courses; the fees of instructors from outside the enterprise; expenditure on teaching aids and tools used for training; sums paid by the enterprise to vocational training organisations, etc. Subsidies linked to vocational training should be deducted.

**Reference ESA 95: Intermediate consumption**

D.3 *Other expenditure paid by the employer*

This includes in particular:

- (a) recruitment costs (these are the sums paid to recruitment agencies, expenditure on job advertisements in the press, travel expenses paid to candidates called for interview, installation allowances paid to newly recruited staff, etc. This does not include administration running costs (office expenses, staff wages, etc.);
- (b) working clothes provided by the employer.

**Reference ESA 95: Intermediate consumption**

D.4 *Taxes paid by the employer*

These are all taxes based on the wages and salary bill or on employment. These are taxes considered as labour costs.

**Reference ESA 95: 4.23(c) (code D.29)**

D.5 *Subsidies received by the employer*

These are all amounts received in the form of subsidies of a general nature intended to refund part or all of the cost of direct remuneration but not intended to cover social security or vocational training costs. It does not include refunds paid to the employer by social security institutions or supplementary insurance funds.

**Reference ESA 95: 4.37(a) (code D.39)**

## E. INFORMATION ON UNITS

E.1 *Number of local units in the universe*

E.2 *Number of local units in the sample*

## F. PERSONS EMPLOYED BY TEMPORARY EMPLOYMENT AGENCIES

This refers to work provided by other enterprises or temporary agencies. There must be no direct contractual relationship between such staff and the enterprise for which they work.

F.1 *Number of persons*

F.2 *Employment costs for temporary staff: sums paid by the employer to temporary agencies*

F.3 *The number of hours of temporary work paid for by the enterprise or local unit*

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## ANNEX III

**TECHNICAL FORMAT FOR THE TRANSMISSION OF RESULTS**

There are three files to provide corresponding to the three tables:

- **Table A** contains national data (one record by economic activity)
- **Table B** contains national data by size classes (one record by economic activity X size classes)
- **Table C** contains regional data. One record by economic activity. The number of records depends on the number of regions of the country (NUTS 1)

**Identification of a record**

The records are sorted by an identification sequence containing:

- the year of the survey,
- the type of table,
- the country or region code,
- the economic activity and
- the size class.

**Flag**

Each record contains a flag which characterises the economic activity in terms of confidentiality and availability. The possible values are:

- '1' if the economic activity is confidential;
- '2' if the economic activity is not available;
- '3' if the cell is hidden in national publication to protect confidential values when aggregated levels are published;
- ' ' No remark.

**Variables**

The variables requested are defined in the Annex I to this Regulation.

Missing variables should be left blank.

The variables concerning number of employees, working time, number of statistical units are expressed in natural numbers.

The variables relating to expenditure are in national currency.

**Structure of a record**

	Start	Length	Comment
<b>Identification</b>			
Year of the survey	1	4	
Type of table	5	1	A, B or C
Country or region	6	5	See codes <sup>(1)</sup>
Economic activity	11	4	See codes in Appendix 1
Size class	15	8	See codes in Appendix 2
<b>Flag</b>	23	1	'1', '2', '3', or ''
<b>Variables</b>			See list in Annex I
Each variable has a length of 18	24	18	
	42	18	
	60	18	
...	...	...	

Note: All codes from the 'identification' section should be left aligned.

All values from the 'variables' section should be right aligned.

<sup>(1)</sup> Following the NUTS classification in force at the time of the survey.



## APPENDIX 1

## CODES FOR ECONOMIC ACTIVITIES (NACE REV. 1)

NACE Rev. 1	Title	Code
<b>Section C</b>	<b>Mining and quarrying</b>	<b>RC</b>
10	Mining of coal and lignite; extraction of peat	R10
11	Extraction of crude petroleum and natural gas; service activities incidental to oil and gas extraction excluding surveying	R11
12	Mining of uranium and thorium ores	R12
13	Mining of metal ores	R13
14	Other mining and quarrying	R14
<b>Section D</b>	<b>Manufacturing</b>	<b>RD</b>
15	Manufacture of food products and beverages	R15
16	Manufacture of tobacco products	R16
17	Manufacture of textiles	R17
18	Manufacture of wearing apparel; dressing and dyeing of fur	R18
19	Tanning and dressing of leather; manufacture of luggage, handbags, saddlery, harness and footwear	R19
20	Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials	R20
21	Manufacture of pulp, paper and paper products	R21
22	Publishing, printing and reproduction of recorded media	R22
23	Manufacture of coke, refined petroleum products and nuclear fuel	R23
24	Manufacture of chemicals and chemical products	R24
25	Manufacture of rubber and plastic products	R25
26	Manufacture of other non-metallic mineral products	R26
27	Manufacture of basic metals	R27
28	Manufacture of fabricated metal products, except machinery and equipment	R28
29	Manufacture of machinery and equipment	R29
30	Manufacture of office machinery and computers	R30
31	Manufacture of electrical machinery and apparatus	R31
32	Manufacture of radio, television and communication equipment and apparatus	R32
33	Manufacture of medical, precision and optical instruments, watches and clocks	R33
34	Manufacture of motor vehicles, trailers and semi-trailers	R34
35	Manufacture of other transport equipment	R35
36	Manufacture of furniture; manufacturing	R36
37	Recycling	R37
<b>Section E</b>	<b>Electricity, gas and water supply</b>	<b>RE</b>
40	Electricity, gas, steam and hot water supply	R40
41	Collection, purification and distribution of water	41
<b>Section F</b>	<b>Construction</b>	<b>RF</b>
<b>Section G</b>	<b>Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods</b>	<b>RG</b>
50	Sale, maintenance and repair of motor vehicles and motorcycles; retail sale of automotive fuel	R50
51	Wholesale trade and commission trade, except of motor vehicles and motorcycles	R51
52	Retail trade, except of motor vehicles and motorcycles; repair of personal and household goods	R52
<b>Section H</b>	<b>Hotels and restaurants</b>	<b>RH</b>
<b>Section I</b>	<b>Transport, storage and communication</b>	<b>RI</b>
60	Land transport; transport via pipelines	R60
61	Water transport	R61
62	Air transport	R62
63	Supporting and auxiliary transport activities; activities of travel agencies	R63
64	Post and telecommunications	R64

NACE Rev. 1	Title	Code
<b>Section J</b>	<b>Financial intermediation</b>	<b>RJ</b>
65	Financial intermediation, except insurance and pension funding	R65
66	Insurance and pension funding, except compulsory social security	R66
67	Activities auxiliary to financial intermediation	R67
<b>Section K</b>	<b>Real estate, renting and business activities</b>	<b>RK</b>
70	Real estate activities	R70
71	Renting of machinery and equipment without operator and of personal and household goods	R71
72	Computer and related activities	R72
73	Research and development	R73
74	Other business activities	R74
<b>Section M</b>	<b>Education</b>	<b>RM</b>
<b>Section N</b>	<b>Health and social work</b>	<b>RN</b>
<b>Section O</b>	<b>Other community, social and personal service activities</b>	<b>RO</b>
90	Sewage and refuse disposal, sanitation and similar activities	R90
91	Activities of membership organisations	R91
92	Recreational, cultural and sporting activities	R92
93	Other service activities	R93
<b>Aggregates</b>		
C-O	Industry and services, C-O	RC-O
C-K	Industry and services, C-K	RC-K
C + D + E + F	Industry including construction, C-F	RC-F
C + D + E	Industry, C-E	RC-E
G + H + I	Wholesale and retail trade, Horeca, transports and communications, G-I	RG-I
J + K	Financial, real estate, renting and business activities, J-K	RJ-K
G-O	Services, G-O	RG-O
G-K	Services, G-K	RG-K

## APPENDIX 2

## CODES FOR SIZE CLASSES

Code	Size class
E1-10 <sup>(1)</sup>	Less than 10 employees
E10-49	Between 10 and 49 employees
E50-249	Between 50 and 249 employees
E250-499	Between 250 and 499 employees
E500-999	Between 500 and 999 employees
E 1 000	1 000 employees and more

<sup>(1)</sup> Not applicable in the survey of 2000.

**COMMISSION REGULATION (EC) No 1727/1999**

**of 28 July 1999**

**laying down certain detailed rules for the application of Council Regulation (EEC) No 2158/92 on protection of the Community's forests against fire**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2158/92 of 23 July 1992 on protection of the Community's forests against fire <sup>(1)</sup>, as amended by Regulation (EC) No 308/97 <sup>(2)</sup>, and in particular Article 4(4) thereof,

- (1) Whereas Regulation (EEC) No 2158/92 provides for a financial contribution from the Community to measures to improve the protection of forests against fire;
- (2) Whereas Article 4(3) of that Regulation provides that Community financing is to be granted primarily for forest-fire protection programmes submitted by the Member States;
- (3) Whereas, in the interests of effectiveness and in order to simplify and rationalise procedures at national and Community level, the various measures for which Community assistance is requested should be brought together in an annual national plan for each Member State;
- (4) Whereas detailed rules should be adopted on how aid applications under the national programmes should be presented and the information they must contain in order to expedite examination thereof;
- (5) Whereas a system of advance payments of Community assistance should be introduced to assist Member States in the proper financial management of their national programme;
- (6) Whereas applications submitted to the Commission by the Member States for the payment of advances and balances under the national programme should contain certain information to help establish the regularity of expenditure;
- (7) Whereas the Commission should be informed that the measures are being implemented in accordance with the conditions and within the time limit laid down in the decision granting aid;
- (8) Whereas the Member States are required to adopt the provisions necessary to ensure that effective checks are carried out on the implementation of measures under the national programme;

- (9) Whereas Article 8 of Regulation (EEC) No 2158/92 and Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests <sup>(3)</sup> require the Member States to ascertain the effective and regular nature of the operations financed by the Community and to recover sums lost as a result of irregularities or negligence; whereas such sums represent unjustified expenditure from the Community budget and must therefore be reimbursed to the Community;
- (10) Whereas, if the Commission's checks pursuant to Article 8 of Regulation (EEC) No 2158/92 reveal an irregularity, the Member State should have the opportunity to express its opinion on the situation noted; whereas, where the irregularity is confirmed and the sums concerned represent unjustified expenditure from the Community budget, they should be reimbursed to the Community;
- (11) Whereas Commission Regulation (EEC) No 1170/93 <sup>(4)</sup> as amended by Regulation (EC) No 1460/98 <sup>(5)</sup>, should therefore be repealed;
- (12) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Forestry Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The programmes provided for in Article 4 of Regulation (EEC) No 2158/92 shall be drawn up each year at national level. National programmes shall cover all the applications for assistance submitted under the aforementioned Article 4. They shall contain the information and supporting documents indicated in Annex I to this Regulation and relate to the information specified in Article 2. The Member States shall forward their programmes to the Commission in duplicate, in the form indicated in Annex I.

2. National programmes as referred to in paragraph 1 shall run for not more than three years from the date of notification of the Commission Decision provided for in Article 6 of Regulation (EEC) No 2158/92. They may not be extended.

*Article 2*

Programmes as referred to in Article 1 shall comprise:

<sup>(1)</sup> OJ L 217, 31.7.1992, p. 3.

<sup>(2)</sup> OJ L 51, 21.2.1997, p. 11.

<sup>(3)</sup> OJ L 312, 23.12.1995, p. 1.

<sup>(4)</sup> OJ L 118, 14.5.1993, p. 23.

<sup>(5)</sup> OJ L 193, 9.7.1998, p. 20.

- (a) a schedule of the supporting documents to be provided by beneficiaries; 'supporting documents' means any document drawn up in accordance either with the laws or regulations of the Member State concerned, or with measures adopted by the competent authority, which afford evidence that the conditions attached to each individual application have been met. The schedule shall give the term applied to each document and the provisions or measures under which it is drawn up and a brief description of the content of such documents;
- (b) specimens of the forms on which beneficiaries are to submit their applications for payment. Such forms must include at least a summary of the expenditure incurred and a comparative table giving a qualitative and quantitative description of the measures provided for and those implemented;
- (c) a description of the checking and management methods set up to ensure the effective implementation of measures under the programme, pursuant to Article 8 of Regulation (EEC) No 2158/92.

Member States shall also notify subsequent updates of the documentation referred to in the first paragraph.

#### Article 3

1. Competent authorities may apply for an advance of up to 30 % on the Community assistance to the national programme not earlier than 1 January of the year following the date of notification of the Commission Decision.
2. Member States may apply for a second advance of not more than 30 % once they have furnished proof that 60 % of the first advance for the same programme has been utilised. The second advance may be increased to 50 % if 90 % of the first advance has been spent.
3. The balance shall be paid after the Commission has received and approved the final report, a definitive financial statement and the application requesting final payment for the national programme.

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

Done at Brussels, 28 July 1999.

#### Article 4

1. From 1 July of the year following the date of notification of the Commission Decision approving the programme, the competent authorities shall forward six-monthly statements of the payments made to beneficiaries in accordance with Annex II, and accompanied by a statement describing the state of progress of the work.

2. The competent authorities must submit applications for the payment of advances and balances for the national programme to the Commission, in duplicate, in accordance with Annex III.

#### Article 5

1. If a Member State recovers any amounts lost through irregularities or negligence, it shall reimburse them to the Community.

2. Should the Commission, within four years following payment of the balance, note any irregularity in an operation financed by the Community where the amount concerned has not been reimbursed to the Community under paragraph 1, it shall inform the Member State thereof and give it an opportunity to comment.

3. If, having examined the situation and considered any comments from the Member State; the Commission confirms the irregularity, the Member State shall reimburse the amounts concerned.

#### Article 6

Regulation (EEC) No 1170/93 is hereby repealed.

However, it shall continue to apply to aid applications submitted before 1 November 1998.

#### Article 7

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

For the Commission

Franz FISCHLER

Member of the Commission

## ANNEX I

**Presentation of programmes****Information on the national programme for 200..**

1. Contact of the competent authority: (name, address, telephone and fax numbers, e-mail address of the contact person/body)
2. Description of the programme and location of the planned measures
3. Fire-risks zones concerned (within the meaning of Article 2 of Regulation (EEC) No 2158/92)
4. Contribution of the programme to the implementation of the forest-fire protection plan or plans (within the meaning of Article 3 of Regulation (EEC) No 2158/92) for the zones concerned
5. Duration of the programme, starting and closing dates for implementation of the programme and provisional scheduling of implementation
6. Total cost of the programme and aid applied for (percentage of total cost)
7. Breakdown of costs by measure (*complete Table 1*)
8. Description of the different applications included in the national programme (*complete Table 2, using one form per applicant*) and summary of the applications (*complete Table 3*)
9. Financial programming of the national programme (*complete Table 4*)
10. Confirmation that work will not commence before the programme has been submitted: No/Yes (delete as appropriate)
11. Body to which aid is to be paid and bank details
12. Schedule of the supporting documents to be provided by beneficiaries; specimens of the forms on which beneficiaries are to submit their applications for payment; description of the checking and management methods put in place to ensure the effective implementation of measures under the programme
13. Confirmation that no applications under the programme will be submitted to other Community Funds

Date

Signature and stamp

Table 1: Breakdown of costs by measure

Type of measure	Units	Quantity	Total cost	Non-Community participation				Assistance requested
				Public sector contribution			Private sector contribution	
				Member State	Region	Other public funds		
1. <i>Identification of the causes of forest fires and determination of means of combating them</i>								
1.1. Studies to identify the causes of fire and the background thereto								
1.2. Studies to devise proposals for schemes to eliminate the causes and background								
1.3. Campaigns to inform and educate the public								
2. <i>Setting-up or improvement of systems of prevention:</i>								
2.1. Establishment of protective infrastructures:								
2.1.1. Forest paths								
2.1.2. Tracks								
2.1.3. Water supply points								
2.1.4. Firebreaks, cleared and felled areas								
2.2. Launching of operations to maintain firebreaks and cleared and felled areas								
2.3. Preventive forestry measures								
3. <i>Setting-up or improvement of monitoring systems:</i>								
3.1. Fixed facilities								
3.2. Mobile facilities								
3.3. Communications equipment								
4. <i>Training of highly specialised personnel</i>								
5. <i>Analytical studies, pilot projects and demonstration projects relating to new methods, techniques and technologies.</i>								
Total								

**Table 2: Description of individual applications**  
(One form per applicant)

1. Application No:	Protection plan number (1):
	Medium/high-risk area (2)
Title:	

2. Applicant (name/address)
-----------------------------

3. Type of measure concerned and compatibility with the plan
--

4. Description of measures and breakdown on costs per measure (using the same numbering as in Table 1)
<u>example:</u>
— <i>measure No 2.1.1 (forest paths):</i>
quantity: 3 km                      total cost: EUR xxx
— <i>measure 2.1.3 (water supply points):</i>
quantity: 2                              total cost: EUR xxx
etc.

5. Location (with map)

6. Total cost of application and aid requested

(1) The number of the plan for the protection of forests against fire approved by the Commission pursuant to Article 3 of Regulation (EEC) No 2158/92.

(2) Delete as appropriate. Specify whether the area covered by the application is in a medium or high fire-risk zone within the meaning of Article 2 of Regulation (EEC) No 2158/92.

**Table 3: Summary of applications under the programme**

Application No	Title	Applicant	Total cost	Eligible cost	Assistance requested		Priority <sup>(1)</sup>	Classification of risk <sup>(2)</sup>
					EUR	% of the eligible costs		

<sup>(1)</sup> Priority 1, 2 or 3.

<sup>(2)</sup> 1 for high-risk area, 2 for medium-risk area, 3 for mixed-risk area.

**Table 4: Financial programming of the national programme**

	Year n+1 <sup>(1)</sup>		Year n+2		Year n+3	
	1st half	2nd half	1st half	2nd half	1st half	2nd half
Amount of first advance						
Amount of second advance						
Payment of balance						

<sup>(1)</sup> The national programme is deemed to have been submitted in year n; the payment of the first advance could therefore be applied for from 1 January in year n + 1.



## ANNEX II

**Introductory remarks**

Applications for advances and payment, six-monthly statements and progress reports must be submitted in duplicate to:

European Commission  
Directorate-General for Agriculture  
Unit VI FII 2  
Rue de la Loi/Wetstraat 200,  
B-1049 Brussels

*Statement of six-monthly payments made to beneficiaries*

Use the form in Table 1.

*State of progress of the work*

Use the form in Table 2.

**Table 1: Six-monthly statement for the national programme for 200..**

Period from 1././200.. to 1././200.. (period t)

(a)	(b)	(c)	(d)	(e)=(c)+(d)
Total assistance granted	Total advances received to date from the Commission for the 200.. programme	Total payments made on behalf of the Commission to beneficiaries up to the end of period t-1 <sup>(1)</sup>	Payments made on behalf of the Commission to beneficiaries during period t <sup>(2)</sup>	Total payments made on behalf of the Commission to beneficiaries up to the end of period t

<sup>(1)</sup> Column taken over from the previous statement.

<sup>(2)</sup> Payment made during the six months indicated in the title.

**Table 2: State of progress of work**

Period from 1././200.. to 1././200..

Application No	Title	Applicant	Implementation <sup>(1)</sup>	Implementation rate	Remarks

<sup>(1)</sup> 1: being implemented; 2: completed; 3: abandoned.

ANNEX III

**Application for the first advance payment for national programme . . . approved in 200 . . pursuant to Article 4 of Regulation (EEC) No 2158/92**

Number of national programme:

Amount of the advance requested <sup>(1)</sup>: . . . . . EUR

Bank details:

Name of the bank:

Address of branch/code:

Telephone/fax, telex, e-mail address:

Account No:

Account name:

Done at ..... Date: .....

For the competent authority  
(Signature and stamp)

<sup>(1)</sup> Maximum 30 % of assistance granted to the national programme in the Commission Decision.

**Application for the second advance payment for national programme . . . approved in 200.. pursuant to Article 4  
of Regulation (EEC) No 2158/92**

Number of national programme:

Amount of the advance requested <sup>(1)</sup>: . . . . . EUR

Declaration:

The competent authority hereby confirms that:

1. 60 % of the eligible aid for the first instalment has been paid to the beneficiaries on the basis of the supporting documents referred to in Article 2 of Regulation (EC) No 1727/1999/EC
2. the checks have been carried out in accordance with the checking methods notified to the Commission.

Bank details:

Name of the bank:

Address of branch/code:

Telephone/fax, telex, e-mail address:

Account No:

Account name:

Done at ..... Date: .....

For the competent authority  
(Signature and stamp)

<sup>(1)</sup> Not more than 30 % of the aid granted to the national programme in the Commission Decision (may be increased to 50 % if 90 % of the first advance has been spent).

**Certificate for payment of the balance for national programme for ... of 200..**

Number of national programme:

Total payments made to date to beneficiaries on behalf of the Commission: ..... EUR

Total payments received from the Commission:..... EUR

Amount of balance requested:

*Declaration concerning the balance*

The competent authority responsible for implementing the measures adopted pursuant to Regulation (EEC) No 2158/92 on protection of the Community's forests against fire, in accordance with Article 7 of that Regulation, hereby certifies that:

1. the supporting documents indicated in the schedule sent to the Commission pursuant to Article 2 of Regulation (EC) No ... have been checked;
2. the work provided for by the programme commenced on ... at the scheduled site;
3. the overall programme was completed on ... ;
4. the actual costs of the eligible expenditure incurred total EUR ... ;
5. the abovementioned costs are broken down by type of measure as specified in the Table, annexed hereto;
6. it has been noted on the spot by ... that the work carried out is as specified in the dossier attached to the application for assistance on which the Commission Decision was based;
7. the amount of recoverable value-added tax included in the declared expenditure is: EUR ... ;

8. Bank details:

Name of the bank:

Address of branch/code:

Telephone/fax, telex, e-mail address:

Account No:

Account name:

Done at ..... Date:.....

For the competent authority  
(Signature and stamp)

Comparative table

Type of measure	Units	Planned work		Work done		Remarks
		Quantity	Cost EUR	Quantity	Cost EUR	
1. <i>Identification of the causes of forest fires and determination of means of combating them:</i>						
1.1. Studies to identify the causes of fire and the background thereto						
1.2. Studies to devise proposals for schemes to eliminate the causes and background						
1.3. Campaigns to inform and educate the public						
2. <i>Setting-up or improvement of systems of prevention:</i>						
2.1. Establishment of protective infrastructures:						
2.1.1. Forest paths						
2.1.2. Tracks						
2.1.3. Water supply points						
2.1.4. Firebreaks, cleared and felled areas						
2.2. Launching of operations to maintain firebreaks and cleared and felled areas						
2.3. Preventive forestry measures						
3. <i>Setting-up or improvement of monitoring systems:</i>						
3.1. Fixed facilities						
3.2. Mobile facilities						
3.3. Communications equipment						
4. <i>Training of highly specialised personnel</i>						
5. <i>Analytical studies, pilot projects and demonstration projects relating to new methods, techniques and technologies</i>						
Total						

**COUNCIL DIRECTIVE 1999/74/EC**

**of 19 July 1999**

**laying down minimum standards for the protection of laying hens**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 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>,

Whereas:

- (1) On 7 March 1988 the Council adopted Directive 88/166/EEC <sup>(4)</sup> complying with the judgment of the Court of Justice in Case 131/86 (annulment of Council Directive 86/113/EEC of 25 March 1986 laying down minimum standards for the protection of laying hens kept in battery cages);
- (2) Article 9 of Directive 88/166/EEC requires the Commission to submit, before 1 January 1993, a report on scientific developments regarding the welfare of hens under various systems of rearing and on the provisions in the Annex to the Directive, accompanied by any appropriate adjustment proposals;
- (3) Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes <sup>(5)</sup>, drawn up on the basis of the European Convention for the Protection of Animals kept for Farming Purposes, lays down Community provisions designed to give effect to the principles laid down in the Convention, which include the provision of housing, food, water and care appropriate to the physiological and ethological needs of the animals;
- (4) In 1995 the Standing Committee of the European Convention for the Protection of Animals kept for Farming Purposes adopted a detailed recommendation, which includes laying hens;
- (5) The protection of laying hens is a matter of Community competence;
- (6) Differences which may distort conditions of competition interfere with the smooth running of the organisation of the market in animals and animal products;
- (7) The Commission report referred to in recital 2, based on an opinion from the Scientific Veterinary Committee, concludes that the welfare conditions of hens kept in current battery cages and in other systems of rearing are inadequate and that certain of their needs cannot be met in such cages; the highest possible standards should therefore be introduced, in the light of various parameters to be considered in order to improve those conditions;
- (8) However, for a period to be determined, the use of unenriched cage systems may be continued under certain conditions, including improved structural and space requirements;
- (9) A balance must be kept between the various aspects to be taken into consideration, as regards both welfare and health, economic and social considerations, and also environmental impact;
- (10) It is appropriate, while studies on the welfare of laying hens in various systems of rearing are carried out, to adopt provisions that allow the Member States to choose the most appropriate system or systems;
- (11) The Commission must submit a new report together with appropriate proposals that take account of that report;
- (12) Directive 88/166/EEC should therefore be repealed and replaced,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

1. This Directive lays down minimum standards for the protection of laying hens.
2. This Directive shall not apply to:
  - establishments with fewer than 350 laying hens,
  - establishments rearing breeding laying hens.

Such establishments shall, however, continue to be subject to the relevant requirements of Directive 98/58/EC.

*Article 2*

1. The definitions in Article 2 of Directive 98/58/EC shall apply where necessary.
2. In addition, the following definitions shall apply for the purpose of this Directive:
  - (a) 'laying hens' means: hens of the species *Gallus gallus* which have reached laying maturity and are kept for production of eggs not intended for hatching;

<sup>(1)</sup> OJ C 157, 4.6.1999, p. 8.

<sup>(2)</sup> OJ C 128, 7.5.1999, p. 78.

<sup>(3)</sup> OJ C 101, 12.4.1999.

<sup>(4)</sup> OJ L 74, 19.3.1988, p. 83.

<sup>(5)</sup> OJ L 221, 8.8.1998, p. 23.

- (b) 'nest' means: a separate space for egg laying, the floor components of which may not include wire mesh that can come into contact with the birds, for an individual hen or for a group of hens (group nest);
- (c) 'litter' means: any friable material enabling the hens to satisfy their ethological needs;
- (d) 'usable area' means: an area at least 30 cm wide with a floor slope not exceeding 14 %, with headroom of at least 45 cm. Nesting areas shall not be regarded as usable areas.

### Article 3

According to the system or systems adopted by the Member States, they shall ensure that the owners and holders of laying hens apply not only the relevant provisions of Directive 98/58/EC and of the Annex to this Directive but also the requirements specific to each of the systems referred to below, namely:

- (a) either the provisions laid down in Chapter I as regards alternative systems;
- (b) or the provisions laid down in Chapter II as regards unenriched cage systems;
- (c) or the provisions of Chapter III concerning enriched cages.

### CHAPTER I

#### Provisions applicable to alternative systems

### Article 4

1. Member States shall ensure that from 1 January 2002 all newly built or rebuilt systems of production referred to in this chapter and all such systems of production brought into use for the first time comply at least with the requirements below.

1. All systems must be equipped in such a way that all laying hens have:
  - (a) either linear feeders providing at least 10 cm per bird or circular feeders providing at least 4 cm per bird;
  - (b) either continuous drinking troughs providing 2,5 cm per hen or circular drinking troughs providing 1 cm per hen.

In addition, where nipple drinkers or cups are used, there shall be at least one nipple drinker or cup for every 10 hens. Where drinking points are plumbed in, at least two cups or two nipple drinkers shall be within reach of each hen;

- (c) at least one nest for every seven hens. If group nests are used, there must be at least 1 m<sup>2</sup> of nest space for a maximum of 120 hens;
- (d) adequate perches, without sharp edges and providing at least 15 cm per hen. Perches must not be mounted above the litter and the horizontal distance between perches must be at least 30 cm and the horizontal distance between the perch and the wall must be at least 20 cm;

- (e) at least 250 cm<sup>2</sup> of littered area per hen, the litter occupying at least one third of the ground surface.
2. The floors of installations must be constructed so as to support adequately each of the forward-facing claws of each foot.
  3. In addition to the provisions laid down in points 1 and 2,
    - (a) if systems of rearing are used where the laying hens can move freely between different levels,
      - (i) there shall be no more than four levels;
      - (ii) the headroom between the levels must be at least 45 cm;
      - (iii) the drinking and feeding facilities must be distributed in such a way as to provide equal access for all hens;
      - (iv) the levels must be so arranged as to prevent droppings falling on the levels below.
    - (b) If laying hens have access to open runs:
      - (i) there must be several popholes giving direct access to the outer area, at least 35 cm high and 40 cm wide and extending along the entire length of the building; in any case, a total opening of 2 m must be available per group of 1 000 hens;
      - (ii) open runs must be:
        - of an area appropriate to the stocking density and to the nature of the ground, in order to prevent any contamination;
        - equipped with shelter from inclement weather and predators and, if necessary, appropriate drinking troughs.
  4. The stocking density must not exceed nine laying hens per m<sup>2</sup> usable area.

However, where the usable area corresponds to the available ground surface, Member States may, until 31 December 2011, authorise a stocking density of 12 hens per m<sup>2</sup> of available area for those establishments applying this system on 3 August 1999.

2. Member States shall ensure that the minimum requirements laid down in paragraph 1 apply to all alternative systems from 1 January 2007.

### CHAPTER II

#### Provisions applicable to rearing in unenriched cage systems

### Article 5

1. Member States shall ensure that from 1 January 2003 all cage systems referred to in this chapter comply at least with the following requirements:

1. at least 550 cm<sup>2</sup> per hen of cage area, measured in a horizontal plane, which may be used without restriction, in particular not including non-waste deflection plates liable to restrict the area available, must be provided for each laying hen;



2. a feed trough which may be used without restriction must be provided. Its length must be at least 10 cm multiplied by the number of hens in the cage;
3. unless nipple drinkers or drinking cups are provided, each cage must have a continuous drinking channel of the same length as the feed trough mentioned in point 2. Where drinking points are plumbed in, at least two nipple drinkers or two cups must be within reach of each cage;
4. cages must be at least 40 cm high over at least 65 % of the cage area and not less than 35 cm at any point;
5. floors of cages must be constructed so as to support adequately each of the forward-facing claws of each foot. Floor slope must not exceed 14 % or 8 %. In the case of floors using other than rectangular wire mesh, Member States may permit steeper slopes;
6. cages shall be fitted with suitable claw-shortening devices.

2. Member States shall ensure that rearing in the cages referred to in this chapter is prohibited with effect from 1 January 2012. In addition, with effect from 1 January 2003 no cages such as referred to in this chapter may be built or brought into service for the first time.

#### CHAPTER III

##### Provisions applicable to rearing in enriched cages

###### Article 6

Member States shall ensure that after 1 January 2002 all the cages referred to in this chapter comply at least with the following requirements:

1. laying hens must have:
  - (a) at least 750 cm<sup>2</sup> of cage area per hen, 600 cm<sup>2</sup> of which shall be usable; the height of the cage other than that above the usable area shall be at least 20 cm at every point and no cage shall have a total area that is less than 2000 cm<sup>2</sup>;
  - (b) a nest;
  - (c) litter such that pecking and scratching are possible;
  - (d) appropriate perches allowing at least 15 cm per hen;
2. a feed trough which may be used without restriction must be provided. Its length must be at least 12 cm multiplied by the number of hens in the cage;
3. each cage must have a drinking system appropriate to the size of the group; where nipple drinkers are provided, at least two nipple drinkers or two cups must be within the reach of each hen;
4. to facilitate inspection, installation and depopulation of hens there must be a minimum aisle width of 90 cm between tiers of cages and a space of at least 35 cm must be allowed between the floor of the building and the bottom tier of cages;

5. cages must be fitted with suitable claw-shortening devices.

#### CHAPTER IV

##### Final provisions

###### Article 7

Member States shall ensure that the establishments covered by the scope of this Directive are registered by the competent authority and given a distinguishing number which will be the medium for tracing eggs placed on the market for human consumption.

The arrangements for implementing this Article shall be determined before 1 January 2002 in accordance with the procedure laid down in Article 11.

###### Article 8

1. Member States shall take the necessary measures to ensure that the competent authority carries out inspections to monitor compliance with the provisions of this Directive. These inspections may be carried out on the occasion of checks made for other purposes.

2. From a date to be determined in accordance with the procedure provided for in Article 11, Member States shall report to the Commission on the inspections carried out in accordance with paragraph 1. The Commission shall submit summaries of these reports to the Standing Veterinary Committee.

3. Before 1 January 2002 the Commission shall, in accordance with the procedure laid down in Article 11, submit proposals for harmonisation of the following:

- (a) the inspections referred to in paragraph 1;
- (b) the form and content of the reports referred to in paragraph 2 and the frequency with which they are to be submitted.

###### Article 9

1. Whenever uniform application of the requirements of this Directive renders it necessary, veterinary experts from the Commission may, in conjunction with the competent authorities:

- (a) verify that the Member States are complying with the said requirements;
- (b) make on-the-spot checks to ensure that the inspections are carried out in accordance with this Directive.

2. A Member State in whose territory an inspection is made shall provide the veterinary experts from the Commission with any assistance they may require for the performance of their tasks. The outcome of the checks made must be discussed with the competent authority of the Member State concerned before a final report is drawn up and circulated.

3. The competent authority of the Member State concerned shall take any measures which may prove necessary to take account of the results of the checks.

4. Detailed rules for the application of this Article shall be adopted, if necessary, in accordance with the procedure laid down in Article 11.

#### Article 10

Not later than 1 January 2005 the Commission shall submit to the Council a report, drawn up on the basis of an opinion from the Scientific Veterinary Committee, on the various systems of rearing laying hens, and in particular on those covered by this Directive, taking account both of pathological, zootechnical, physiological, and ethological aspects of the various systems and of their health and environmental impact.

That report shall also be drawn up on the basis of a study of the socio-economic implications of the various systems and their effects on the Community's economic partners.

In addition, it shall be accompanied by appropriate proposals taking into account the conclusions of the report and the outcome of the World Trade Organisation negotiations.

The Council shall act by a qualified majority on these proposals within 12 months of their submission.

#### Article 11

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred without delay to the Standing Veterinary Committee set up by Decision 68/361/EEC<sup>(1)</sup>, hereinafter referred to as 'the committee', by its chairman acting either on his own initiative or at the request of a Member State.

2. 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 205(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.

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

(b) 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 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 Commission shall adopt the proposed measures and implement them immediately, save where the Council has decided against the said measures by a simple majority.

#### Article 12

Directive 88/166/EEC is hereby repealed with effect from 1 January 2003.

#### Article 13

1. Member States shall bring into force the laws, regulations and administrative provisions, including any penalties, necessary to comply with this Directive not later than 1 January 2002. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. The Member States may, while respecting the general rules laid down in the Treaty, maintain or apply within their territories provisions for the protection of laying hens which are more stringent than those envisaged by this Directive. They shall inform the Commission of any measure taken to that end.

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

#### Article 14

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

#### Article 15

This Directive is addressed to the Member States.

Done at Brussels, 19 July 1999.

For the Council

The President

K. HEMILÄ

<sup>(1)</sup> OJ L 255, 18.10.1968, p. 23.

## ANNEX

In addition to the relevant provisions of the Annex to Directive 98/58/EC, the following requirements apply:

1. All hens must be inspected by the owner or the person responsible for the hens at least once a day.
2. The sound level shall be minimised. Constant or sudden noise shall be avoided. Ventilation fans, feeding machinery or other equipment shall be constructed, placed, operated and maintained in such a way that they cause the least possible noise.
3. All buildings shall have light levels sufficient to allow all hens to see one another and be seen clearly, to investigate their surroundings visually and to show normal levels of activity. Where there is natural light, light apertures must be arranged in such a way that light is distributed evenly within the accommodation.

After the first days of conditioning, the lighting regime shall be such as to prevent health and behavioural problems. Accordingly it must follow a 24-hour rhythm and include an adequate uninterrupted period of darkness lasting, by way of indication, about one third of the day, so that the hens may rest and to avoid problems such as immunodepression and ocular anomalies. A period of twilight of sufficient duration ought to be provided when the light is dimmed so that the hens may settle down without disturbance or injury.

4. Those parts of buildings, equipment or utensils which are in contact with the hens shall be thoroughly cleansed and disinfected regularly and in any case every time depopulation is carried out and before a new batch of hens is brought in. While the cages are occupied, the surfaces and all equipment shall be kept satisfactorily clean.  
Droppings must be removed as often as necessary and dead hens must be removed every day.
5. Cages must be suitably equipped to prevent hens escaping.
6. Accommodation comprising two or more tiers of cages must have devices or appropriate measures must be taken to allow inspection of all tiers without difficulty and facilitate the removal of hens.
7. The design and dimensions of the cage door must be such that an adult hen can be removed without undergoing unnecessary suffering or sustaining injury.
8. Without prejudice to the provisions of point 19 of the Annex to Directive 98/58/EC, all mutilation shall be prohibited.

In order to prevent feather pecking and cannibalism, however, the Member States may authorise beak trimming provided it is carried out by qualified staff on chickens that are less than 10 days old and intended for laying.

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## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 14 July 1999

**laying down special conditions governing imports of fishery and aquaculture products originating in Panama**

(notified under document number C(1999) 2058)

(Text with EEA relevance)

(1999/526/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 <sup>(1)</sup>, as last amended by Council Directive 97/79/EC <sup>(2)</sup>, and in particular Article 11 thereof,

- (1) Whereas a Commission expert team has conducted an inspection visit to Panama to verify the conditions under which fishery products are produced, stored and dispatched to the Community;
- (2) Whereas the provisions of legislation of Panama on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;
- (3) Whereas, in Panama the Departamento de Protección de Alimentos (DPA) del Ministerio de Salud is capable of effectively verifying the application of the laws in force;
- (4) Whereas the procedure for obtaining the health certificate referred to in Article 11(4)(a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it;
- (5) Whereas, pursuant to Article 11(4)(b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products giving the name of the third country and the approval/registration number of the establish-

ment, factory vessel, cold store or freezer vessel of origin;

- (6) Whereas, pursuant to Article 11(4)(c) of Directive 91/493/EEC, a list of approved/registration establishments, factory vessels, or cold stores must be drawn up; whereas a list of freezer vessels registered in the sense of Directive 92/48/EEC <sup>(3)</sup> must be drawn up; whereas these list must be drawn up on the basis of a communication from the DPA to the Commission; whereas it is therefore for the DPA to ensure compliance with the provisions laid down to that end in Article 11(4) of Directive 91/493/EEC;
- (7) Whereas the DPA has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC, and regarding the fulfilment of requirements equivalent to those laid down by that Directive for the approval or registration of establishments, factory vessels, cold stores of freezer vessels of origin;
- (8) 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*

The Departamento de Protección de Alimentos (DPA) del Ministerio de Salud shall be the competent authority in Panama for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 187, 7.7.1992, p. 41.

*Article 2*

Fishery and aquaculture products originating in Panama 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 'Panama' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

*Article 3*

1. Certificates as referred to in Article 2(1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the DPA and the latter's official stamp in a colour different from that of other endorsements.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 14 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Panama and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No: .....

Country of dispatch: PANAMA

Competent authority: 'Departamento de Protección de Alimentos (DPA) del Ministerio de Salud'

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 DPA 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: .....

.....

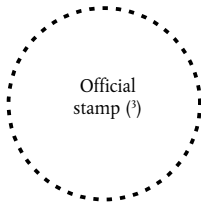
.....

(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.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and this Decision.

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.

## ANNEX B

## I. LIST OF APPROVED ESTABLISHMENTS

No	Name	Address
59 P	Caribbean Sea Food Export	San Francisco
66 P	Grupo Panalang Union	San Francisco
77 P	Vigomar SA	Aguadulce
60 P	Altrix de Panamá SA	Aguadulce
52 P	Agromarina	Aguadulce
73 P	Empacadora Alimenticas/Empak Food	Puerto Vacamont
65 P	Mariscos Islas de la Perlas	Puerto Vacamont
49 P	Productos Océanos SA	Ciudad de Panamá
81 P	Oceanic Export Corp./Oceanic Products	Pueblo Nuevo
75 P	Aquachame SA	Chame, El Líbano

## II. LIST OF REGISTERED FREEZER VESSELS

No	Name	Port
106 BC	M/V Amazonas	
101 BC	Txori Aundi	Panamá
105 BC	Juan María Soroa	Panamá
126 BC	Nave The Fisher	Panamá
129 BC	Nave The Valiant	Panamá
125 BC	Nave Nao	
109 BFRIG	M/V Montesol	
108 BFRIG	M/V Montelaura	
107 BFRIG	M/V Montecruz	
127 BFRIG	Platte Reefer	
130 BFRIG	Plaslin Reefer	

## III. LIST OF APPROVED FACTORY VESSELS

No	Name	Port
102 BF	Cheung Shing	



## COMMISSION DECISION

of 14 July 1999

## laying down special conditions governing imports of fishery and aquaculture products originating in Oman

(notified under document number C(1999) 2059)

(Text with EEA relevance)

(1999/527/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 <sup>(1)</sup>, as last amended by Council Directive 97/79/EC <sup>(2)</sup>, and in particular Article 11 thereof,

- (1) Whereas a Commission expert team has conducted an inspection visit to Oman to verify the conditions under which fishery products are produced, stored and dispatched to the Community;
- (2) Whereas the provisions of legislation of Oman on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;
- (3) Whereas, in Oman the Directorate-General of Fisheries Resources (DGFR) of the Ministry of Agriculture and Fisheries is capable of effectively verifying the application of the laws in force;
- (4) Whereas the procedure for obtaining the health certificate referred to in Article 11(4)(a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it;
- (5) Whereas, pursuant to Article 11(4)(b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products giving the name of the third country and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin;
- (6) Whereas, pursuant to Article 11(4)(c) of Directive 91/493/EEC, a list of approved/registration establishments, factory vessels, or cold stores must be drawn up; whereas a list of freezer vessels registered in the sense of Directive 92/48/EEC <sup>(3)</sup> must be drawn up; whereas these lists must be drawn up on the basis of a communi-

cation from the DGFR to the Commission; whereas it is therefore for the DGFR to ensure compliance with the provisions laid down to that end in Article 11(4) of Directive 91/493/EEC;

- (7) Whereas the DGFR has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC, and regarding the fulfilment of requirements equivalent to those laid down by that Directive for the approval or registration of establishments, factory vessels, cold stores or freezer vessels of origin;
- (8) 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*

The Directorate-General of Fisheries Resources (DGFR) of the Ministry of Agriculture and Fisheries shall be the competent authority in Oman for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

*Article 2*

Fishery and aquaculture products originating in Oman 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 'Oman' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 187, 7.7.1992, p. 41.

*Article 3*

1. Certificates as referred to in Article 2(1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the DGFR and the latter's official stamp in a colour different from that of other endorsements.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 14 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Oman and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No: .....

Country of dispatch: OMAN

Competent authority: Directorate-General of Fisheries Resources (DGFR) of the Ministry of Agriculture and Fisheries

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 DGFR 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: .....

.....

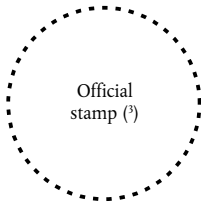
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(1) Delete where applicable.  
 (2) Live, refrigerated, frozen, salted, smoked, preserved, etc.

**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.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and this Decision.

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.

## ANNEX B

## LIST OF APPROVED ESTABLISHMENTS

Number	Name	Address
QC92/1	Oman Fisheries Co. Muscat (Ghala)	Ruwi
QC92/10	Al-Arkan Trading Co. Sohar	Sohar
QC92/20	Anees Trad. Centre LLC Muscat (Darseit)	Muttrah
QC92/33	Al-Muqalla Trading Est. Sur	Sur

## COMMISSION DECISION

of 14 July 1999

## laying down special conditions governing imports of fishery and aquaculture products originating in Yemen

(notified under document number C(1999) 2060)

(Text with EEA relevance)

(1999/528/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 <sup>(1)</sup>, as last amended by Council Directive 97/79/EC <sup>(2)</sup>, and in particular Article 11 thereof,

- (1) Whereas a Commission expert team has conducted an inspection visit to Yemen to verify the conditions under which fishery products are produced, stored and dispatched to the Community;
- (2) Whereas the provisions of legislation of Yemen on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;
- (3) Whereas, in Yemen the Technical Department of Quality Control (TDQC) of the Ministry of Fish Wealth is capable of effectively verifying the application of the laws in force;
- (4) Whereas the procedure for obtaining the health certificate referred to in Article 11(4)(a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it;
- (5) Whereas, pursuant to Article 11(4)(b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products giving the name of the third country and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin;
- (6) Whereas, pursuant to Article 11(4)(c) of Directive 91/493/EEC, a list of approved/registration establishments, factory vessels, or cold stores must be drawn up; whereas a list of freezer vessels registered in the sense of Directive 92/48/EEC <sup>(3)</sup> must be drawn up; whereas these list must be drawn up on the basis of a communi-

cation from the TDQC to the Commission; whereas it is therefore for the TDQC to ensure compliance with the provisions laid down to that end in Article 11(4) of Directive 91/493/EEC;

- (7) Whereas the TDQC has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC, and regarding the fulfilment of requirements equivalent to those laid down by that Directive for the approval or registration of establishments, factory vessels, cold stores or freezer vessels of origin;
- (8) 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*

The Technical Department of Quality Control (TDQC) of the Ministry of Fish Wealth shall be the competent authority in Yemen for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

*Article 2*

Fishery and aquaculture products originating in Yemen 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 'Yemen' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 187, 7.7.1992, p. 41.

*Article 3*

1. Certificates as referred to in Article 2(1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the TDQC and the latter's official stamp in a colour different from that of other endorsements.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 14 July 1999.

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

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ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Yemen and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No: .....

Country of dispatch: YEMEN

Competent authority: Technical Department of Quality Control (TDQC) of the Ministry of Fish Wealth

I. Details identifying the fishery products

- Description of fishery/aquaculture products <sup>(1)</sup>: .....
- species (scientific name): .....
- presentation of product and type of treatment <sup>(2)</sup>: .....
- 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 TDQC 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: .....

.....  
.....

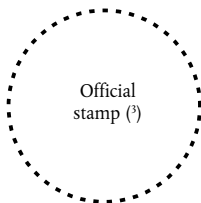
<sup>(1)</sup> Delete where applicable.  
<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc.



**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.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and this Decision.

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.

## ANNEX B

## I — LIST OF APPROVED ESTABLISHMENTS

Number	Name	Address
01-A	Coastal Fishing Corporation	Almahra
02	Public Corporation for Services and Fish Marketing	Aden
03	Burum Fishing and Marketing Co.	Alsheher
04	Sheher Fisheries Co.	Alsheher
05	Mussallam Trading Est.	Hodeida
07	Qataria Fish Processing Co. Ltd	Hodeida
09	Trust Company (Abubakar Hassan Est)	Alsheher

## II — LIST OF REGISTERED FREEZER VESSELS

Number	Name	Port
08-A	Yathrib (Fisheries Investment Co. Ltd)	Almahra

**COMMISSION DECISION**  
**of 14 July 1999**  
**amending Decision 94/766/EC laying down special conditions governing the import of fishery products originating in Taiwan**

(notified under document number C(1999) 2061)

(Text with EEA relevance)

(1999/529/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

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 of fishery products <sup>(1)</sup>, as last amended by Directive 97/79/EC <sup>(2)</sup>, and in particular Article 11 thereof,

- (1) Whereas Article 1 of Commission Decision 94/766/EC of 21 November 1994 laying down special conditions governing the import of fishery and aquaculture products originating in Taiwan <sup>(3)</sup> as last amended by Decision 96/255/EC <sup>(4)</sup>, which states that the Bureau of Commodity Inspection and Quarantine (BCIQ) shall be the Competent Authority in Taiwan for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC;
- (2) Whereas, following a restructuring of the Taiwan administration, the competent authority for health certificates for fishery products has changed from the 'BCIQ' to the 'Bureau of Standards, Metrology and Inspection (BSMI)' of the Ministry of Economic Affairs 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 Decision 94/766/EC;
- (3) Whereas it is convenient to harmonise the wording of Commission Decision 94/766/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,

*Article 1*

Decision 94/766/EC shall be modified as follows:

1. Article 1 shall be replaced by the following:

*'Article 1*

The "Bureau of Standards, Metrology and Inspection (BSMI)" of the Ministry of Economic Affairs shall be the competent authority in Taiwan for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC;

2. Article 2 shall be replaced by the following:

*'Article 2*

Fishery and aquaculture products originating in Taiwan 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 "TAIWAN" 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.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 14 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 305, 30.11.1994, p. 31.

<sup>(4)</sup> OJ L 86, 4.4.1996, p. 81.

ANNEX

'ANNEX A

HEALTH CERTIFICATE

for fishery or aquaculture products originating in Taiwan and intended for export to the European Community with the exception of bivalve molluscs, echinoderms, tunicates and marine gastropods in any form

Reference No: .....

Country of dispatch: TAIWAN

Competent authority: Bureau of Standards, Metrology and Inspection (BSMI)

I. Details identifying the fishery products

Description of fishery or aquaculture product (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 BSMI for export to the EC:

.....  
.....  
.....  
.....

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 inapplicable.

(2) Live, refrigerated, frozen, salted, smoked, preserved, etc.

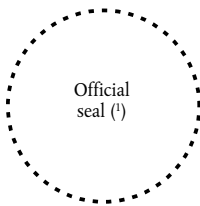
**IV. Health attestation**

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.

The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC, 92/48/EEC and Decision 94/766/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 14 July 1999

**amending Decision 95/453/EC laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating the Republic of Korea**

(notified under document number C(1999) 2062)

(Text with EEA relevance)

(1999/530/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard 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>(1)</sup>, as last amended by Directive 97/79/EC <sup>(2)</sup>, and in particular Article 9 thereof,

- (1) Whereas Article 1 of Commission 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 <sup>(3)</sup>, 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 Directive 91/492/EEC;
- (2) Whereas, following a restructuring of the Korean administration, 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 Forestry 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 Decision 95/453/EC;
- (3) Whereas it is convenient to harmonise the wording of the title of Decision 95/453/EC with the wording of the Articles of this Decision, and in particular to clarify that this Decision lays down the import conditions of frozen or processed bivalve molluscs, echinoderm, tunicates and marine gastropods originating in the Republic Korea
- (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 95/453/EC shall be modified as follows:

1. the title shall be replaced by the following:

‘Commission Decision of 23 October 1995 laying special conditions for the import of bivalve molluscs, echinoderms, tunicates and marine gastropods originating in the Republic Korea’;

2. 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 that bivalve molluscs, echinoderms, tunicates and gastropods fulfil the requirements of Directive 91/492/EEC’;

3. Article 2 shall be replaced by the following:

*‘Article 2*

Bivalve molluscs, echinoderms, tunicates and marine gastropods originating in the Republic of Korea and intended for human consumption must originate in the authorised production areas listed in the Annex hereto.’

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 14 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ L 268, 24.9.1991, p. 1.<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.<sup>(3)</sup> OJ L 264, 7.11.1995, p. 35.

## COMMISSION DECISION

of 14 July 1999

**amending Decision 97/427/EC laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Australia**

(notified under document number C(1999) 2064)

(Text with EEA relevance)

(1999/531/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard 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>(1)</sup>, as last amended by Directive 97/79/EC <sup>(2)</sup>, and in particular Article 9 thereof,

- (1) Whereas Article 1 of 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 <sup>(3)</sup>, states that the Department of Primary Industries and Energy — 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 91/492/EEC;
- (2) Whereas, following a restructuring of the Australian administration, the competent authority for health certificates for fishery products (AQIS) has changed from the Department of Primary Industries and Energy to the Department of Agriculture, Fisheries and Forestry 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 Decision 97/427/EC;
- (3) Whereas it is convenient to harmonise the wording of the title of Decision 97/427/EC with the wording of the Articles of this Decision, and in particular to clarify that this Decision lays down the import conditions of frozen or processed bivalve molluscs, echinoderm, tunicates and marine gastropods originating in Australia;
- (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 97/427/EC shall be modified as follows:

1. the title shall be replaced by the following:

‘Commission Decision of 25 June 1997 laying special conditions for the import of bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Australia’;

2. Article 1 shall be replaced by the following:

*‘Article 1*

The “Australian Quarantine and Inspection Service (AQIS) of the Department of Agriculture, Fisheries and Forestry” shall be the competent authority in Australia for verifying and certifying that bivalve molluscs, echinoderms, tunicates and gastropods fulfil the requirements of Directive 91/492/EEC’;

3. Article 2 shall be replaced by the following:

*‘Article 2*

Bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Australia and intended for human consumption must originate in the authorised production areas listed in the Annex hereto.’

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 14 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 1.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 183, 11.7.1997, p. 38.

**COMMISSION DECISION**  
**of 14 July 1999**  
**amending Decision 97/296/EC drawing up the list of third countries from which the import of**  
**fishery products is authorised for human consumption**

*(notified under document number C(1999) 2065)*

**(Text with EEA relevance)**

(1999/532/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 of June 1995<sup>(1)</sup> on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs, as amended by Decision 98/603/EC<sup>(2)</sup>, and in particular Article 2(2) and Article 7 thereof,

- (1) Whereas Commission Decision 97/296/EC<sup>(3)</sup>, as last amended by Decision 1999/488/EC<sup>(4)</sup>, lists the countries and territories from which importation of fishery products for human consumption is authorised. Part I of the Annex lists the names of the countries and territories covered by a specific Decision and part II names those qualifying under Article 2(2) of Decision 95/408/EC;
- (2) Whereas Commission Decisions 1999/526/EC<sup>(5)</sup>, 1999/527/EC<sup>(6)</sup> and 1999/528/EC<sup>(7)</sup> set specific import conditions for fishery and aquaculture products originating in Yemen, Oman and Panama, respectively. Whereas Yemen, Oman and Panama should therefore be added to part I of the Annex, to the list of countries and

territories from which importation of fishery products for human consumption is authorised;

- (3) 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*

The Annex of the present Decision replaces the Annex to the Decision 97/296/EC.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 14 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 243, 11.10.1995, p. 17.

<sup>(2)</sup> OJ L 289, 28.10.1998, p. 36.

<sup>(3)</sup> OJ L 122, 14.5.1997, p. 21.

<sup>(4)</sup> OJ L 190, 23.7.1999, p. 39.

<sup>(5)</sup> See page 58 of this Official Journal

<sup>(6)</sup> See page 63 of this Official Journal

<sup>(7)</sup> See page 68 of this Official Journal



## ANNEX

**List of countries and territories from which importation of fishery products in any form intended for human consumption is authorised***I. Countries and territories covered by a specific decision under Council Directive 91/493/EEC*

AL — Albania	GT — Guatemala	PE — Peru
AR — Argentina	ID — Indonesia	PH — Philippines
AU — Australia	IN — India	RU — Russia
BD — Bangladesh	JP — Japan	SC — Seychelles
BR — Brazil	KR — South Korea	SG — Singapore
CA — Canada	MA — Morocco	SN — Senegal
CI — Côte d'Ivoire	MG — Madagascar	TH — Thailand
CL — Chile	MR — Mauritania	TN — Tunisia
CO — Colombia	MU — Mauritius	TW — Taiwan
CU — Cuba	MV — Maldives	TZ — Tanzania
EC — Ecuador	MX — Mexico	UY — Uruguay
EE — Estonia	MY — Malaysia	YE — Yemen
FK — Falkland Islands	NG — Nigeria	ZA — South Africa
FO — Faeroe Islands	NZ — New Zealand	
GH — Ghana	OM — Oman	
GM — Gambia	PA — Panama	

*II. Countries and territories meeting the terms of Article 2(2) of Council Decision 95/408/EC*

AO — Angola	HR — Croatia	SH — St Helena
AG — Antigua & Barbuda <sup>(1)</sup>	HU — Hungary <sup>(2)</sup>	SI — Slovenia
AN — Netherlands Antilles	IL — Israel	SR — Suriname
AZ — Azerbaijan <sup>(2)</sup>	IR — Iran	TG — Togo
BG — Bulgaria	JM — Jamaica	TR — Turkey
BJ — Benin	KE — Kenya	UG — Uganda
BS — Bahamas	LK — Sri Lanka	US — United States of America
BZ — Belize	LT — Lithuania	VC — St Vincent & Grenadines
CH — Switzerland	LV — Latvia	VE — Venezuela
CM — Cameroun	MM — Myanmar	FJ — Fiji
CN — China	MT — Malta	GA — Gabon
CR — Costa Rica	MZ — Mozambique	GL — Greenland
CV — Cape Verde	NA — Namibia	NC — New Caledonia
CY — Cyprus	PF — French Polynesia	NI — Nicaragua
CZ — Czech Republic	PG — Papua New Guinea	VN — Vietnam
DZ — Algeria	PK — Pakistan	ZW — Zimbabwe
ER — Eritrea	PL — Poland	
GN — Guinea Conakri	PM — St Pierre & Miquelon	
HK — Hong Kong	RO — Romania	
HN — Honduras	SB — Solomon Islands	

<sup>(1)</sup> Authorised only for imports of fresh fish.<sup>(2)</sup> Authorised only for imports of caviar.<sup>(3)</sup> Authorised only for import of live animals intended for human consumption.