

English edition

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1976/1999
of 13 September 1999**

amending Regulation (EEC) No 2717/93 imposing a definitive anti-dumping duty on imports of ferro-chrome with a carbon content by weight of maximum 0,5 % (low carbon ferro-chrome), originating in Kazakhstan, Russia and Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, and in particular Article 11(3) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

I. PREVIOUS PROCEDURE

- (1) By Regulation (EEC) No 2717/93 ⁽²⁾ (hereafter 'the definitive Regulation'), the Council imposed a definitive anti-dumping duty on imports of ferro-chrome with a carbon content by weight of maximum 0,5 % falling within CN codes 7202 49 10 and 7202 49 50, originating in Kazakhstan, Russia and Ukraine. The measures consist of a specific duty of EUR 0,31 per kilogram net of low carbon ferro-chrome.

II. REVIEW

- (2) On 2 October 1998, by a notice published in the *Official Journal of the European Communities* ⁽³⁾ the Commission, after consulting the Advisory Committee, initiated on its own initiative a review pursuant to Article 11(3) of Council Regulation (EC) No 384/96 (hereafter referred to as 'the Basic Regulation') together with an expiry review following a request of the Community industry and commenced an investigation. This interim review was limited to the clarification of the product coverage of the measures.
- (3) The Commission gave the parties known to be concerned the opportunity to make their views known in writing and to request a hearing.
- (4) The Community producer made its views known in writing. In addition, information was received from Thyssen Aktiengesellschaft, Germany, an unrelated

importer of the product covered by the measures in the Community.

- (5) The Commission sought and verified all information it deemed necessary for its investigation concerning the product coverage of the measures and carried out on-spot verifications at the premises of the following companies:
- Elektrowerk Weisweiler GmbH, Weisweiler, Germany,
 - Zimbabwe Alloys Limited, Gweru, Zimbabwe.

III. DETERMINATION OF THE PRODUCT SCOPE OF COUNCIL REGULATION (EEC) No 2717/93

- (6) In accordance with Article 1 of the definitive Regulation, the product concerned is defined as 'ferro-chrome with a carbon content of maximum 0,5 % falling within CN codes 7202 49 10 and 7202 49 50' (hereafter the 'product investigated').
- (7) The measures imposed by the definitive Regulation did not specify the minimum chromium content of the product investigated.
- (8) In application of notes 1(c) and 1(g) of Chapter 72 of the Combined Nomenclature (Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff) certain products having a chromium content of more than 10 % are also classifiable in CN codes 7202 49 10 and 7202 49 50 and are, hence, subject to the above-mentioned anti-dumping duty.
- (9) However, in the course of the interim review investigation, it was established that low carbon ferro-chrome obtained from alloy steel scrap with a chromium content up to 30 % (hereafter 'low chromium product') differs significantly from the product investigated in several respects. These differences are, in particular, that the low chromium product is obtained from different ingredients, that its chromium content as well as its price is considerably lower than that of the product investigated, and that it can only be used in the first stage of stainless steel production, i.e. for the preparation of a primary crude alloy steel melt.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30.4.1998, p. 18).

⁽²⁾ OJ L 246, 2.10.1993, p. 1.

⁽³⁾ OJ C 303, 2.10.1998, p. 4.

- (10) In the light of the above differences between the low chromium product and the product investigated, it is concluded that imports of ferro-chrome with a carbon content by weight of maximum 0,5 % with a chromium content lower than 30 % should not be included in the product covered by the measures.
- (11) Given the fact that the present review investigation is limited to the clarification of the product that was intended to be covered by the original measures, to prevent any consequent prejudice to importers of the product, it is appropriate that the findings be applied from the date of the entry into force of the definitive Regulation.
- (12) The interested parties were informed of the facts and considerations on the basis of which it was intended to amend the definitive Regulation, were given an opportunity to comment, and did not express any objection.
- (13) Given the above, the Council concludes that the definitive Regulation should be amended as to the product coverage of the measures.
- (14) This review does not affect the date on which Regulation (EEC) No 2717/93 will expire, pursuant to Article 11(2) of the Basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(1) of Regulation (EEC) No 2717/93 is hereby replaced by the following:

'1. A definitive anti-dumping duty is hereby imposed on imports of ferro-chrome with a carbon content of maximum 0,5 % and a chromium content by weight of 30 % and more falling within CN codes 7202 49 10 and 7202 49 50 (Taric Codes: 7202 49 10*11, 7202 49 10*19, 7202 49 50*11 and 7202 49 50*19), originating in Kazakhstan, Russia and Ukraine.'

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities* and shall apply to all imports of ferro-chrome with a carbon content by weight of maximum 0,5 % originating in Kazakhstan, Russia and Ukraine entered into free circulation in the Community as from 2 October 1993.

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

Done at Brussels, 13 September 1999.

For the Council

The President

T. HALONEN

COMMISSION REGULATION (EC) No 1977/1999
of 15 September 1999
prohibiting fishing for cod and haddock by vessels flying the flag of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Council Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

- (1) Whereas Council Regulation (EC) No 53/1999 of 18 December 1998 allocating, for 1999, certain catch quotas between Member States for vessels fishing in Faeroese waters ⁽³⁾, as amended by Commission Regulation (EC) No 1619/1999 ⁽⁴⁾, lays down quotas for cod and haddock for 1999;
- (2) Whereas, in order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;
- (3) Whereas, according to the information received by the Commission, catches of cod and haddock in Faeroese waters by vessels flying the flag of Germany or regis-

tered in Germany have exhausted the quota allocated for 1999; whereas Germany has prohibited fishing for this stock from 1 September 1999; whereas this date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod and haddock in Faeroese waters by vessels flying the flag of Germany or registered in Germany are hereby deemed to have exhausted the quota allocated to Germany for 1999.

Fishing for cod and haddock in Faeroese waters by vessels flying the flag of Germany or registered in Germany is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 1 September 1999.

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

Done at Brussels, 15 September 1999.

For the Commission

Padraig FLYNN

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 13, 18.1.1999, p. 79.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 14.

COMMISSION REGULATION (EC) No 1978/1999
of 15 September 1999
prohibiting fishing for plaice by vessels flying the flag of Ireland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Council Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

- (1) Whereas Council Regulation (EC) No 48/1999 of 18 December 1998 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1999 and certain conditions under which they may be fished ⁽³⁾, as last amended by Commission Regulation (EC) No 1619/1999 ⁽⁴⁾, lays down quotas for plaice for 1999;
- (2) Whereas, in order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;
- (3) Whereas, according to the information received by the Commission, catches of plaice in the waters of ICES divisions VII f and VII g by vessels flying the flag of

Ireland or registered in Ireland have exhausted the quota allocated for 1999; whereas Ireland has prohibited fishing for this stock from 1 September 1999; whereas this date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of plaice in the waters of ICES divisions VII f and VII g by vessels flying the flag of Ireland or registered in Ireland are hereby deemed to have exhausted the quota allocated to Ireland for 1999.

Fishing for plaice in the waters of ICES divisions VII f and VII g by vessels flying the flag of Ireland or registered in Ireland is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 1 September 1999.

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

Done at Brussels, 15 September 1999.

For the Commission

Padraig FLYNN

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 13, 18.1.1999, p. 1.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 14.

COMMISSION REGULATION (EC) No 1979/1999
of 16 September 1999
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

- (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 17 September 1999.

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

Done at Brussels, 16 September 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 16 September 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	77,1
	060	49,8
	999	63,4
0707 00 05	628	125,1
	999	125,1
0709 90 70	052	70,2
	999	70,2
0805 30 10	388	68,8
	524	77,2
	528	68,8
	999	71,6
0806 10 10	052	101,5
	064	68,5
	400	226,9
	999	132,3
	0808 10 20, 0808 10 50, 0808 10 90	388
0808 20 50	400	48,9
	508	20,3
	512	47,6
	528	43,9
	800	180,8
	804	72,0
	999	67,6
	052	81,4
	064	45,4
	388	46,9
0809 30 10, 0809 30 90	720	88,4
	999	65,5
	052	104,0
0809 40 05	999	104,0
	052	46,7
	064	46,2
	066	60,3
	624	184,9
	999	84,5

⁽¹⁾ 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 1980/1999
of 16 September 1999
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17(3) thereof,

(1) Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

(2) Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

(3) Whereas Article 17(5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and

that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

(4) Whereas Article 17(3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

(5) Whereas Article 17(3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

(6) Whereas, in accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as amended by Regulation (EC) No 1596/1999 ⁽⁴⁾; the refund granted for milk products containing added sugar is equal to the sum of the two components; whereas one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; whereas the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the markets in the sugar sector ⁽⁵⁾, as last amended by Commission Regulation (EC) No 1148/98 ⁽⁶⁾; whereas, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community;

⁽¹⁾ OJ L 148, 28.6.1968, p. 13.

⁽²⁾ OJ L 206, 16.8.1996, p. 21.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 188, 21.7.1999, p. 39.

⁽⁵⁾ OJ L 177, 1.7.1981, p. 4.

⁽⁶⁾ OJ L 159, 3.6.1998, p. 38.

- (7) Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than EUR 230,00 per 100 kilograms;
- (8) Whereas Commission Regulation (EEC) No 896/84 ⁽¹⁾, as last amended by Regulation (EEC) No 222/88 ⁽²⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;
- (9) Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;
- (10) Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the

refund should be as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.

2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

3. There shall be no refunds for exports to destinations No 021, 023, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 17 September 1999.

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

Done at Brussels, 16 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 16 September 1999 fixing the export refunds on milk and milk products

(in EUR/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0401 10 10 9000	970	2,327	0402 21 91 9900	+	159,96
	***	—	0402 21 99 9100	+	120,86
0401 10 90 9000	970	2,327	0402 21 99 9200	+	121,69
	***	—	0402 21 99 9300	+	123,20
0401 20 11 9100	970	2,327	0402 21 99 9400	+	131,67
	***	—	0402 21 99 9500	+	134,61
0401 20 11 9500	970	3,597	0402 21 99 9600	+	145,88
	***	—	0402 21 99 9700	+	152,49
0401 20 19 9100	970	2,327	0402 21 99 9900	+	159,96
	***	—	0402 29 15 9200	+	0,9000
0401 20 19 9500	970	3,597	0402 29 15 9300	+	1,0589
	***	—	0402 29 15 9500	+	1,1156
0401 20 91 9100	970	4,551	0402 29 15 9900	+	1,2002
	***	—	0402 29 19 9200	+	0,9000
0401 20 91 9500	+	—	0402 29 19 9300	+	1,0589
0401 20 99 9100	970	4,551	0402 29 19 9500	+	1,1156
	***	—	0402 29 19 9900	+	1,2002
0401 20 99 9500	+	—	0402 29 91 9100	+	1,2086
0401 30 11 9100	+	—	0402 29 91 9500	+	1,3167
0401 30 11 9400	970	10,50	0402 29 99 9100	+	1,2086
	***	—	0402 29 99 9500	+	1,3167
0401 30 11 9700	970	15,77	0402 91 11 9110	+	—
	***	—	0402 91 11 9120	+	—
0401 30 19 9100	+	—	0402 91 11 9310	+	11,31
0401 30 19 9400	+	—	0402 91 11 9350	+	13,85
0401 30 19 9700	970	15,77	0402 91 11 9370	+	16,84
	***	—	0402 91 19 9110	+	—
0401 30 31 9100	+	38,32	0402 91 19 9120	+	—
0401 30 31 9400	+	59,85	0402 91 19 9310	+	11,31
0401 30 31 9700	+	66,00	0402 91 19 9350	+	13,85
0401 30 39 9100	+	38,32	0402 91 19 9370	+	16,84
0401 30 39 9400	+	59,85	0402 91 31 9100	+	—
0401 30 39 9700	+	66,00	0402 91 31 9300	+	19,91
0401 30 91 9100	+	75,22	0402 91 39 9100	+	—
0401 30 91 9400	+	110,55	0402 91 39 9300	+	19,91
0401 30 91 9700	+	129,01	0402 91 51 9000	+	—
0401 30 99 9100	+	75,22	0402 91 59 9000	+	—
0401 30 99 9400	+	110,55	0402 91 91 9000	+	63,94
0401 30 99 9700	+	129,01	0402 91 99 9000	+	63,94
0402 10 11 9000	+	90,00	0402 99 11 9110	+	—
0402 10 19 9000	+	90,00	0402 99 11 9130	+	—
0402 10 91 9000	+	0,9000	0402 99 11 9150	+	—
0402 10 99 9000	+	0,9000	0402 99 11 9310	+	0,2689
0402 21 11 9200	+	90,00	0402 99 11 9330	+	0,3228
0402 21 11 9300	+	105,89	0402 99 11 9350	+	0,4291
0402 21 11 9500	+	111,56	0402 99 19 9110	+	—
0402 21 11 9900	+	120,00	0402 99 19 9130	+	—
0402 21 17 9000	+	90,00	0402 99 19 9150	+	—
0402 21 19 9300	+	105,89	0402 99 19 9310	+	0,2689
0402 21 19 9500	+	111,56	0402 99 19 9330	+	0,3228
0402 21 19 9900	+	120,00	0402 99 19 9350	+	0,4291
0402 21 91 9100	+	120,86	0402 99 31 9110	+	—
0402 21 91 9200	+	121,69	0402 99 31 9150	+	0,4467
0402 21 91 9300	+	123,20	0402 99 31 9300	+	0,3832
0402 21 91 9400	+	131,67	0402 99 31 9500	+	0,6600
0402 21 91 9500	+	134,61	0402 99 39 9110	+	—
0402 21 91 9600	+	145,88	0402 99 39 9150	+	0,4467
0402 21 91 9700	+	152,49	0402 99 39 9300	+	0,3832

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0402 99 39 9500	+	0,6600	0404 90 29 9160	+	152,49
0402 99 91 9000	+	0,7522	0404 90 29 9180	+	159,96
0402 99 99 9000	+	0,7522	0404 90 81 9100	+	0,9000
0403 10 11 9400	+	—	0404 90 81 9910	+	—
0403 10 11 9800	+	—	0404 90 81 9950	+	0,2689
0403 10 13 9800	+	—	0404 90 83 9110	+	0,9000
0403 10 19 9800	+	—	0404 90 83 9130	+	1,0589
0403 10 31 9400	+	—	0404 90 83 9150	+	1,1156
0403 10 31 9800	+	—	0404 90 83 9170	+	1,2002
0403 10 33 9800	+	—	0404 90 83 9911	+	—
0403 10 39 9800	+	—	0404 90 83 9913	+	—
0403 90 11 9000	+	88,48	0404 90 83 9915	+	—
0403 90 13 9200	+	88,48	0404 90 83 9917	+	—
0403 90 13 9300	+	104,95	0404 90 83 9919	+	—
0403 90 13 9500	+	110,56	0404 90 83 9931	+	0,2689
0403 90 13 9900	+	118,93	0404 90 83 9933	+	0,3228
0403 90 19 9000	+	119,81	0404 90 83 9935	+	0,4291
0403 90 31 9000	+	0,8848	0404 90 83 9937	+	0,4467
0403 90 33 9200	+	0,8848	0404 90 89 9130	+	1,2086
0403 90 33 9300	+	1,0495	0404 90 89 9150	+	1,3167
0403 90 33 9500	+	1,1056	0404 90 89 9930	+	0,4601
0403 90 33 9900	+	1,1893	0404 90 89 9950	+	0,6600
0403 90 39 9000	+	1,1981	0404 90 89 9990	+	0,7522
0403 90 51 9100	970	2,327	0405 10 11 9500	+	165,85
	***	—	0405 10 11 9700	+	170,00
0403 90 51 9300	+	—	0405 10 19 9500	+	165,85
0403 90 53 9000	+	—	0405 10 19 9700	+	170,00
0403 90 59 9110	+	—	0405 10 30 9100	+	165,85
0403 90 59 9140	+	—	0405 10 30 9300	+	170,00
0403 90 59 9170	970	15,77	0405 10 30 9500	+	165,85
	***	—	0405 10 30 9700	+	170,00
0403 90 59 9310	+	38,32	0405 10 50 9100	+	165,85
0403 90 59 9340	+	59,85	0405 10 50 9300	+	170,00
0403 90 59 9370	+	64,80	0405 10 50 9500	+	165,85
0403 90 59 9510	+	64,80	0405 10 50 9700	+	170,00
0403 90 59 9540	+	64,80	0405 10 90 9000	+	176,22
0403 90 59 9570	+	64,80	0405 20 90 9500	+	155,49
0403 90 61 9100	+	—	0405 20 90 9700	+	161,71
0403 90 61 9300	+	—	0405 90 10 9000	+	216,00
0403 90 63 9000	+	—	0405 90 90 9000	+	170,00
0403 90 69 9000	+	—	0406 10 20 9100	+	—
0404 90 21 9100	+	90,00	0406 10 20 9230	037	—
0404 90 21 9910	+	—		039	—
0404 90 21 9950	+	11,31		097	37,68
0404 90 23 9120	+	90,00		098	37,68
0404 90 23 9130	+	105,89		400	22,83
0404 90 23 9140	+	111,56		***	37,68
0404 90 23 9150	+	120,00	0406 10 20 9290	037	—
0404 90 23 9911	+	—		039	—
0404 90 23 9913	+	—		097	35,05
0404 90 23 9915	+	—		098	35,05
0404 90 23 9917	+	—		400	15,29
0404 90 23 9919	+	—		***	35,05
0404 90 23 9931	+	11,31	0406 10 20 9300	037	—
0404 90 23 9933	+	13,85		039	—
0404 90 23 9935	+	16,84		097	15,39
0404 90 23 9937	+	19,91		098	15,39
0404 90 23 9939	+	20,81		400	7,834
0404 90 29 9110	+	120,86		***	15,39
0404 90 29 9115	+	121,69			
0404 90 29 9120	+	123,20			
0404 90 29 9130	+	131,67			
0404 90 29 9135	+	134,61			
0404 90 29 9150	+	145,88			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund	
0406 10 20 9610	037	—	0406 20 90 9990	+	—	
	039	—		0406 30 31 9710	037	—
	097	51,11			039	—
	098	51,11			097	17,88
	400	30,98			098	9,536
***	51,11	400	8,346			
0406 10 20 9620	037	—	0406 30 31 9730	***	17,88	
	039	—		037	—	
	097	51,83		039	—	
	098	51,83		097	26,24	
	400	31,42		098	13,99	
0406 10 20 9630	***	51,83	0406 30 31 9910	400	12,25	
	037	—		***	26,24	
	039	—		037	—	
	097	57,86		039	—	
	098	57,86		097	17,88	
0406 10 20 9640	400	35,06	0406 30 31 9930	098	9,536	
	***	57,86		400	8,346	
	037	—		***	17,88	
	039	—		037	—	
	097	85,03		039	—	
0406 10 20 9650	098	85,03	0406 30 31 9950	097	26,24	
	400	48,35		098	13,99	
	***	85,03		400	12,25	
	037	—		***	26,24	
	039	—		037	—	
0406 10 20 9660	097	70,86	0406 30 39 9500	039	—	
	098	70,86		0406 30 39 9700	097	38,17
	400	25,44			098	20,36
	***	70,86			400	17,81
	+	—			***	38,17
0406 10 20 9830	037	—	0406 30 39 9930		037	—
039	—	0406 30 39 9950		039	—	
097	26,28			097	26,24	
098	26,28			098	13,99	
400	13,38			400	12,25	
***	26,28		***	26,24		
0406 10 20 9850	037	—	0406 30 90 9000	037	—	
	039	—		0406 40 50 9000	039	—
	097	31,87			097	45,28
	098	31,87			098	24,15
	400	16,22			400	21,14
***	31,87	***	45,28			
0406 10 20 9870	+	—	0406 20 90 9915	037	—	
0406 10 20 9900	+	—		0406 20 90 9917	039	—
0406 20 90 9100	+	—			097	43,16
0406 20 90 9913	037	—			098	23,02
039	—	0406 20 90 9919			400	21,14
097	58,77		***		43,16	
098	58,77		037	—		
400	31,59		039	—		
***	58,77		097	45,28		
0406 20 90 9915	098	58,77	0406 20 90 9917	098	24,15	
	400	31,59		400	21,14	
	***	58,77		***	45,28	
	037	—		0406 20 90 9919	037	—
	039	—			039	—
097	77,56	097	90,00			
098	77,56	098	90,00			
400	42,12	400	32,98			
0406 20 90 9917	***	77,56	***	90,00		
	037	—	0406 20 90 9919	037	—	
	039	—		039	—	
	097	82,41		097	90,00	
	098	82,41		098	90,00	
400	44,75	400		32,98		
0406 20 90 9919	***	82,41	***	90,00		
	037	—	0406 20 90 9919	037	—	
	039	—		039	—	
	097	92,10		097	90,00	
	098	92,10		098	90,00	
400	50,02	400		32,98		
0406 20 90 9919	***	92,10	***	90,00		
	037	—	0406 20 90 9919	037	—	
	039	—		039	—	
	097	92,10		097	90,00	
	098	92,10		098	90,00	
400	50,02	400		32,98		
0406 20 90 9919	***	92,10	***	90,00		

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 40 90 9000	037	—	0406 90 33 9951	037	—
	039	—		039	—
	097	92,42		097	78,66
	098	92,42		098	68,98
	400	32,98		400	20,01
	***	92,42		***	78,66
0406 90 13 9000	037	—	0406 90 35 9190	037	33,29
	039	—		039	33,29
	097	116,37		097	121,56
	098	101,62		098	105,71
	400	60,16		400	61,40
	***	116,37		***	121,56
0406 90 15 9100	037	—	0406 90 35 9990	037	—
	039	—		039	—
	097	120,25		097	121,56
	098	105,01		098	105,71
	400	62,17		400	40,19
	***	120,25		***	121,56
0406 90 17 9100	037	—	0406 90 37 9000	037	—
	039	—		039	—
	097	120,25		097	116,37
	098	105,01		098	101,62
	400	62,17		400	60,16
	***	120,25		***	116,37
0406 90 21 9900	037	—	0406 90 61 9000	037	47,01
	039	—		039	47,01
	097	117,54		097	129,64
	098	102,90		098	112,00
	400	44,53		400	57,27
	***	117,54		***	129,64
0406 90 23 9900	037	—	0406 90 63 9100	037	42,83
	039	—		039	42,83
	097	103,92		097	128,55
	098	90,36		098	111,41
	400	18,57		400	63,89
	***	103,92		***	128,55
0406 90 25 9900	037	—	0406 90 63 9900	037	34,22
	039	—		039	34,22
	097	102,80		097	124,18
	098	89,77		098	107,11
	400	21,16		400	48,93
	***	102,80		***	124,18
0406 90 27 9900	037	—	0406 90 69 9100	+	—
	039	—	0406 90 69 9910	037	—
	097	93,10	039	—	
	098	81,30	097	124,18	
	400	18,57	098	107,11	
	***	93,10	400	48,93	
0406 90 31 9119	037	—	***	124,18	
	039	—	0406 90 73 9900	037	—
	097	85,71		039	—
	098	74,72		097	106,91
	400	25,56		098	93,28
	***	85,71		400	52,63
0406 90 33 9119	037	—		***	106,91
	039	—	0406 90 75 9900	037	—
	097	85,71		039	—
	098	74,72		097	108,07
	400	25,56		098	93,90
	***	85,71		400	22,27
0406 90 33 9919	037	—		***	108,07
	039	—	0406 90 76 9300	037	—
	097	78,60		039	—
	098	68,29		097	96,98
	400	20,33		098	84,68
	***	78,60		400	20,12
				***	96,98

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 76 9400	037	—	0406 90 85 9999	+	—
	039	—	0406 90 86 9100	+	—
	097	108,62	0406 90 86 9200	037	—
	098	94,85		039	—
	400	23,22		097	102,23
	***	108,62		098	86,17
0406 90 76 9500	037	—		400	27,65
	039	—		***	102,23
	097	102,45	0406 90 86 9300	037	—
	098	90,24		039	—
	400	23,22		097	103,32
	***	102,45		098	87,41
0406 90 78 9100	037	—		400	30,30
	039	—		***	103,32
	097	102,26	0406 90 86 9400	037	—
	098	87,50		039	—
	400	18,14		097	108,62
	***	102,26		098	92,87
0406 90 78 9300	037	—		400	34,28
	039	—		***	108,62
	097	105,98	0406 90 86 9900	037	—
	098	92,78		039	—
	400	20,12		097	117,90
	***	105,98		098	102,43
0406 90 78 9500	037	—		400	40,24
	039	—		***	117,90
	097	104,35	0406 90 87 9100	+	—
	098	91,91	0406 90 87 9200	037	—
	400	23,22		039	—
	***	104,35		097	85,19
0406 90 79 9900	037	—		098	71,81
	039	—		400	24,78
	097	86,27		***	85,19
	098	75,02	0406 90 87 9300	037	—
	400	19,23		039	—
	***	86,27		097	94,89
0406 90 81 9900	037	—		098	80,27
	039	—		400	28,02
	097	108,62		***	94,89
	098	94,85	0406 90 87 9400	037	—
	400	47,61		039	—
	***	108,62		097	96,33
0406 90 85 9910	037	33,32		098	82,36
	039	33,32		400	30,66
	097	117,90		***	96,33
	098	102,43	0406 90 87 9951	037	—
	400	59,27		039	—
	***	117,90		097	106,68
0406 90 85 9991	037	—		098	93,15
	039	—		400	42,19
	097	117,90		***	106,68
	098	102,43	0406 90 87 9971	037	—
	400	40,19		039	—
	***	117,90		097	106,68
0406 90 85 9995	037	—		098	93,15
	039	—		400	34,41
	097	108,07	0406 90 87 9972	***	106,68
	098	93,90		097	45,63
	400	21,16		098	39,68
	***	108,07		400	13,67
			***	45,63	

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 87 9973	037	—	2309 10 19 9100	+	—
	039	—	2309 10 19 9200	+	—
	097	104,74	2309 10 19 9300	+	—
	098	91,46	2309 10 19 9400	+	—
	400	24,08	2309 10 19 9500	+	—
	***	104,74	2309 10 19 9600	+	—
0406 90 87 9974	037	—	2309 10 19 9700	+	—
	039	—	2309 10 19 9800	+	—
	097	113,19	2309 10 70 9010	+	—
	098	99,26	2309 10 70 9100	+	13,85
	400	24,08	2309 10 70 9200	+	18,47
	***	113,19	2309 10 70 9300	+	23,09
0406 90 87 9975	037	—	2309 10 70 9500	+	27,70
	039	—	2309 10 70 9600	+	32,32
	097	114,45	2309 10 70 9700	+	36,94
	098	101,25	2309 10 70 9800	+	40,63
	400	31,87	2309 90 35 9010	+	—
	***	114,45	2309 90 35 9100	+	—
0406 90 87 9979	037	—	2309 90 35 9200	+	—
	039	—	2309 90 35 9300	+	—
	097	103,92	2309 90 35 9400	+	—
	098	90,36	2309 90 35 9500	+	—
	400	24,08	2309 90 35 9700	+	—
	***	103,92	2309 90 39 9010	+	—
0406 90 88 9100	+	—	2309 90 39 9100	+	—
0406 90 88 9300	037	—	2309 90 39 9200	+	—
	039	—	2309 90 39 9300	+	—
	097	83,50	2309 90 39 9400	+	—
	098	70,90	2309 90 39 9500	+	—
	400	30,30	2309 90 39 9600	+	—
	***	83,50	2309 90 39 9700	+	—
2309 10 15 9010	+	—	2309 90 39 9800	+	—
2309 10 15 9100	+	—	2309 90 70 9010	+	—
2309 10 15 9200	+	—	2309 90 70 9100	+	13,85
2309 10 15 9300	+	—	2309 90 70 9200	+	18,47
2309 10 15 9400	+	—	2309 90 70 9300	+	23,09
2309 10 15 9500	+	—	2309 90 70 9500	+	27,70
2309 10 15 9700	+	—	2309 90 70 9600	+	32,32
2309 10 19 9010	+	—	2309 90 70 9700	+	36,94
			2309 90 70 9800	+	40,63

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22).

However:

— '097' covers all destination codes from 072 to 083 inclusive,

— '098' covers all destination codes from 053 to 070 inclusive and from 091 to 096 inclusive,

— '970' covers the exports referred to in Articles 34(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EEC) No 800/1999 (OJ L 107, 17.4.1999, p. 11).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by ***.

Where no destination (+) is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1(2) and (3).

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

COMMISSION REGULATION (EC) No 1981/1999
of 16 September 1999
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 2831/98 ⁽⁴⁾, and in particular Article 4(1) thereof,

- (1) Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;
- (2) Whereas, pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;
- (3) Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;
- (4) Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;
- (5) Whereas, in order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties;
- (6) Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 17 September 1999.

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

Done at Brussels, 16 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties (€)				
	Third countries (except ACP and Bangladesh) (1)	ACP (1) (2) (3)	Bangladesh (4)	Basmati India and Pakistan (5)	Egypt (6)
1006 10 21	(7)	76,44	111,06		173,10
1006 10 23	(7)	76,44	111,06		173,10
1006 10 25	(7)	76,44	111,06		173,10
1006 10 27	(7)	76,44	111,06		173,10
1006 10 92	(7)	76,44	111,06		173,10
1006 10 94	(7)	76,44	111,06		173,10
1006 10 96	(7)	76,44	111,06		173,10
1006 10 98	(7)	76,44	111,06		173,10
1006 20 11	160,40	51,80	75,86		120,30
1006 20 13	160,40	51,80	75,86		120,30
1006 20 15	160,40	51,80	75,86		120,30
1006 20 17	207,16	68,16	101,39	0,00	155,37
1006 20 92	160,40	51,80	75,86		120,30
1006 20 94	160,40	51,80	75,86		120,30
1006 20 96	160,40	51,80	75,86		120,30
1006 20 98	207,16	68,16	101,39	0,00	155,37
1006 30 21	(7)	146,86	212,59		341,25
1006 30 23	(7)	146,86	212,59		341,25
1006 30 25	(7)	146,86	212,59		341,25
1006 30 27	(7)	146,86	212,59		341,25
1006 30 42	(7)	146,86	212,59		341,25
1006 30 44	(7)	146,86	212,59		341,25
1006 30 46	(7)	146,86	212,59		341,25
1006 30 48	(7)	146,86	212,59		341,25
1006 30 61	(7)	146,86	212,59		341,25
1006 30 63	(7)	146,86	212,59		341,25
1006 30 65	(7)	146,86	212,59		341,25
1006 30 67	(7)	146,86	212,59		341,25
1006 30 92	(7)	146,86	212,59		341,25
1006 30 94	(7)	146,86	212,59		341,25
1006 30 96	(7)	146,86	212,59		341,25
1006 30 98	(7)	146,86	212,59		341,25
1006 40 00	(7)	45,38	(7)		105,00

(1) The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

(2) In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

(3) The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

(4) The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

(5) No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

(6) For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

(7) Duties fixed in the Common Customs Tariff.

(8) The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	207,16	455,00	160,40	455,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	329,87	283,43	400,50	305,54	—
(b) fob price (EUR/tonne)	—	—	—	371,55	276,59	—
(c) Sea freight (EUR/tonne)	—	—	—	28,95	28,95	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1982/1999**of 16 September 1999****fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, as amended by Regulation (EC) No 2072/98 ⁽⁴⁾, and in particular Article 13(3) thereof,

(1) Whereas Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

(2) Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽⁵⁾, as last amended by Regulation (EC) No 1702/1999 ⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

(3) Whereas, in accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

(4) Whereas the commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardized by the fixing in advance of high refund rates; whereas it is therefore necessary to take precautionary measures in such situa-

tions without, however, preventing the conclusion of long-term contracts; whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met;

(5) Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

(6) Whereas Article 4(5)(b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4(5)(a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁸⁾, as last amended by Regulation (EC) No 87/1999 ⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

(7) Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 September 1999.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 265, 30.9.1998, p. 4.

⁽⁵⁾ OJ L 136, 31.5.1994, p. 5.

⁽⁶⁾ OJ L 201, 31.7.1999, p. 30.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 9, 15.1.1999, p. 8.

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

Done at Brussels, 16 September 1999.

For the Commission
Frits BOLKESTEIN
Member of the Commission

ANNEX

**to the Commission Regulation of 16 September 1999 fixing the rates of the refunds applicable to certain cereals
and rice products exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: - on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America - in other cases	— —	0,650 1,000
1001 90 99	Common wheat and meslin: - on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America - in other cases: -- where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ -- in other cases	— — — —	1,983 0,818 3,050
1002 00 00	Rye	—	4,617
1003 00 90	Barley	—	3,656
1004 00 00	Oats	—	3,950
1005 90 00	Maize (corn) used in the form of: - starch: -- where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ -- in other cases - glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ : -- where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ -- in other cases - other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: - where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ - in other cases	— — — — — — — — — — —	2,899 5,689 2,239 5,029 5,689 2,899 5,689
ex 1006 30	Wholly-milled rice: - round grain - medium grain - long grain	— — —	9,400 9,400 9,400
1006 40 00	Broken rice	—	2,300
1007 00 90	Sorghum	—	3,656

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ L 136, 31.5.1994, p. 5).

⁽²⁾ The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ L 159, 1.7.1993, p. 112).

⁽³⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 1983/1999**of 16 September 1999****fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 1701/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1253/1999⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾, and in particular Article 4 thereof,

- (1) Whereas an invitation to tender for the refund and/or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1701/1999⁽⁵⁾;
- (2) Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC)

No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

- (3) Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 10 to 16 September 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1701/1999, the maximum refund on exportation of barley shall be EUR 30,25/t.

Article 2

This Regulation shall enter into force on 17 September 1999.

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

Done at Brussels, 16 September 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 201, 31.7.1999, p. 27.

COMMISSION REGULATION (EC) No 1984/1999
of 16 September 1999
concerning tenders notified in response to the invitation to tender for the export of rye issued in
Regulation (EC) No 1758/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

- (1) Whereas an invitation to tender for the refund and/or the tax for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1758/1999 ⁽⁵⁾;
- (2) Whereas Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation

(EEC) No 1766/92 and on the basis of the tenders notified, to make no award;

- (3) Whereas on the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund or minimum tax should not be fixed;
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 10 to 16 September 1999 in response to the invitation to tender for the refund or the tax for the export of rye issued in Regulation (EC) No 1758/1999.

Article 2

This Regulation shall enter into force on 17 September 1999.

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

Done at Brussels, 16 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 210, 10.8.1999, p. 3.

COMMISSION REGULATION (EC) No 1985/1999**of 16 September 1999****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1707/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 4 thereof,

- (1) Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries was opened pursuant to Commission Regulation (EC) No 1707/1999 ⁽⁵⁾;
- (2) Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC)

No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

- (3) Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 10 to 16 September 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1707/1999, the maximum refund on exportation of common wheat shall be EUR 25,95/t.

Article 2

This Regulation shall enter into force on 17 September 1999.

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

Done at Brussels, 16 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 201, 31.7.1999, p. 27.

COMMISSION REGULATION (EC) No 1986/1999**of 16 September 1999****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1897/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾,

Having regard to Commission Regulation (EC) No 1897/1999 of 2 September 1999 on a special intervention measure for cereals in Finland and Sweden ⁽⁵⁾, and in particular Article 8 thereof,

- (1) Whereas an invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1897/1999;
- (2) Whereas Article 8 of Regulation (EC) No 1897/1999 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid

down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund;

- (3) Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 10 to 16 September 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1897/1999, the maximum refund on exportation of oats shall be EUR 59,98/t.

Article 2

This Regulation shall enter into force on 17 September 1999.

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

Done at Brussels, 16 September 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 233, 3.9.1999, p. 10.

COMMISSION REGULATION (EC) No 1987/1999**of 16 September 1999****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13 (2) thereof,

- (1) Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;
- (2) Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾;
- (3) Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

- (4) Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;
- (5) Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;
- (6) Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;
- (7) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 September 1999.

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

Done at Brussels, 16 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

to the Commission Regulation of 16 September 1999 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(EUR/t)			(EUR/t)		
Product code	Destination (1)	Amount of refund	Product code	Destination (1)	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	01	0	1101 00 15 9100	01	35,50
1001 90 91 9000	—	—	1101 00 15 9130	01	33,25
1001 90 99 9000	03	16,00	1101 00 15 9150	01	30,50
	02	0	1101 00 15 9170	01	28,25
1002 00 00 9000	03	56,00	1101 00 15 9180	01	26,50
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	20,25	1102 10 00 9500	01	90,00
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	01	15,00 (2)
1005 10 90 9000	—	—	1103 11 10 9400	01	13,40 (2)
1005 90 00 9000	01	—	1103 11 10 9900	—	—
1007 00 90 9000	—	—	1103 11 90 9200	01	15,00 (2)
1008 20 00 9000	—	—	1103 11 90 9800	—	—

(1) The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries,
- 03 Switzerland, Liechtenstein.

(2) No refund is granted when this product contains compressed meal.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

COMMISSION REGULATION (EC) No 1988/1999
of 16 September 1999
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13 (8) thereof,

- (1) Whereas Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;
- (2) Whereas Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

- (3) Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination;
- (4) Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;
- (5) Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;
- (6) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 September 1999.

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

Done at Brussels, 16 September 1999.

For the Commission
 Franz FISCHLER
 Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

to the Commission Regulation of 16 September 1999 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination ⁽¹⁾	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2	6th period 3
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	-1,00	-2,50	-6,00	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	03	0	-25,00	-25,00	-25,00	-25,00	—	—
	02	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	—	—	—	—	—	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	-1,37	-3,43	-8,22	—	—
1101 00 15 9130	01	0	0	-1,28	-3,20	-7,68	—	—
1101 00 15 9150	01	0	0	-1,18	-2,95	-7,08	—	—
1101 00 15 9170	01	0	0	-1,09	-2,73	-6,54	—	—
1101 00 15 9180	01	0	0	-1,02	-2,55	-6,12	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	0	0	0	0	—	—
1103 11 10 9400	01	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

(¹) The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries,
- 03 USA, Canada and Mexico.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

COMMISSION REGULATION (EC) No 1989/1999
of 16 September 1999
fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,

- (1) Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;
- (2) Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾;
- (3) Whereas the refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question; whereas the said quantities are laid down in Regulation (EC) No 1501/95;

- (4) Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;
- (5) Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;
- (6) Whereas it follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;
- (7) Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1(c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 September 1999.

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

Done at Brussels, 16 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

to the Commission Regulation of 16 September 1999 fixing the export refunds on malt

(EUR/t)

Product code	Refund
1107 10 19 9000	33,00
1107 10 99 9000	31,50
1107 20 00 9000	37,00

COMMISSION REGULATION (EC) No 1990/1999
of 16 September 1999
fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 2072/98 ⁽⁴⁾, and in particular Article 13(3) thereof,

(1) Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

(2) Whereas Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

(3) Whereas Article 4 of Commission Regulation (EC) No 1518/95 ⁽⁵⁾, as amended by Regulation (EC) No 2993/95 ⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

(4) Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

(5) Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

(6) Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

(7) Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

(8) Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

(9) Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 265, 30.9.1998, p. 4.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

Article 2

This Regulation shall enter into force on 17 September 1999.

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

Done at Brussels, 16 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 16 September 1999 fixing the export refunds on products processed from cereals and rice

(EUR/tonne)		(EUR/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	79,65	1104 23 10 9100	85,34
1102 20 10 9400 ⁽¹⁾	68,27	1104 23 10 9300	65,42
1102 20 90 9200 ⁽¹⁾	68,27	1104 29 11 9000	31,11
1102 90 10 9100	54,84	1104 29 51 9000	30,50
1102 90 10 9900	37,29	1104 29 55 9000	30,50
1102 90 30 9100	71,10	1104 30 10 9000	7,63
1103 12 00 9100	71,10	1104 30 90 9000	14,22
1103 13 10 9100 ⁽¹⁾	102,40	1107 10 11 9000	54,29
1103 13 10 9300 ⁽¹⁾	79,65	1107 10 91 9000	65,08
1103 13 10 9500 ⁽¹⁾	68,27	1108 11 00 9200	61,00
1103 13 90 9100 ⁽¹⁾	68,27	1108 11 00 9300	61,00
1103 19 10 9000	46,17	1108 12 00 9200	91,02
1103 19 30 9100	56,67	1108 12 00 9300	91,02
1103 21 00 9000	31,11	1108 13 00 9200	91,02
1103 29 20 9000	37,29	1108 13 00 9300	91,02
1104 11 90 9100	54,84	1108 19 10 9200	34,96
1104 12 90 9100	79,00	1108 19 10 9300	34,96
1104 12 90 9300	63,20	1109 00 00 9100	0,00
1104 19 10 9000	31,11	1702 30 51 9000 ⁽²⁾	105,11
1104 19 50 9110	91,02	1702 30 59 9000 ⁽²⁾	80,47
1104 19 50 9130	73,96	1702 30 91 9000	105,11
1104 21 10 9100	54,84	1702 30 99 9000	80,47
1104 21 30 9100	54,84	1702 40 90 9000	80,47
1104 21 50 9100	73,12	1702 90 50 9100	105,11
1104 21 50 9300	58,50	1702 90 50 9900	80,47
1104 22 20 9100	63,20	1702 90 75 9000	110,14
1104 22 30 9100	67,15	1702 90 79 9000	76,44
		2106 90 55 9000	80,47

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), amended.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION No 3/1999 OF THE ASSOCIATION COUNCIL,
Association between the European Communities and their Member States, of the one part, and the
Republic of Poland, of the other part,
of 4 June 1999
amending, through the setting up of a Joint Consultative Committee, Decision No 1/94 adopting
the rules of procedure of the Association Council**

(1999/619/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part⁽¹⁾, and in particular Article 107 thereof,

- (1) Whereas dialogue and cooperation between economic and social interest groups in the European Community and those in Poland can make a major contribution to the development of their relations;
- (2) Whereas it seems appropriate that such cooperation should be organised at the level of the members of the Economic and Social Committee of the European Communities and the Polish Liaison Committee for Cooperation with the Economic and Social Committee of the European Communities, of the other part, by the setting up of a Joint Consultative Committee;
- (3) Whereas this means that the rules of procedure of the Association Council, adopted by Decision No 1/94, need to be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

The following Articles shall be added to the rules of procedure of the Association Council:

'Article 15

A Joint Consultative Committee is hereby established with the task of assisting the Association Council with a view to promoting dialogue and cooperation between the

economic and social interest groups in the European Community and those in Poland. Such dialogue and cooperation shall encompass all economic and social aspects of relations between the Community and Poland, as they arise in the context of implementation of the Europe Agreement. The Committee shall express its views on questions arising in these areas.

Article 16

The Joint Consultative Committee (hereinafter referred to as "Committee") shall comprise nine representatives of the Economic and Social Committee of the European Communities, on the one hand, and nine representatives of the Polish Liaison Committee for Cooperation with the Economic and Social Committee of the European Communities, on the other hand.

The Committee shall carry out its activities on the basis of consultation by the Association Council or, as concerns the promotion of the dialogue between the economic and social interest groups, on its own initiative.

Members shall be chosen to ensure that the Committee is as faithful a reflection as possible of the various economic and social interest groups in both the European Community and Poland.

The Committee shall be co-chaired by a member of the Economic and Social Committee of the European Communities and a member of the Polish Liaison Committee for Cooperation with Economic and Social Committee of the European Communities.

The Committee shall adopt its own Rules of Procedure.

⁽¹⁾ OJ L 348, 31.12.1993, p. 2.

Article 17

The Economic and Social Committee of the European Communities, on the one hand, and the Polish Liaison Committee for Cooperation with the Economic and Social Committee of the European Communities, on the other hand, shall each defray the expenses they incur by reason of their participation in the meetings of the Committee and of its working groups with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the Economic and Social Committee of the European Communities, with the exception of expenditure in connection with interpreting or translation into or from Polish, which shall be borne by the Polish Liaison Committee for

Cooperation with the Economic and Social Committee of the European Communities.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.'

Article 2

This Decision shall enter into force on the first day of the second month following the date of its adoption.

Done at Brussels, 4 June 1999.

For the Association Council

The President

B. GEREMEK

DECISION No 3/1999 OF THE EU-ROMANIA ASSOCIATION COUNCIL

of 30 June 1999

adopting the terms and conditions for the participation of Romania in Community programmes in the field of research, technological development and demonstration (1998 to 2002) and in programmes for research and training activities (1998 to 2002)

(1999/620/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania of the other part (hereinafter referred to as 'the Europe Agreement'),

Having regard to the Additional Protocol to the Europe Agreement concerning Romanian participation in Community programmes, and in particular Articles 1 and 2 thereof,

- (1) Whereas, pursuant to Article 1 of the said Additional Protocol, Romania may participate in Community framework programmes, specific programmes, projects or other Community actions, in particular in the fields of research and technological development;
- (2) Whereas the European Council, at its meeting in Luxembourg on 12 and 13 December 1997, called in its Conclusions for the opening of certain Community programmes (such as in the field of research) to the candidate countries, as a way of familiarising themselves with the policies and working methods of the Union, each candidate country being expected to make a steadily increasing financial contribution of its own (PHARE will, if necessary, be able to part-finance the applicant States' national contributions);
- (3) Whereas the aforementioned Conclusions also call for the participation of the candidate countries, as observers and for the points which concern them, in the committees assisting the Commission in the implementation of the programmes to which they contribute financially;
- (4) Whereas, by Decision No 182/1999/EC, the European Parliament and the Council of the European Union adopted a framework programme of the European Community for research, technological development and demonstration activities (1998 to 2002) ⁽¹⁾, hereinafter called 'the Fifth Framework Programme';
- (5) Whereas, by Decision 1999/64/Euratom, the Council of the European Union adopted a framework programme of the European Atomic Energy Community for research

and training activities (1998 to 2002) ⁽²⁾, hereinafter called 'the Fifth Euratom Framework Programme';

- (6) Whereas, according to Article 2 of the aforementioned Additional Protocol, the terms and conditions for the participation of Romania in the activities referred to in Article 1 thereof are to be decided by the Association Council,

HAS DECIDED AS FOLLOWS:

Article 1

Romania may participate in the specific programmes of the Fifth Framework Programme and in the specific programmes of the Fifth Euratom Framework Programme according to the terms and conditions, principles and rules set out in Annexes I, II and III respectively, which shall form an integral part of this Decision.

Article 2

This Decision shall apply for the duration of the Fifth Framework Programme and of the Fifth Euratom Framework Programme.

Article 3

This Decision shall take effect on the first day of the month following its adoption.

Done at Brussels, 30 June 1999.

For the Association Council

The President

J. FISCHER

⁽¹⁾ OJ L 26, 1.2.1999, p. 1.

⁽²⁾ OJ L 26, 1.2.1999, p. 34.

ANNEX I

TERMS AND CONDITIONS FOR THE PARTICIPATION OF ROMANIA IN THE SPECIFIC PROGRAMMES OF THE FIFTH FRAMEWORK PROGRAMME AND OF THE FIFTH EURATOM FRAMEWORK PROGRAMME

1. Research entities established in Romania may participate in all the specific programmes of the Fifth Framework Programme and of the Fifth Euratom Framework Programme. Romanian scientists or research entities may participate in the activities of the Joint Research Centre to the extent that such activities are not covered by the preceding sentence.

'Research entities' as referred to in this Decision, shall include: universities, research organisations, industrial companies, including small and medium-sized enterprises, or natural persons.

2. Paragraph 1 shall imply the following:

- participation of research entities established in Romania in the implementation of all specific programmes adopted under the Fifth Framework Programme, in accordance with the terms and conditions laid down in the 'rules for the participation of undertakings, research centres and universities and for the dissemination of research results for the implementation of the fifth framework programme of the European Community (1998 to 2002)';
- participation of research entities established in Romania in the implementation of all specific programmes adopted under the Fifth Euratom Framework Programme, in accordance with the terms and conditions laid down in the 'rules for the participation of undertakings, research centres and universities in the implementation of the fifth framework programme of the European Atomic Energy Community (1998 to 2002)';
- financial contribution by Romania to the budgets of the programmes adopted for the implementation of the Fifth Framework Programme and the Fifth Euratom Framework Programme on the basis of the ratio of the gross domestic product of Romania to the sum of the gross domestic product of the Member States of the European Union and that of Romania.

3. Research entities established in Romania participating in Community research programmes shall, as regards ownership, exploitation and dissemination of information and intellectual property arising from such participation, have the same rights and obligations as those of research entities established in the Community, subject to the provisions of Annex II.
4. The relevant sub-committee set up by the Association Council under the Europe Agreement shall, on a regular basis and at least once a year, review and evaluate the implementation of this Decision.
5. The financial contribution of Romania deriving from participation in the implementation of the specific programmes shall be established in proportion to, and in addition to, the amount available each year in the general budget of the European Communities for commitment appropriations to meet the Commission's financial obligations stemming from work to be carried out in the forms necessary for the implementation, management and operation of these programmes.

The proportionality factor governing the contribution of Romania shall be obtained by establishing the ratio between the gross domestic product of Romania, at market prices, and the sum of gross domestic products, at market prices, of the Member States of the European Union and Romania. This ratio shall be calculated on the basis of the latest statistical data pertaining to the same year from the Statistical Office of the European Communities (Eurostat), available at the time of publication of the preliminary draft budget of the European Communities.

In order to facilitate its participation in the specific programmes, the contribution of Romania will be implemented as follows:

- 1999: contribution according to the proportionality factor fixed in accordance with the second subparagraph, multiplied by 0,4;
- 2000: contribution according to the proportionality factor fixed in accordance with the second subparagraph, multiplied by 0,6;
- 2001: contribution according to the proportionality factor fixed in accordance with the second subparagraph, multiplied by 0,8;
- 2002: contribution according to the proportionality factor fixed in accordance with the second subparagraph.

The rules for financial participation by the European Community are set out in Annex IV to Decision No 182/1999/EC and those for financial participation by Euratom in Annex III to Decision 1999/64/Euratom.

The rules governing the financial contribution of Romania are set out in Annex III hereto.

6. Without prejudice to paragraph 3, research entities established in Romania participating in the Fifth Framework Programme and in the Fifth Euratom Framework Programme shall have the same contractual rights and obligations as entities established in the Community, taking into account the mutual interests of the Community and Romania.

For Romanian research entities, the terms and conditions applicable for the submission and evaluation of proposals and those for the granting and conclusion of contracts under Community programmes shall be the same as those applicable for contracts concluded under the same programmes with research entities in the Community, taking into account the mutual interests of the Community and Romania.

Romanian experts shall be taken into consideration, alongside Community experts, in the selection of evaluators or experts under the Community's research and technological development and demonstration programmes and as members of the advisory groups and other consultative bodies which assist the Commission in the implementation of the Fifth Framework Programme and the Fifth Euratom Framework Programme.

A Romanian research entity may be coordinator of a project under the same terms and conditions applicable to entities established in the Community. In conformity with the Community's Financial Regulations, contractual arrangements concluded with, or by, Romanian research entities shall provide for controls and audits to be carried out by, or under the authority of, the Commission and the Court of Auditors. Financial audits may be carried out with the purpose of controlling such entities' income and expenditures, related to the contractual obligations towards the Community. In a spirit of cooperation and mutual interest, the relevant Romanian authorities shall provide any reasonable and feasible assistance as may be necessary or helpful under the circumstances to perform such controls and audits.

7. The Community and Romania will make every effort, within the framework of the existing provisions, to facilitate the free movement and residence of research workers participating, in Romania and in the Community, in the activities covered by this Decision and to facilitate cross-border movement of goods intended for use in such activities.

Activities covered by this Decision shall be exempt from Romanian indirect taxes, customs duties, prohibitions and restrictions on imports and exports in respect of goods and services intended for use under such activities.

8. Romanian representatives will, for the points which concern them, participate as observers in the programme committees of the Fifth Framework Programme and in the Consultative Committee of the Fifth Euratom Framework Programme. These committees shall moreover meet without the presence of Romanian representatives at the time of voting. Romania will be informed. Participation as referred to in this paragraph shall take the same form, including procedures for receipt of information and documentation, as that applicable to participants from Member States.

9. The Community and Romania may terminate activities under this Decision at any time upon twelve months' notice in writing. Projects and activities in progress at the time of termination shall continue until their completion under the conditions laid down in this Decision.

Should the Community decide to revise one more Community programmes, activities under this Decision may be terminated under mutually agreed conditions. Romania shall be notified of the exact content of the revised programmes within one week of their adoption by the Community. The Community and Romania shall notify each other, within one month after the adoption of the Community decision, of any intention to terminate the activities.

Where the Community adopts a new multiannual framework programme for research, technological development and demonstration activities and/or for research and training activities, the Association Council may decide the terms and conditions for the participation of Romania.

ANNEX II

PRINCIPLES ON THE ALLOCATION OF INTELLECTUAL PROPERTY RIGHTS

Rights to intellectual property created or furnished under this Decision shall be allocated as provided in this Annex.

I. Application

This Annex is applicable to research carried out pursuant to this Decision (hereinafter referred to as 'joint research'), except as otherwise specifically agreed by the Community and Romania (hereinafter referred to as 'the Parties').

II. Ownership, allocation and exercise of rights

1. For purposes of this Decision, 'intellectual property' (hereinafter referred to as 'IP') shall have the meaning given in Article 2 of the Convention establishing the World Intellectual Property Organisation, done at Stockholm on 14 July 1967.
2. This Annex deals with the allocation of rights, interests and royalties of the Parties and their participants. Each Party and its participants shall ensure that the other party and its participants may obtain the rights to IP allocated to it in accordance with this Annex. This Annex does not otherwise alter or prejudice the allocation of rights, interests and royalties between a Party and its nationals or participants, which shall be determined by the laws and practices applicable to each Party.
3. The following principles shall apply and be provided for in the contractual arrangements:
 - (a) adequate protection of IP. The Parties, their agencies and/or their participants, as appropriate, shall ensure that they notify one another within a reasonable time of the creation of any IP arising under this Decision or implementing arrangements and that they seek protection for such intellectual property in a timely fashion;
 - (b) taking account of the contributions of the Parties or their participants in determining the rights and interests of the Parties and participants;
 - (c) effective exploitation of results;
 - (d) non-discriminatory treatment of participants from the other Party as compared with the treatment given to its own participants;
 - (e) protection of business-confidential information.
4. The participants shall jointly develop a technology management plan (TMP) in respect of the ownership and use, including publication, of information and IP to be created in the course of joint research. The indicative features of a TMP are contained in the Appendix to this Annex. The TMP shall be approved by the responsible funding agency or department of the Party involved in financing the research, before the conclusion of the specific research and development cooperation contract to which it is attached.

The TMPs shall be developed taking into account the aims of the joint research, the relative financial or other contributions of the Parties or participants, the advantages and disadvantages of licensing by territory or for fields of use, requirements imposed by the applicable laws including those of the Parties concerning IP rights and other factors deemed appropriate by the participants. The rights and obligations concerning the research generated by visiting researchers in respect of IP shall also be dealt with in the joint TMPs.

5. Information or IP created in the course of joint research and not dealt with in the TMP shall be allocated, with the approval of the Parties, according to the principles set out in the TMP. In case of disagreement, such information or IP shall be owned jointly by all the participants involved in the joint research from which the information or IP results. Each participant to whom this provision applies shall have the right to use such information or IP for his own commercial exploitation with no geographical limitation.
6. Each Party shall ensure that the other Party and its participants may have the rights to IP allocated to them in accordance with these principles.
7. While maintaining the conditions of competition in areas affected by this Decision, each Party shall endeavour to ensure that rights acquired pursuant to this Decision and arrangements made under it are exercised in such a way as to encourage, in particular, (i) the dissemination and use of information created, disclosed or otherwise made available, under this Decision, and (ii) the adoption and implementation of international standards.
8. Termination of cooperation shall not affect rights or obligations under this Annex.

III. International conventions

IP belonging to the Parties or to their participants shall be accorded treatment consistent with the relevant international conventions that are applicable to the parties, including the TRIPS Agreement (Agreement on trade-related aspects of intellectual property rights administered by the World Trade Organisation) as well as the Berne Convention (Paris Act 1971) and the Paris Convention (Stockholm Act 1967).

IV. Scientific literary works

Without prejudice to Section V, and unless otherwise agreed in the TMP, publication of results of research shall be made jointly by the Parties or participants to that joint research. Subject to the foregoing general rule, the following procedures shall apply:

1. in the case of publication by a Party or public bodies of that Party of scientific and technical journals, articles, reports, books, including video and software arising from joint research pursuant to this Decision, the other Party shall be entitled to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works;
2. the Parties shall ensure that literary works of a scientific character arising from joint research pursuant to this Decision and published by independent publishers are disseminated as widely as possible;
3. all copies of a copyright work to be publicly distributed and prepared under this section shall indicate the names of the author(s) of the work unless an author explicitly declines to be named. They shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.

V. Undisclosed information

A. Documentary undisclosed information

1. Each Party, its agencies or its participants, as appropriate, shall identify at the earliest possible moment and preferably in the TMP the information they wish to remain undisclosed, taking into account *inter alia* the following criteria:
 - (a) confidentiality of the information in the sense that it is not, as a body or in the precise configuration or assembly of its components, generally known among, or readily accessible by lawful means to, experts in the field;
 - (b) the actual or potential commercial value of the information by virtue of its confidentiality;
 - (c) previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its confidentiality.

The Parties, their agencies and their participants, as appropriate, may in certain cases agree that, unless otherwise indicated, parts or all of the information provided, exchanged or created in the course of joint research may not be disclosed.

2. Each Party shall ensure that it and its participants clearly identify undisclosed information, for example by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part.

A party and a participant receiving undisclosed information shall respect the privileged nature thereof. Such respect shall automatically terminate when this information is revealed by the owner to the public domain.

3. Undisclosed information communicated under this Decision may be disseminated by the receiving Party or its organisation to persons within or employed by the receiving Party or organisation authorised for the specific purposes of the joint research under way, provided that any undisclosed information so disseminated is pursuant to an agreement of confidentiality and readily recognisable as such, as set out above.
4. With the prior written consent of the Party providing undisclosed information, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in paragraph 3. The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such approval to the extent permitted by its domestic policies, regulations and laws.

B. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential information provided in seminars and other meetings arranged under this Decision, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the Parties or their participants according to the principles specified for documentary information in the Decision; this is on the understanding, however, that the recipient of such undisclosed or other confidential or privileged information was made aware of the confidential character of the information communicated at the time such communication was made.

C. Control

Each Party shall endeavour to ensure that undisclosed information received by it under this Decision is controlled as provided herein. If one of the Parties becomes aware that it will be, or may be reasonably expected to become, unable to meet the non-dissemination provisions of sections A and B, it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.

*Appendix***Indicative features of a TMP**

The TMP is a specific agreement to be concluded between the participants on the implementation of joint research and the respective rights and obligations of the participants.

With respect to IP, the TMP will normally deal with, among other things, ownership, protection, user rights for research and development purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The TMP may also deal with foreground and background information, licensing and deliverables.

ANNEX III

RULES GOVERNING THE FINANCIAL CONTRIBUTION OF ROMANIA REFERRED TO IN PARAGRAPH 5 OF ANNEX I

1. The Commission of the European Communities shall communicate to Romania, and shall inform the sub-committee referred to in paragraph 4 of Annex I of such communication, as soon as possible, and at the latest on 1 September of each financial year, the following information, together with relevant background material:

- the amounts in commitment appropriations, in the statement of expenditure of the preliminary draft budget of the European Communities corresponding to the Fifth Framework Programme and to the Fifth Euratom Framework Programme;
- the estimated amount of the contributions derived from the preliminary draft budget, corresponding to the participation of Romania in the Fifth Framework Programme and in the Fifth Euratom Framework Programme.

Nonetheless, in order to facilitate internal budgetary procedures, the Commission services shall provide corresponding indicative figures at the latest on 30 May of each year.

Once the general budget has been finally adopted, the Commission shall communicate to Romania, in the statement of expenditure corresponding to Romania's participation, the amount referred to in the first subparagraph.

2. The Commission shall issue, at the latest on 1 January and 15 June of each financial year, a call for funds to Romania corresponding to its contribution under this Decision. These calls for funds shall provide, respectively, for the payment:

- of six-twelfths of Romania's contribution not later than 20 February;
- and six-twelfths of its contribution not later than 15 July.

However, the six-twelfths to be paid not later than 20 February shall be calculated on the basis of the amount set out in the statement of revenue of the preliminary draft budget: the regularisation of the amount thus paid shall occur with the payment of the six-twelfths not later than 15 July.

For the first year of implementation of this Decision, the Commission shall issue a first call for funds within 30 days of its coming into effect. Should this call be issued after 15 June, it shall provide for the payment of twelve-twelfths of Romania's contribution within 30 days, calculated on the basis of the amount set out in the statement of revenue of the budget.

The contribution of Romania shall be expressed and paid in euros.

Romania shall pay its contribution under this Decision according to the schedule in this paragraph. Any delay in payment shall give rise to the payment of interest at a rate equal to the one-month interbank offered rate (IBOR) in euros as quoted by the International Swap Dealers' Association on the ISDA page of Reuters. This rate shall be increased by 1,5 % for each month of delay. The increased rate shall be applied to the entire period of delay. However, the interest shall be due only if the contribution is paid more than thirty days after the scheduled payment dates mentioned in this paragraph.

Travel costs incurred by Romanian representatives and experts for the purposes of taking part in the work of the groups and bodies referred to in paragraph 6 of Annex I and of the committees referred to in paragraph 8 thereof and those involved in the implementation of the Fifth Framework Programme and the Fifth Euratom Framework Programme shall be reimbursed by the Commission on the same basis as, and in accordance with, the procedures currently in force for the representatives and experts of the Member States of the European Union.

3. Romania's financial contribution to the Fifth Framework Programme and to the Fifth Euratom Framework Programme in accordance with paragraph 5 of Annex I shall normally remain unchanged for the financial year in question.

The Commission, at the time of the closure of the accounts relating to each financial year (n), within the framework of the revenue and expenditure account, shall proceed to the regularisation of the accounts with respect to the participation of Romania, taking into consideration modifications which have taken place, either by transfer, cancellations, carry-overs, decommitments, or by supplementary and amending budgets during the financial year. This regularisation shall occur at the time of the second payment for the year n + 1. Further regularisation shall occur every year until July 2006.

Payment by Romania shall be credited to the Community programmes as budget receipts allocated to the appropriate budget heading in the statement of revenue of the general budget of the European Communities.

The financial regulation applicable to the general budget of the European Communities shall apply to the management of the appropriations.

4. At the latest on 31 May of each financial year (n + 1), the statement of appropriations for the Fifth Framework Programme and the Fifth Euratom Framework Programme related to the previous financial year (n), shall be prepared and transmitted to Romania for information, according to the format of the Commission's revenue and expenditure account.

Joint Declaration by Romania and the Community

Romania and the Community agree that, in addition to the provisions set out in this Decision of the Association Council, research programmes and activities of Romania corresponding to those of the Fifth Framework Programme of the European Community for research, technological development and demonstration activities (1998-2002) and to those of the Fifth Framework Programme of the European Atomic Energy Community for research and training activities (1998-2002) should be open to research entities from the Community and that a separate exchange of letters between Romania and the Community to that effect will take place.

**DECISION No 3/1999 OF THE EU-HUNGARY ASSOCIATION COUNCIL
of 12 July 1999**

adopting the terms and conditions for the participation of Hungary in Community programmes in the field of research, technological development and demonstration (1998 to 2002) and in programmes for research and training activities (1998 to 2002)

(1999/621/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary of the other part (hereinafter referred to as 'the Europe Agreement'),

Having regard to the Additional Protocol to the Europe Agreement concerning Hungarian participation in Community programmes, and in particular Articles 1 and 2 thereof,

- (1) Whereas, pursuant to Article 1 of the said Additional Protocol, Hungary may participate in Community framework programmes, specific programmes, projects or other Community actions, in particular in the fields of research and technological development;
- (2) Whereas the European Council, at its meeting in Luxembourg on 12 and 13 December 1997, called in its Conclusions for the opening of certain Community programmes (such as in the field of research) to the candidate countries, as a way of familiarising themselves with the policies and working methods of the Union, each candidate country being expected to make a steadily increasing financial contribution of its own (PHARE will, if necessary, be able to part-finance the applicant States' national contributions);
- (3) Whereas the aforementioned Conclusions also call for the participation of the candidate countries, as observers and for the points which concern them, in the committees assisting the Commission in the implementation of the programmes to which they contribute financially;
- (4) Whereas, by Decision No 182/1999/EC, the European Parliament and the Council of the European Union adopted a framework programme of the European Community for research, technological development and demonstration activities (1998 to 2002) ⁽¹⁾, hereinafter called 'the Fifth Framework Programme';
- (5) Whereas, by Decision 1999/64/Euratom, the Council of the European Union adopted a framework programme of the European Atomic Energy Community for research

and training activities (1998 to 2002) ⁽²⁾, hereinafter called 'the Fifth Euratom Framework Programme';

- (6) Whereas, according to Article 2 of the aforementioned Additional Protocol, the terms and conditions for the participation of Hungary in the activities referred to in Article 1 thereof are to be decided by the Association Council,

HAS DECIDED AS FOLLOWS:

Article 1

Hungary may participate in the specific programmes of the Fifth Framework Programme and in the specific programmes of the Fifth Euratom Framework Programme according to the terms and conditions, principles and rules set out in Annexes I, II and III respectively, which shall form an integral part of this Decision.

Article 2

This Decision shall apply for the duration of the Fifth Framework Programme and of the Fifth Euratom Framework Programme.

Article 3

This Decision shall take effect on the first day of the month following its adoption.

Done at Brussels, 12 July 1999.

For the Association Council

The President

J. MARTONYI

⁽¹⁾ OJ L 26, 1.2.1999, p. 1.

⁽²⁾ OJ L 26, 1.2.1999, p. 34.

ANNEX I

TERMS AND CONDITIONS FOR THE PARTICIPATION OF HUNGARY IN THE SPECIFIC PROGRAMMES OF THE FIFTH FRAMEWORK PROGRAMME AND OF THE FIFTH EURATOM FRAMEWORK PROGRAMME

1. Research entities established in Hungary may participate in all the specific programmes of the Fifth Framework Programme and of the Fifth Euratom Framework Programme. Hungarian scientists or research entities may participate in the activities of the Joint Research Centre to the extent that such activities are not covered by the preceding sentence.

'Research entities' as referred to in this Decision, shall include: universities, research organisations, industrial companies, including small and medium-sized enterprises, or natural persons.

2. Paragraph 1 shall imply the following:

- participation of research entities established in Hungary in the implementation of all specific programmes adopted under the Fifth Framework Programme, in accordance with the terms and conditions laid down in the 'rules for the participation of undertakings, research centres and universities and for the dissemination of research results for the implementation of the fifth framework programme of the European Community (1998 to 2002)';
- participation of research entities established in Hungary in the implementation of all specific programmes adopted under the Fifth Euratom Framework Programme, in accordance with the terms and conditions laid down in the 'rules for the participation of undertakings, research centres and universities in the implementation of the fifth framework programme of the European Atomic Energy Community (1998 to 2002)';
- financial contribution by Hungary to the budgets of the programmes adopted for the implementation of the Fifth Framework Programme and the Fifth Euratom Framework Programme on the basis of the ratio of the gross domestic product of Hungary to the sum of the gross domestic product of the Member States of the European Union and that of Hungary.

3. Research entities established in Hungary participating in Community research programmes shall, as regards ownership, exploitation and dissemination of information and intellectual property arising from such participation, have the same rights and obligations as those of research entities established in the Community, subject to the provisions of Annex II.
4. The relevant sub-committee set up by the Association Council under the Europe Agreement shall, on a regular basis and at least once a year, review and evaluate the implementation of this Decision.
5. The financial contribution of Hungary deriving from participation in the implementation of the specific programmes shall be established in proportion to, and in addition to, the amount available each year in the general budget of the European Communities for commitment appropriations to meet the Commission's financial obligations stemming from work to be carried out in the forms necessary for the implementation, management and operation of these programmes.

The proportionality factor governing the contribution of Hungary shall be obtained by establishing the ratio between the gross domestic product of Hungary, at market prices, and the sum of gross domestic products, at market prices, of the Member States of the European Union and Hungary. This ratio shall be calculated on the basis of the latest statistical data pertaining to the same year from the Statistical Office of the European Communities (Eurostat), available at the time of publication of the preliminary draft budget of the European Communities.

In order to facilitate its participation in the specific programmes, the contribution of Hungary will be implemented as follows:

- 1999: contribution according to the proportionality factor fixed in accordance with the second subparagraph, multiplied by 0,4;
- 2000: contribution according to the proportionality factor fixed in accordance with the second subparagraph, multiplied by 0,6;
- 2001: contribution according to the proportionality factor fixed in accordance with the second subparagraph, multiplied by 0,8;
- 2002: contribution according to the proportionality factor fixed in accordance with the second subparagraph.

The rules for financial participation by the European Community are set out in Annex IV to Decision No 182/1999/EC and those for financial participation by Euratom in Annex III to Decision No 1999/64/Euratom.

The rules governing the financial contribution of Hungary are set out in Annex III hereto.

6. Without prejudice to paragraph 3, research entities established in Hungary participating in the Fifth Framework Programme and in the Fifth Euratom Framework Programme shall have the same contractual rights and obligations as entities established in the Community, taking into account the mutual interests of the Community and Hungary.

For Hungarian research entities, the terms and conditions applicable for the submission and evaluation of proposals and those for the granting and conclusion of contracts under Community programmes shall be the same as those applicable for contracts concluded under the same programmes with research entities in the Community, taking into account the mutual interests of the Community and Hungary.

Hungarian experts shall be taken into consideration, alongside Community experts, in the selection of evaluators or experts under the Community's research and technological development and demonstration programmes and as members of the advisory groups and other consultative bodies which assist the Commission in the implementation of the Fifth Framework Programme and the Fifth Euratom Framework Programme.

A Hungarian research entity may be coordinator of a project under the same terms and conditions applicable to entities established in the Community. In conformity with the Community's Financial Regulations, contractual arrangements concluded with, or by, Hungarian research entities shall provide for controls and audits to be carried out by, or under the authority of, the Commission and the Court of Auditors. Financial audits may be carried out with the purpose of controlling such entities' income and expenditures, related to the contractual obligations towards the Community. In a spirit of cooperation and mutual interest, the relevant Hungarian authorities shall provide any reasonable and feasible assistance as may be necessary or helpful under the circumstances to perform such controls and audits.

7. The Community and Hungary will make every effort, within the framework of the existing provisions, to facilitate the free movement and residence of research workers participating, in Hungary and in the Community, in the activities covered by this Decision and to facilitate cross-border movement of goods intended for use in such activities.

Activities covered by this Decision shall be exempt from Hungarian indirect taxes, customs duties, prohibitions and restrictions on imports and exports in respect of goods and services intended for use under such activities.

8. Hungarian representatives will, for the points which concern them, participate as observers in the programme committees of the Fifth Framework Programme and in the Consultative Committee of the Fifth Euratom Framework Programme. These committees shall moreover meet without the presence of Hungarian representatives at the time of voting. Hungary will be informed. Participation as referred to in this paragraph shall take the same form, including procedures for receipt of information and documentation, as that applicable to participants from Member States.

9. The Community and Hungary may terminate activities under this Decision at any time upon twelve months' notice in writing. Projects and activities in progress at the time of termination shall continue until their completion under the conditions laid down in this Decision.

Should the Community decide to revise one or more Community programmes, activities under this Decision may be terminated under mutually agreed conditions. Hungary shall be notified of the exact content of the revised programmes within one week of their adoption by the Community. The Community and Hungary shall notify each other, within one month after the adoption of the Community decision, of any intention to terminate the activities.

Where the Community adopts a new multi-annual framework programme for research, technological development and demonstration activities and/or for research and training activities, the Association Council may decide the terms and conditions for the participation of Hungary.

ANNEX II

PRINCIPLES ON THE ALLOCATION OF INTELLECTUAL PROPERTY RIGHTS

Rights to intellectual property created or furnished under this Decision shall be allocated as provided in this Annex.

I. Application

This Annex is applicable to research carried out pursuant to this Decision (hereinafter referred to as 'joint research'), except as otherwise specifically agreed by the Community and Hungary (hereinafter referred to as 'the Parties').

II. Ownership, allocation and exercise of rights

1. For purposes of this Decision, 'intellectual property' (hereinafter referred to as 'IP') shall have the meaning given in Article 2 of the Convention establishing the World Intellectual Property Organisation, done at Stockholm on 14 July 1967.
2. This Annex deals with the allocation of rights, interests and royalties of the Parties and their participants. Each Party and its participants shall ensure that the other Party and its participants may obtain the rights to IP allocated to it in accordance with this Annex. This Annex does not otherwise alter or prejudice the allocation of rights, interests and royalties between a Party and its nationals or participants, which shall be determined by the laws and practices applicable to each Party.
3. The following principles shall apply and be provided for in the contractual arrangements:
 - (a) adequate protection of IP. The Parties, their agencies and/or their participants, as appropriate, shall ensure that they notify one another within a reasonable time of the creation of any IP arising under this Decision or implementing arrangements and that they seek protection for such intellectual property in a timely fashion;
 - (b) taking account of the contributions of the Parties or their participants in determining the rights and interests of the Parties and participants;
 - (c) effective exploitation of results;
 - (d) non-discriminatory treatment of participants from the other Party as compared with the treatment given to its own participants;
 - (e) protection of business-confidential information.
4. The participants shall jointly develop a technology management plan (TMP) in respect of the ownership and use, including publication, of information and IP to be created in the course of joint research. The indicative features of a TMP are contained in the Appendix to this Annex. The TMP shall be approved by the responsible funding agency or department of the Party involved in financing the research, before the conclusion of the specific research and development cooperation contract to which it is attached.

The TMPs shall be developed taking into account the aims of the joint research, the relative financial or other contributions of the Parties or participants, the advantages and disadvantages of licensing by territory or for fields of use, requirements imposed by the applicable laws including those of the Parties concerning IP rights and other factors deemed appropriate by the participants. The rights and obligations concerning the research generated by visiting researchers in respect of IP shall also be dealt with in the joint TMPs.

5. Information or IP created in the course of joint research and not dealt with in the TMP shall be allocated, with the approval of the Parties, according to the principles set out in the TMP. In case of disagreement, such information or IP shall be owned jointly by all the participants involved in the joint research from which the information or IP results. Each participant to whom this provision applies shall have the right to use such information or IP for his own commercial exploitation with no geographical limitation.
6. Each Party shall ensure that the other Party and its participants may have the rights to IP allocated to them in accordance with these principles.
7. While maintaining the conditions of competition in areas affected by this Decision, each Party shall endeavour to ensure that rights acquired pursuant to this Decision and arrangements made under it are exercised in such a way as to encourage, in particular, (i) the dissemination and use of information created, disclosed or otherwise made available, under this Decision, and (ii) the adoption and implementation of international standards.
8. Termination of cooperation shall not affect rights or obligations under this Annex.

III. International conventions

IP belonging to the Parties or to their participants shall be accorded treatment consistent with the relevant international conventions that are applicable to the parties, including the TRIPS Agreement (Agreement on trade-related aspects of intellectual property Rights administered by the World Trade Organisation) as well as the Berne Convention (Paris Act 1971) and the Paris Convention (Stockholm Act 1967).

IV. Scientific literary works

Without prejudice to Section V, and unless otherwise agreed in the TMP, publication of results of research shall be made jointly by the Parties or participants to that joint research. Subject to the foregoing general rule, the following procedures shall apply:

1. in the case of publication by a Party or public bodies of that Party of scientific and technical journals, articles, reports, books, including video and software arising from joint research pursuant to this Decision, the other Party shall be entitled to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works;
2. the Parties shall ensure that literary works of a scientific character arising from joint research pursuant to this Decision and published by independent publishers are disseminated as widely as possible;
3. all copies of a copyright work to be publicly distributed and prepared under this section shall indicate the names of the author(s) of the work unless an author explicitly declines to be named. They shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.

V. Undisclosed information

A. Documentary undisclosed information

1. Each Party, its agencies or its participants, as appropriate, shall identify at the earliest possible moment and preferably in the TMP the information they wish to remain undisclosed, taking into account *inter alia* the following criteria:
 - (a) confidentiality of the information in the sense that it is not, as a body or in the precise configuration or assembly of its components, generally known among, or readily accessible by lawful means to, experts in the field;
 - (b) the actual or potential commercial value of the information by virtue of its confidentiality;
 - (c) previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its confidentiality.

The Parties, their agencies and their participants, as appropriate, may in certain cases agree that, unless otherwise indicated, parts or all of the information provided, exchanged or created in the course of joint research may not be disclosed.

2. Each Party shall ensure that it and its participants clearly identify undisclosed information, for example by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part.

A Party and a participant receiving undisclosed information shall respect the privileged nature thereof. Such respect shall automatically terminate when this information is revealed by the owner to the public domain.

3. Undisclosed information communicated under this Decision may be disseminated by the receiving Party or its organisation to persons within or employed by the receiving Party or organisation authorised for the specific purposes of the joint research under way, provided that any undisclosed information so disseminated is pursuant to an agreement of confidentiality and readily recognisable as such, as set out above.
4. With the prior written consent of the Party providing undisclosed information, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in paragraph 3. The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such approval to the extent permitted by its domestic policies, regulations and laws.

B. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential information provided in seminars and other meetings arranged under this Decision, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the Parties or their participants according to the principles specified for documentary information in the Decision; this is on the understanding, however, that the recipient of such undisclosed or other confidential or privileged information was made aware of the confidential character of the information communicated at the time such communication was made.

C. Control

Each Party shall endeavour to ensure that undisclosed information received by it under this Decision is controlled as provided herein. If one of the Parties becomes aware that it will be, or may be reasonably expected to become, unable to meet the non-dissemination provisions of sections A and B, it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.

*Appendix***Indicative features of a TMP**

The TMP is a specific agreement to be concluded between the participants on the implementation of joint research and the respective rights and obligations of the participants.

With respect to IP, the TMP will normally deal with, among other things, ownership, protection, user rights for research and development purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The TMP may also deal with foreground and background information, licensing and deliverables.

ANNEX III

RULES GOVERNING THE FINANCIAL CONTRIBUTION OF HUNGARY REFERRED TO IN PARAGRAPH 5 OF ANNEX I

1. The Commission of the European Communities shall communicate to Hungary, and shall inform the sub-committee referred to in paragraph 4 of Annex I of such communication, as soon as possible, and at the latest on 1 September of each financial year, the following information, together with relevant background material:

- the amounts in commitment appropriations, in the statement of expenditure of the preliminary draft budget of the European Communities corresponding to the Fifth Framework Programme and to the Fifth Euratom Framework Programme;
- the estimated amount of the contributions derived from the preliminary draft budget, corresponding to the participation of Hungary in the Fifth Framework Programme and in the Fifth Euratom Framework Programme.

Nonetheless, in order to facilitate internal budgetary procedures, the Commission services shall provide corresponding indicative figures at the latest on 30 May of each year.

Once the general budget has been finally adopted, the Commission shall communicate to Hungary, in the statement of expenditure corresponding to Hungary's participation, the amounts referred to in the first subparagraph.

2. The Commission shall issue, at the latest on 1 January and 15 June of each financial year, a call for funds to Hungary corresponding to its contribution under this Decision. These calls for funds shall provide, respectively, for the payment:

- of six-twelfths of Hungary's contribution not later than 20 February;
- and six-twelfths of its contribution not later than 15 July.

However, the six-twelfths to be paid not later than 20 February shall be calculated on the basis of the amount set out in the statement of revenue of the preliminary draft budget: the regularisation of the amount thus paid shall occur with the payment of the six-twelfths not later than 15 July.

For the first year of implementation of this Decision, the Commission shall issue a first call for funds within 30 days of its coming into effect. Should this call be issued after 15 June, it shall provide for the payment of twelve/twelfths of Hungary's contribution within 30 days, calculated on the basis of the amount set out in the statement of revenue of the budget.

The contribution of Hungary shall be expressed and paid in euros.

Hungary shall pay its contribution under this Decision according to the schedule in this paragraph. Any delay in payment shall give rise to the payment of interest at a rate equal to the one-month interbank offered rate (IBOR) in euros as quoted by the International Swap Dealers' Association on the ISDA page of Reuters. This rate shall be increased by 1,5 % for each month of delay. The increased rate shall be applied to the entire period of delay. However, the interest shall be due only if the contribution is paid more than thirty days after the scheduled payment dates mentioned in this paragraph.

Travel costs incurred by Hungarian representatives and experts for the purposes of taking part in the work of the groups and bodies referred to in paragraph 6 of Annex I and of the committees referred to in paragraph 8 thereof and those involved in the implementation of the Fifth Framework Programme and the Fifth Euratom Framework Programme shall be reimbursed by the Commission on the same basis as, and in accordance with, the procedures currently in force for the representatives and experts of the Member States of the European Union.

3. Hungary's financial contribution to the Fifth Framework Programme and to the Fifth Euratom Framework Programme in accordance with paragraph 5 of Annex I shall normally remain unchanged for the financial year in question.

The Commission, at the time of the closure of the accounts relating to each financial year (n), within the framework of the establishment of the revenue and expenditure account, shall proceed to the regularisation of the accounts with respect to the participation of Hungary, taking into consideration modifications which have taken place, either by transfer, cancellations, carry-overs, decommitments, or by supplementary and amending budgets during the financial year. This regularisation shall occur at the time of the second payment for the year n + 1. Further regularisation shall occur every year until July 2006.

Payment by Hungary shall be credited to the Community programmes as budget receipts allocated to the appropriate budget heading in the statement of revenue of the general budget of the European Communities.

The financial regulation applicable to the general budget of the European Communities shall apply to the management of the appropriations.

4. At the latest on 31 May of each financial year (n + 1), the statement of appropriations for the Fifth Framework Programme and the Fifth Euratom Framework Programme related to the previous financial year (n), shall be prepared and transmitted to Hungary for information, according to the format of the Commission's revenue and expenditure account.

Joint Declaration by Hungary and the Community

The Republic of Hungary and the Community agree that, in addition to the provisions set out in this Decision of the Association Council, research programmes and activities of the Republic of Hungary corresponding to those of the Fifth Framework Programme of the European Community for research, technological development and demonstration activities (1998 to 2002) and to those of the Fifth Framework Programme of the European Atomic Energy Community for research and training activities (1998 to 2002) should be open to research entities from the Community and that a separate exchange of letters between the Republic of Hungary and the Community to that effect will take place.

COMMISSION

COMMISSION DECISION

of 8 September 1999

on the treatment of repayments of VAT to non-taxable units and to taxable units for their exempt activities, for the purpose of implementing Council Directive 89/130/EEC, Euratom on the harmonisation of the compilation of gross national product at market prices

(notified under document number C(1999) 2533)

(Text with EEA relevance)

(1999/622/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Directive 89/130/EEC, Euratom of 13 February 1989 on the harmonisation of the compilation of gross national product at market prices ⁽¹⁾, and in particular Article 1 thereof,

- (1) Whereas the European System of Integrated Economic Accounts (ESA second edition), does not specify explicitly the treatment of repayments of VAT to non-taxable units and to taxable units, for their exempt activities;
- (2) Whereas for the purpose of the calculation of gross national product at market prices (GNPmp) pursuant to Article 1 of Directive 89/130/EEC, Euratom, it is necessary to clarify the treatment of repayments of VAT to non-taxable units and to taxable units, for their exempt activities, for the purpose of ESA second edition;
- (3) Whereas the sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽²⁾, as last amended by Directive 1999/59/EC ⁽³⁾, specifies the notions of taxable person, of non-taxable person and of exempt activity;
- (4) Whereas the measures provided for in this Decision are in accordance with the opinion of the committee established by Article 6 of Directive 89/130/EEC, Euratom,

HAS ADOPTED THIS DECISION:

Article 1

In compiling national accounts aggregates for the purpose of the implementation of Directive 89/130/EEC, Euratom, repayments of VAT incurred on their purchases, made to — non-taxable persons, — taxable persons, for their exempt activities, shall be treated under ESA second edition as current transfers (in the distribution of income account — C3) or capital transfers (in the capital account — C5), and not as if they were deductible VAT.

For a harmonised application of this Decision, non-taxable persons are as defined in Article 4 of the sixth Directive 77/388/EEC, Euratom, and the exempt activities envisaged are those listed in Article 13 of the sixth Directive 77/388/EEC, Euratom.

Article 2

The provisions of Article 1 shall apply to GNP data transmitted pursuant to Directive 89/130/EEC, Euratom, for the years from 1988 onwards.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 8 September 1999.

For the Commission

Yves-Thibault DE SILGUY

Member of the Commission

⁽¹⁾ OJ L 49, 21.2.1989, p. 26.

⁽²⁾ OJ L 145, 13.6.1977, p. 1.

⁽³⁾ OJ L 162, 26.6.1999, p. 63.

COMMISSION DECISION
of 10 September 1999
amending Decision 1999/293/EC concerning certain protective measures against bluetongue in parts of Greece

(notified under document number C(1999) 2902)

(Only the Greek text is authentic)

(Text with EEA relevance)

(1999/623/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10(4) thereof,

- (1) Whereas the Commission adopted Decision 1999/293/EC ⁽³⁾ concerning certain protective measures against bluetongue following outbreaks of that disease on certain islands in south-eastern Greece;
- (2) Whereas a serological examination carried out in August 1999 in the prefectures of Evros and Rodopi has revealed that the bluetongue virus is circulating in that region of Greece;
- (3) Whereas, in the absence of natural barriers, the disease vectors may actively spread or be transported on the wind for long distances;
- (4) Whereas the movement of animals of susceptible species should be restricted so that virus-carrying animals cannot spread the disease;

(5) Whereas Decision 1999/293/EC should therefore be amended to include the prefectures of Evros, Rodopi and Xanthi;

(6) 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

In the first and second paragraphs of Article 1 of Decision 1999/293/EC the phrase 'the Prefectures of Dodekanisa and Samos' is replaced by 'the Prefectures of Dodekanisa, Samos, Evros, Rodopi and Xanthi'.

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 10 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 114, 1.5.1999, p. 55.

(Acts adopted pursuant to Title V of the Treaty on European Union)

**COUNCIL COMMON POSITION
of 16 September 1999
concerning restrictive measures against the Republic of Indonesia**

(1999/624/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Taking into account the conclusions adopted by the Council on 13 September 1999,

Whereas:

- (1) In view of the current appalling situation in East Timor, where serious violations of human rights and international humanitarian law are taking place, the European Union considers it appropriate to take restrictive measures against the Republic of Indonesia;
- (2) Action by the Community is needed in order to implement the measures to prevent the supply of equipment which might be used for internal repression or terrorism,

HAS ADOPTED THIS COMMON POSITION:

Article 1

An embargo on the export of arms, munitions and military equipment shall be imposed on the Republic of Indonesia.

The embargo referred to in the first subparagraph shall cover weapons designed to kill and their ammunition, weapon platforms, non-weapon platforms and ancillary equipment. It shall also cover spare parts, repairs, maintenance and transfer of military technology.

The embargo shall also cover contracts entered into prior to the onset of the embargo.

Article 2

A ban on the supply of equipment which might be used for internal repression or terrorism will be imposed on the Republic of Indonesia.

Article 3

Bilateral military cooperation between the Republic of Indonesia and Member States shall be suspended.

Article 4

In order to maximise the impact of the above measures, the European Union shall deploy efforts to encourage other countries to adopt restrictive measures similar to those contained in this Common Position.

Article 5

This Common Position shall take effect on the date of its adoption.

It shall be kept under constant review.

It shall expire on 17 January 2000.

Article 6

This Common Position shall be published in the *Official Journal*.

Done at Brussels, 16 September 1999.

For the Council

The President

T. HALONEN