

English edition

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

COUNCIL JOINT ACTION
of 11 October 1999
amending Joint Action 96/676/CFSP in relation to the nomination of an EU Special Envoy for the
Middle East Peace Process

(1999/664/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Joint Action 96/676/CFSP of 25 November 1996 in relation to the nomination of an EU Special Envoy for the Middle East Peace Process ⁽¹⁾,

Whereas Joint Action 96/676/CFSP should be amended in order to enable the Special Representative to make the Union's role in the Middle East better understood,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The following indent shall be added to Article 2 of Joint Action 96/676/CFSP:

‘— to contribute to the better understanding of the Union's role among opinion leaders in the region.’

Article 2

This Joint Action shall take effect on the date of its adoption.

Article 3

This Joint Action shall be published in the Official Journal.

Done at Luxembourg, 11 October 1999.

For the Council
The President
T. HALONEN

⁽¹⁾ OJ L 315, 4.12.1996, p. 1. Joint Action as amended by Decision 98/608/CFSP (OJ L 290, 29.10.1998, p. 4).

COUNCIL JOINT ACTION
of 11 October 1999
repealing Joint Action 98/375/CFSP concerning the nomination of an EU Special Representative for
the Federal Republic of Yugoslavia (FRY)

(1999/665/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 8 June 1998 the Council adopted Joint Action 98/375/CFSP ⁽¹⁾ concerning the nomination of Mr Felipe González as the EU Special Representative for the Federal Republic of Yugoslavia (FRY), which was last extended by Council Decision 1999/75/CFSP ⁽²⁾ until 31 January 2000;
- (2) Mr. Felipe González wished to relinquish his mandate on 4 June 1999,

HAS ADOPTED THE FOLLOWING JOINT ACTION:

Article 1

Joint Action 98/375/CFSP is hereby repealed.

Article 2

This Joint Action shall enter into force on the day of its adoption.

Article 3

This Joint Action shall be published in the Official Journal.

Done at Luxembourg, 11 October 1999.

For the Council
The President
T. HALONEN

⁽¹⁾ OJ L 165, 10.6.1998, p. 2.

⁽²⁾ OJ L 23, 30.1.1999, p. 5.

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2151/1999
of 11 October 1999**

imposing a ban on flights between the territories of the Community and the Federal Republic of Yugoslavia other than the Republic of Montenegro or the Province of Kosovo, and repealing Regulation (EC) No 1064/1999

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 301 thereof,

Having regard to Common Position 99/318/CFSP adopted by the Council on the basis of Article 15 of the Treaty on European Union concerning additional restrictive measures against the Federal Republic of Yugoslavia ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) The government of the Federal Republic of Yugoslavia (FRY) has continued to violate United Nations Security Council resolutions and to pursue extreme and criminally irresponsible policies, including repression against its own citizens, which constitute serious violations of human rights and international humanitarian law;
- (2) Therefore, all flights between the territory of the Community and that of the Federal Republic of Yugoslavia other than the Republic of Montenegro or the Province of Kosovo should be prohibited;
- (3) This prohibition should not apply, under certain conditions, to Montenegro Airlines;
- (4) This measure falls under the scope of the Treaty establishing the European Community;
- (5) Therefore, and notably with a view to avoiding distortion of competition, Community legislation is necessary for the implementation of this measure, whereas as far as the territory of the Community is concerned; such territory is deemed to encompass, for the purposes of this Regulation, the territories of the Member States to which the Treaty establishing the European Community is applicable, under the conditions laid down in that Treaty;

- (6) There is a need to allow emergency landings and ensuring take-offs, and to allow exceptions for flights which serve strictly humanitarian purposes;
- (7) There is a need for the Commission and Member States to inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation;
- (8) For reasons of transparency and simplicity, the provisions of Council Regulation (EC) No 1064/1999 of 21 May 1999 imposing a ban on flights between the European Community and Federal Republic of Yugoslavia, and repealing Regulation (EC) No 1901/98 ⁽²⁾ should be incorporated in this Regulation, and that Regulation should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

It shall be prohibited to take off from or land in the territory of the Community for:

- (a) any aircraft operated, directly or indirectly, by a Yugoslav carrier, that is a carrier having its principal place of business or its registered office in the Federal Republic of Yugoslavia (FRY);
- (b) any aircraft registered in the FRY; and
- (c) any civil aircraft, that is an aircraft operated for commercial or private purposes, if it has taken off from or is destined to land in the territory of the FRY.

Article 2

1. All operating authorisations for scheduled air services between any point in the territory of the Community and any point in the FRY are hereby revoked and no new operating authorisations for such services shall be granted.

⁽¹⁾ OJ L 123, 13.5.1999, p. 1. Common Position amended by Common Position 1999/604/CFSP (OJ L 236, 7.9.1999, p. 1).

⁽²⁾ OJ L 129, 22.5.1999, p. 27.

2. All authorisations for charter flights, be they individual or series flights, between any point in the territory of the Community and any point in the FRY are hereby revoked and no new authorisations for such flights shall be granted.

3. No new operating authorisations shall be granted or existing ones renewed enabling aircraft that are either registered in the FRY or operated by Yugoslav carriers, to fly to or from airports in the Community.

Article 3

1. Article 1 shall not apply to emergency landings and ensuing take-offs.

2. Notwithstanding Articles 1 and 2, the competent authorities of the Member States may authorise on a case-by-case basis and subject to the consultation procedure of paragraph 3, that civil aircraft take off from or land in the territory of the Community, if conclusive evidence is given to these authorities that the flight to or from the territory of the FRY serves strictly humanitarian purposes.

3. The competent authorities of a Member State which intend to authorise a take off or landing in accordance with paragraph 2 shall notify to the competent authorities of the Member States and to the Commission the grounds on which they intend to authorise the take off or landing concerned.

If, within one working day after the receipt of the said notification, a Member State or the Commission has given notice to the other Member States or the Commission of conclusive evidence that the intended flight will not serve the indicated humanitarian purposes, the Commission will convene within one working day of the said notice a meeting with the Member States in order to consult on the relevant evidence.

The Member State which intends to authorise the take off or landing shall only take a decision with regard to this authorisation when either no objections have been raised, or after the consultations on the conclusive evidence have taken place at the meeting convened by the Commission. Where an authorisation is granted after such meeting, the Member State concerned shall notify to the other Member States and the Commission the grounds on which its decision to authorise has been taken.

4. Nothing in this Regulation shall be construed as limiting the right of any aircraft to fly over the territories of the Community and the FRY for transit purposes in accordance with applicable regulations.

Article 4

1. Notwithstanding Articles 1 and 2, the competent authorities listed in Annex I may authorise individual or series flights

with civil aircraft as defined in Article 1(c) between the territories of the Community and the FRY, on the condition that:

- (a) the aircraft used for these flights:
 - are not registered in the FRY and are operated by Montenegro Airlines or by a carrier which is not a Yugoslav carrier as defined in Article 1(a); or
 - are registered in the FRY and listed in Annex II, either as aircraft used by the government of Montenegro or the relevant bodies designated by the Special Representative of the UN Secretary-General for the Province of Kosovo, for non-commercial purposes, or as aircraft used by Montenegro Airlines for commercial purposes;

and

- (b) the point of departure of flights, intermediate points and points of final destination in the FRY are located only in the Republic of Montenegro or the Province of Kosovo.

2. Authorisations granted under this Article shall cease to be valid if:

- (a) in cases of flights to or from points in the Province of Kosovo, payments for the provision of essential services necessary for the normal execution of these flights are made to others than the providers of these services listed in Annex III, the level of such payments does not correspond to the average rates applicable for such services during the six month period before 19 June 1999 or such rates are applied on a discriminatory basis; or
- (b) in cases of flights to or from points in the Republic of Montenegro, payments for the provision of essential services necessary for the normal execution of these flights, other than Air Traffic Control Services provided by the competent bodies of the FRY, are not made into the account of the competent authorities of the Republic of Montenegro, listed in Annex III, the level of such payments does not correspond to the average rates applicable during the six month period before 19 June 1999 or such rates are applied on a discriminatory basis.

3. For the purpose of this Regulation, Air Traffic Control services provided by the competent bodies of the FRY and essential services necessary for the normal execution of authorised flights provided by the entities listed in Annex III shall be deemed to be essential transit services referred to in Article 7(2)(c) of Regulation (EC) No 1294/1999 ⁽¹⁾.

Article 5

Participation, knowingly and intentionally, in related activities, the object or effect of which is, directly or indirectly, to circumvent Articles 1 and 2 shall be prohibited.

⁽¹⁾ OJ L 153, 19.6.1999, p. 63. Regulation as amended by Commission Regulation (EC) No 1970/99 (OJ L 244, 16.9.1999, p. 39).

Article 6

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions must be effective, proportionate and dissuasive.

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed shall be those determined by the Member States in accordance with Article 5 of Regulation (EC) No 1901/98 ⁽¹⁾ or Article 6 of Regulation (EC) No 1064/1999.

Article 7

The Commission and the Member States shall inform each other of the measures taken under this Regulation and supply each other with any other relevant information at their disposal in connection with this Regulation, such as breaches and enforcement problems, judgments handed down by national courts or decisions of relevant international fora.

Article 8

Regulation (EC) No 1064/1999 shall be repealed and replaced by the provisions of this Regulation. Any reference to Articles of that Regulation shall be construed as a reference to the corresponding Article of this Regulation.

Article 9

The Commission shall be empowered to:

- (a) amend the list of competent authorities contained in Annex I on the basis of relevant information provided by the Member States;

- (b) amend the list of aircraft registered in the FRY and operated by Montenegro Airlines, the Government of Montenegro or the relevant bodies designated by the Special Representative of the UN Secretary-General for the Province of Kosovo, on the basis of relevant information provided by this government or these bodies;
- (c) publish and, if necessary, modify, the list of competent authorities of the Republic of Montenegro and of the relevant bodies and the essential service providers in the Province of Kosovo designated or identified as appropriate by the Special Representative of the United Nations Secretary-General for the Province of Kosovo.

The Commission shall publish these lists and any changes thereto in the *Official Journal of the European Communities*.

Article 10

This Regulation shall apply:

- (a) within the territory of the Community including its airspace,
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State,
- (c) to any person elsewhere who is a national of a Member State, and
- (d) to any body which is incorporated or constituted under the law of a Member State.

Article 11

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

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

Done at Luxembourg, 11 October 1999.

For the Council

The President

T. HALONEN

⁽¹⁾ OJ L 248, 8.9.1998, p. 7. Regulation as amended by Regulation (EC) No 214/1999 (OJ L 23, 30.1.1999, p. 6).

ANNEX I

List of competent authorities referred to in Article 3

BELGIUM

Ministère des communications et de l'infrastructure
Administration de l'aéronautique
Centre Communications Nord — 4^e étage
Rue du Progrès 80 — Boîte 5
B-1030 Bruxelles
Tel. (32 2) 206 32 00
Fax (32 2) 203 15 28

DENMARK

Statens Luftfartsvæsen
Luftfartshuset
Box 744
50 Ellebjergvej
DK-2450 København SV
Tel. (45) 36 44 48 48
Fax (45) 36 44 03 03

GERMANY

Generaldirektor für Luft- und Raumfahrt
Bundesministerium für Verkehr
Postfach 200 100
D-53170 Bonn
Tel. (49 228) 300 45 00
Fax (49 228) 300 79 29

GREECE

Υπουργείο Μεταφορών και Επικοινωνιών
Υπηρεσία Πολιτικής Αεροπορίας
Τ.Θ. 73 751
GR-16604 ΕΛΛΗΝΙΚΟ
Τηλ. (30 1) 894 42 63
Φαξ (30 1) 894 42 79

(Ministry of Transport and Communications
Hellenic Civil Aviation Authority
P.O. Box 73 751
GR-16604 Helliniko
Tel. (30 1) 894 42 63
Fax (30 1) 894 42 79)

SPAIN

Dirección General de Aviación Civil
Ministerio de Fomento
Paseo de la Castellana, 67
E-28071 Madrid
Tel. (34 91) 597 70 00
Fax (34 91) 597 53 57

FRANCE

Direction générale de l'aviation civile (DGAC)
48, rue Camille Desmoulins
F-92452 Issy-les-Moulineaux
Tel. (33 1) 41 09 36 94
Fax (33 1) 41 09 38 64

IRELAND

General Director for Civil Aviation
Department of Transport, Energy and Communications
44, Kildare Street
Dublin 2
Ireland
Tel. (353 1) 604 11 72
Fax (353 1) 604 11 81

ITALY

Ente Nazionale per l'Aviazione Civile (ENAC)
Via di Villa Ricotti 42
I-00161 Roma
Tel. (39 06) 44 18 52 08/441 85 209
Fax (39 06) 44 18 53 16

LUXEMBOURG

Directeur de l'aviation civile
Ministère des transports
19-21, Boulevard Royal
L-2938 Luxembourg
Tel. (352) 478 44 12
Fax (352) 46 77 90

NETHERLANDS

Ministry of Transport, Public Works and Water Management
Directorate General of Civil Aviation
Plesmanweg 1-6
P.O. Box 90 771
2509 LT Den Haag
Netherlands
Tel. (31 70) 351 72 45
Fax (31 70) 351 63 48

AUSTRIA

Bundesministerium für Wissenschaft, Verkehr und Kunst
Radetzkystraße 2
A-1030 Wien
Tel. (43 1) 711 62 70 00
Fax (43 1) 713 03 26

PORTUGAL

Instituto Nacional da Aviação Civil
Ministério do Equipamento, do Planeamento e da Administração do Território
Aeroporto de Lisboa
Rua B, Edifícios 4, 5, 6
P-1700 Lisboa Codex
Tel. (351 1) 842 35 61
Fax (351 1) 842 35 82

FINLAND

Ilmailulaitos/Luftfartsverket
(Civil Aviation Administration)
P.O. Box 50
FIN-01531 Vantaa
Tel. (358 9) 82 772 010
Fax (358 9) 82 772 091

SWEDEN

As regards Article 3:

Regeringskansliet
Utrikesdepartementet
Rättssekretariat för EU-frågor
Fredsgatan 6
S-103 39 Stockholm
Tel (46 8) 405 10 00
Fax (46 8) 723 11 76

As regards Article 4:

Luftfartsverket
S-601 79 Norrköping
Tel. (46 11) 19 20 00
Fax (46 11) 19 27 60

UNITED KINGDOM

Department of Environment, Transport and the Regions
International Aviation Negotiations
Great Minster House
76, Marsham Street
London SW1P 4DR
Fax (44 171) 890 58 01

EUROPEAN COMMUNITY

European Commission
Directorate-General I
Mr. A. de Vries DM24 5/75
Tel. (32 2) 295 68 80
Fax (32 2) 295 73 31

*ANNEX II***List of aircraft registered in the FRY referred to in Article 4**

Registration code	Model	Owner/user
YU-AOH 11176	F28/4000	Montenegro Airlines
YU-AOI 11184	F28/4000	Montenegro Airlines
YU-BPY S/N 173	LJ-35	Montenegrin Government
YU-HEK S/N 25908	Bell-412	Ministry of Internal Affairs
YU-HCC S/N 5712	Bell-212	Ministry of Internal Affairs
YU-HAW S/N 8314	Bell-206	Ministry of Internal Affairs

*ANNEX III*p.m.

COMMISSION REGULATION (EC) No 2152/1999
of 11 October 1999
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

- (2) 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 12 October 1999.

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

Done at Brussels, 11 October 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 11 October 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	060	108,4
	204	85,7
	999	97,1
0707 00 05	628	136,6
	999	136,6
0709 90 70	052	62,3
	999	62,3
0805 30 10	052	63,7
	388	68,3
	524	54,4
	528	57,7
0806 10 10	999	61,0
	052	99,4
	064	75,2
	400	208,8
0808 10 20, 0808 10 50, 0808 10 90	999	127,8
	060	46,2
	388	56,9
	400	56,6
	480	48,9
	800	184,2
	804	44,4
	999	72,9
0808 20 50	052	99,1
	064	59,1
	388	177,3
	999	111,8

⁽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 2153/1999
of 11 October 1999
on the supply of split peas as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

Article 2

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

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

Done at Brussels, 11 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 206/98
2. **Beneficiary** ⁽²⁾: WFP, (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma
tel. (39-6) 65 13 29 88; fax: 65 13 28 44/3; telex: 626675 WFP I
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Liberia
5. **Product to be mobilised** ⁽⁸⁾: split peas
6. **Total quantity (tonnes net):** 1 000
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁷⁾: —
9. **Packaging** ⁽⁵⁾: see OJ C 267, 13.9.1996, p. 1 (2.1 A 1.a, 2.a and B.4) or (4.0 A 1.c, 2.c and B.4)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (IV.A.(3))
— Language to be used for the markings: English
— Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
The product must originate from the Community.
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
— port or warehouse of transit: —
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**
— first deadline: 22.11 to 12.12.1999
— second deadline: 6 to 26.12.1999
18. **Period or deadline of supply at the alternative stage:**
— first deadline: —
— second deadline: —
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
— first deadline: 26.10.1999
— second deadline: 9.11.1999
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1040 Brussels telex: 25670 AGREC
B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: André Debongnie [tel. (32-2) 295 14 65],
Torben Vestergaard [tel. (32-2) 299 30 50].
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁵) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking following by a capital 'R'.
- (⁶) Notwithstanding OJ C 114, 29.4.1991, point IV.A(3)(c) is replaced by the following: 'the words "European Community"' and point IV.A(3)(b) by the following: 'Split peas'.
- (⁷) Tenders shall be rejected unless they specify the type of peas to which they relate.
- (⁸) Yellow or green peas (*Pisum sativum*) for human consumption of the most recent crop. The peas must not have been coloured artificially. The split peas must be steam-treated for at least two minutes or have been fumigated (*) and meet the following requirements:
— moisture: maximum 15 %,
— foreign matters: maximum 0,1 %,
— broken split peas: maximum 10 % (pea fragments passing through a sieve of circular mesh of 5 mm diameter).
— percentage of discoloured seeds or of different colour: maximum 1,5 % (yellow peas), maximum 15 % (green peas),
— cooking time: maximum 45 minutes (after soaking for 12 hours) or maximum 60 minutes (without soaking).
-

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

COMMISSION REGULATION (EC) No 2154/1999
of 11 October 1999
on the supply of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

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

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

Done at Brussels, 11 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 1/99
2. **Beneficiary** ⁽²⁾: North Korea
3. **Beneficiary's representative:** Flood Damage Rehabilitation Committee, PO Box No 44, Pyongyang, Democratic People's Republic of Korea. Contact: Ri Si Hong, Director; tel.: (850-5) 382 70 00, fax: 381 46 60, tlx: 5350KP/5351KP
4. **Country of destination:** North Korea
5. **Product to be mobilised** common wheat
6. **Total quantity (tonnes net):** 20 000
7. **Number of lots:** 1
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (II.A.(1)(a))
9. **Packaging** ⁽⁷⁾ ⁽¹⁰⁾: see OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.3)
10. **Labelling or marking** ⁽⁶⁾ ⁽⁸⁾:
 - Language to be used for the markings: English and Korean
 - Supplementary markings: 'For free distribution'
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at port of landing — landed ⁽⁹⁾
13. **Alternative delivery stage:** free at port of shipment — fob stowed and trimmed
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** Nampo
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 26.12.1999
 - second deadline: 9.1.2000
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 8 to 14.11.1999
 - second deadline: 22 to 28.11.1999
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 26.10.1999
 - second deadline: 9.11.1999
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1040 Brussels; telex: 25670 AGREC B; fax: (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: refund applicable on 22.10.1999, fixed by Commission Regulation (EC) No 2070/1999 (OJ L 256, 1.10.1999, p. 21)

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32-2) 295 14 65),
Torben Vestergaard (tel. (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39) is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax: (32-2) 296 20 05)).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁶) Notwithstanding OJ C 114, point II.A (3)(c) is replaced by the following: 'the words "European Community".'
- (⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁸) The marking in Korea must be made as follows on the reverse side of the packaging:

European Community:

구 주 공 동 체

Common wheat:

밀
R

For free distribution:

무 상 배 급 용

- (⁹) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC, (OJ L 157, 7.7.1995, p. 1)).

- (¹⁰) Bagging must be carried out at the port of landing.

**COMMISSION REGULATION (EC) No 2155/1999
of 11 October 1999**

laying down transitional measures in the wine sector extending the duration of certain replanting rights

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 ⁽¹⁾ of 17 May 1999 on the common organisation of the market in wine, and in particular Article 80(a) thereof,

Whereas:

- (1) under the rules covering wine-growing potential, all replanting of vines is subject to a system of replanting rights. The rights of a number of growers expired between 31 December 1998 and 1 September 1999. Account should be taken of the shortage of valid rights and the situation on the wine market. Given that Article 80(a) of the new Council Regulation provides for the possibility of measures to facilitate the transition from the old to the new rules, the validity of the above

replanting rights should be extended until 1 August 2000;

- (2) the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

The validity of replanting rights expiring between 31 December 1998 and 1 September 1999 is extended until 1 August 2000.

Article 2

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

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

Done at Brussels, 11 October 1999.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

COMMISSION REGULATION (EC) No 2156/1999
of 11 October 1999
amending the import duties in the cereals sector

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 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2519/98 ⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas:

- (1) the import duties in the cereals sector are fixed by Commission Regulation (EC) No 1961/1999 ⁽⁵⁾, as last amended by Regulation (EC) No 2108/1999 ⁽⁶⁾;

- (2) Article 2, (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made; such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1872/1999,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1961/1999 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 12 October 1999.

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

Done at Brussels, 11 October 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 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 315, 25.11.1998, p. 7.

⁽⁵⁾ OJ L 244, 16.9.1999, p. 4.

⁽⁶⁾ OJ L 258, 5.10.1999, p. 5.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	32,38	22,38
	medium quality ⁽¹⁾	42,38	32,38
1001 90 91	Common wheat seed	41,47	31,47
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	41,47	31,47
	medium quality	73,69	63,69
	low quality	86,15	76,15
1002 00 00	Rye	79,55	69,55
1003 00 10	Barley, seed	79,55	69,55
1003 00 90	Barley, other ⁽³⁾	79,55	69,55
1005 10 90	Maize seed other than hybrid	96,75	86,75
1005 90 00	Maize other than seed ⁽³⁾	96,75	86,75
1007 00 90	Grain sorghum other than hybrids for sowing	79,55	69,55

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 14 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 30 September to 8 October 1999)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	117,94	99,96	90,91	79,57	136,46 (**)	126,46 (**)	89,29 (**)
Gulf premium (EUR/t)	—	6,83	3,43	4,30	—	—	—
Great Lakes premium (EUR/t)	9,43	—	—	—	—	—	—

(*) A discount of EUR 10/t (Article 4(1) of Regulation (EC) No 1249/96).

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 14,25 EUR/t; Great Lakes — Rotterdam: 25,90 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: EUR 0,00/t (HRW2)
EUR 0,00/t (SRW2).

EUROPEAN CENTRAL BANK REGULATION (EC) No 2157/1999
of 23 September 1999
on the powers of the European Central Bank to impose sanctions
(ECB/1999/4)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community (hereinafter referred to as the Treaty) and in particular to Article 110(3) thereof, to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the Statute) and in particular to Articles 34.3 and 19.1 thereof, and to Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the European Central Bank to impose sanctions ⁽¹⁾ (hereinafter referred to as the Council Regulation) and in particular to Article 6(2) thereof;

Whereas:

- (1) according to Article 34.3 of the Statute, in conjunction with Article 43.1 of the Statute, paragraph 8 of Protocol No 25 on certain provisions relating to the United Kingdom of Great Britain and Northern Ireland and paragraph 2 of Protocol No 26 on certain provisions relating to Denmark, this Regulation shall not confer any rights or impose any obligations on a non-participating Member State;
- (2) the Council Regulation has established the limits and conditions under which the European Central Bank (ECB) is entitled to impose fines or periodic penalty payments on undertakings for failure to comply with obligations under its regulations and decisions;
- (3) Article 6(2) of the Council Regulation provides the ECB with the regulatory power to specify the arrangements whereby sanctions may be imposed in accordance with the Council Regulation;
- (4) other Council or ECB Regulations may provide for specific sanctions in specific fields and may refer to this Regulation for the principles and procedures relating to the imposition of such sanctions;
- (5) when carrying out the procedure to determine the applicable sanction, the ECB must ensure the widest possible respect of the rights of defence of third parties, in accordance with the general principles of law and the case law of the Court of Justice of the European Communities on the matter, in particular existing case law concerning the inquiry powers of the European Commission in the field of competition;
- (6) there are no legal obstacles to the exchange of information within the European System of Central Banks (ESCB) relating to the detection of an infringement of ECB Regulations or Decisions;
- (7) the principle of *ne bis in idem* must be respected as regards the initiation of infringement procedures;
- (8) the rules governing the powers of the ECB and the competent national central bank in the framework of the infringement procedure must ensure the effective conduct of a thorough investigation of an alleged infringement, while at the same time providing for a high level of protection of the rights of defence of the undertaking concerned and the confidentiality of the infringement procedure;
- (9) assistance by the authorities of the Member States may be required to ensure the effective exercise of the powers of the ECB and of the competent national central bank to carry out the infringement procedure;
- (10) the undertaking concerned shall have the right to be heard once the inquiry stage, if any, of the infringement procedure has been completed and once it has received the factual results of the inquiry and the notice of objections;
- (11) an infringement procedure shall be carried out subject to the principles of confidentiality and of professional secrecy; confidentiality or professional secrecy shall not affect the rights of defence of the undertaking concerned;
- (12) a decision on an infringement may be subject to further review by the Governing Council of the ECB; the procedural conditions under which such further review shall take place must be established;
- (13) for the purposes of enhancing the transparency and the effectiveness of its powers to impose sanctions, the ECB may decide to publish its final decisions regarding sanctions or any information relating thereto; in view of the specific features of financial markets, publication of a decision to impose a sanction shall be an exceptional measure which shall only be taken by the ECB after due consideration of the circumstances of the specific case, the likely effects of such a decision on the reputation of the undertaking concerned and the legitimate business interests of the latter; such a decision to publish must

⁽¹⁾ OJ L 318, 27.11.1998, p. 4.

respect the principle of non-discrimination and guarantee a level playing-field; in this context, consultation with the relevant supervisory authorities prior to taking a decision to publish is desirable; the publication of a decision to impose a sanction shall in any event not disclose any information of a confidential nature;

- (14) a decision to impose a pecuniary obligation is to be enforced in accordance with Article 256 of the Treaty; whereas national central banks may be delegated to adopt all measures which are necessary to that end;
- (15) for the sake of sound and efficient administration, it appears appropriate to provide for a simplified infringement procedure for the penalisation of minor infringements;
- (16) this Regulation shall apply to cases of non-compliance foreseen in Article 7(1) of Council Regulation (EC) No 2531/98 of 23 November 1998 concerning the application of minimum reserves by the European Central Bank ⁽¹⁾ (hereinafter referred to as the Council Regulation on minimum reserves) within the limits and conditions set out by the same Article 7(2); the particular features of cases of non-compliance with minimum reserve requirements as laid down in Article 7(1) of the Council Regulation on minimum reserves warrant the adoption of a specific legal regime which provides for an expeditious procedure for the imposition of sanctions while, at the same time, not violating the rights of defence of the undertaking concerned;
- (17) the ECB shall act in accordance with the Council Regulation and this Regulation in exercising the powers laid down in Article 7 of Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

For the purposes of this Regulation, the term 'competent national central bank' shall mean the national central bank of the Member State in whose jurisdiction the alleged infringement has occurred. Other terms used shall have the same meaning as defined in Article 1 of the Council Regulation.

Article 2

Initiation of an infringement procedure

1. No more than one infringement procedure shall be initiated against the same undertaking based on the same facts. For this purpose, no decision on whether or not to initiate an

infringement procedure shall be taken by the Executive Board of the ECB or by the competent national central bank until they have informed and consulted with one another.

2. Prior to a decision to initiate an infringement procedure, the ECB and/or the competent national central bank may request from the undertaking concerned any information relating to the alleged infringement.

3. Either the Executive Board of the ECB or the competent national central bank, as the case may be, shall, upon request, be entitled to assist and cooperate with the other in carrying out the infringement procedure, in particular by transmitting any information that may be deemed relevant.

4. Unless otherwise agreed between the parties concerned, any communication between the ECB or the competent national central bank, as the case may be, and the undertaking concerned shall be conducted in the official Community language (or in one of the official Community languages) of the Member State in whose jurisdiction the alleged infringement has occurred.

Article 3

Powers of the ECB and the competent national central bank

1. The powers conferred by the Council Regulation upon the ECB and the competent national central bank in carrying out the inquiry shall include, for the purpose of obtaining any information relating to the alleged infringement, the right to search for any items of information and the right to conduct a search without prior notification of the undertaking concerned.

2. The staff of the ECB or of the competent national central bank, as the case may be, who are authorised, in accordance with their respective internal rules, to search for information on the premises of the undertaking concerned, shall exercise their powers upon the production of formal authorisation in writing issued in accordance with their respective internal rules.

3. Any request made to the undertaking concerned on the basis of the powers conferred upon the ECB or the competent national central bank, as the case may be, shall specify the subject matter and purpose of the investigation.

Article 4

Assistance by the authorities of the Member States

1. The assistance of the authorities of the Member States may be requested by the ECB or the competent national central bank, as the case may be, as a precautionary measure.

2. No authority of a Member State can act as a substitute for the ECB or the competent national central bank, as the case may be, in the assessment of the need for the investigations.

⁽¹⁾ OJ L 318, 27.11.1998, p. 1.

⁽²⁾ OJ L 318, 27.11.1998, p. 8.

*Article 5***Notice of objections**

1. The ECB or the competent national central bank, as the case may be, shall notify the undertaking concerned in writing of the factual results of any inquiry carried out and of the objections raised against the undertaking concerned before any decision is taken on the imposition of a sanction.
2. The ECB or the competent national central bank, as the case may be, shall, when giving notice of objections, fix a time limit within which the undertaking concerned may inform in writing the ECB or the competent national central bank, as the case may be, of its views on the objections raised, without prejudice to the possibility to develop these views at an oral hearing, if so requested in its written comments. This time limit shall be no less than 30 working days and shall start to run from receipt of the notification referred to in paragraph 1.
3. Further to the response received from the undertaking concerned, the ECB or the competent national central bank, as the case may be, shall decide whether to carry out further inquiries in order to resolve any outstanding issues. An additional notice of objections pursuant to paragraph 1 shall be sent to the undertaking concerned only if the result of the further inquiries conducted by the ECB or the competent national central bank, as the case may be, is to take new facts into account against the undertaking concerned or to alter the evidence for the contested infringements.
4. The ECB shall, in its decision to impose a sanction, deal only with those objections which have been notified in the manner outlined in paragraph 1 and in respect of which the undertaking concerned has been afforded the opportunity to make its views known.

*Article 6***Rights and obligations of the undertaking concerned**

1. The undertaking concerned shall cooperate with the ECB or the competent national central bank, as the case may be, in the inquiry stage of an infringement procedure. The undertaking concerned shall namely have the right to submit any documents, books or records, or copies or extracts thereof, and to provide any written or oral explanations.
2. The obstruction, non-compliance or non-performance by the undertaking concerned of duties imposed by the ECB or by the competent national central bank, as the case may be, in the exercise of its powers under the infringement procedure may provide sufficient grounds to initiate an infringement procedure under the terms of this Regulation and give rise to the imposition of periodic penalty payments.
3. The undertaking concerned shall have the right to legal representation during the infringement procedure.

4. Once it has been notified in accordance with Article 5(1), the undertaking concerned shall have the right to access the documents and other materials compiled by the ECB or by the competent national central bank, as the case may be, which serve as the basis for the evidence of an alleged infringement.

5. Should the undertaking concerned request in its written comments also to be heard at an oral hearing, this shall be conducted, on the date set, by the persons appointed for that purpose by the ECB or the competent national central bank, as the case may be. Oral hearings will take place on the premises of the ECB or the competent national central bank. Oral hearings shall not be public. Persons shall be heard separately or in the presence of other persons called upon to attend. The undertaking concerned may propose, within reasonable limits, that the ECB or the competent national central bank, as the case may be, should hear persons who may corroborate any aspect of its written comments.

6. The essential content of the statements made by each person heard shall be recorded in minutes which shall be read and approved by such person only in relation to his or her own statements.

7. Information and requests to attend oral hearings from the ECB or the competent national central bank, as the case may be, shall be sent to the addressees by registered post with acknowledgement of receipt, or shall be delivered by hand against receipt.

*Article 7***Confidentiality of the infringement procedure**

1. An infringement procedure shall be carried out subject to the principles of confidentiality and of professional secrecy.
2. Without prejudice to Article 6(4), the undertaking concerned shall not have access to documents or other materials in the possession of the ECB or the competent national central bank that are deemed to be confidential in relation to third parties or to the ECB or the competent national central bank. These shall include, in particular, documents or other materials containing information relating to the business interests of other undertakings, or internal documents of the ECB, the competent national central bank, other Community institutions or bodies, or other national central banks, such as notes, drafts and other working papers.

*Article 8***Review of the decision by the Governing Council of the ECB**

1. The Governing Council of the ECB may request the undertaking concerned, the Executive Board of the ECB and/or the competent national central bank to provide additional information in order to review the decision of the Executive Board of the ECB.

2. The Governing Council of the ECB shall fix a time-limit by which the information shall be provided, but this shall be no fewer than 10 working days.

Article 9

Enforcement of the decision

1. Once the decision on the imposition of a sanction has become final, the Governing Council of the ECB, after consulting the relevant national supervisory authorities, may decide to publish the decision or information relating thereto in the *Official Journal of the European Communities*. Such decision to publish shall have regard to the legitimate interest of the undertaking concerned to protect its business interests, and also to any other individual interest.

2. The decision of the ECB shall establish the manner in which payment of the sanction is to be made.

3. The ECB may request the national central bank of the Member State in whose jurisdiction the sanction is to be enforced to adopt all measures necessary to that end.

4. The national central banks shall report to the ECB on the enforcement of the sanction.

5. The ECB shall store all the information relevant to the determination and enforcement of the sanction in a file that shall be kept for at least five years from the date on which the decision on the imposition of the sanction becomes final. In order for the ECB to fulfil this duty, the competent national central bank shall forward to the ECB all original documentation and materials in its possession relating to the infringement procedure.

Article 10

Simplified procedure for minor infringements

1. In the event of a minor infringement the Executive Board of the ECB may decide to apply a simplified infringement procedure. The sanction to be imposed under this procedure shall not exceed EUR 25 000.

2. The simplified procedure shall entail the following steps:

- (a) the Executive Board of the ECB shall notify the undertaking concerned of the alleged infringement;
- (b) the notification shall contain all the facts which constitute the evidence of the alleged infringement and the corresponding sanction;
- (c) the notification shall inform the undertaking concerned of the fact that the simplified procedure is being applied and of its right to object to this procedure within 10 working days of receipt of the notification; and
- (d) if an objection is raised before the deadline laid down in (c) above, the infringement procedure shall be deemed to be initiated and the time limit of 30 working days within which it is possible to exercise the right to be heard shall start as from expiry of the deadline laid down in (c) above. If no objection is raised before the deadline laid down in (c)

above, the decision of the Executive Board of the ECB on the imposition of a sanction becomes final.

3. This Article shall be without prejudice to the procedure applicable in the event of non-compliance with minimum reserve requirements as laid down in Article 11 of this Regulation.

Article 11

Procedure in the event of non-compliance with minimum reserve requirements

1. In the event of non-compliance as foreseen in Article 7(1) of the Council Regulation on minimum reserves, Article 2(1) and (3), Articles 3, 4 and 5 and Article 6, with the exception of paragraph 3, of this Regulation shall not be applicable. The time limit foreseen in Article 8(2), shall be reduced to five working days.

2. The Executive Board of the ECB may specify and publicise the criteria according to which it will apply the sanctions provided for in Article 7(1) of the Council Regulation on minimum reserves. Such criteria may be published through a notice in the *Official Journal of the European Communities*.

3. Before any sanction is imposed in accordance with Article 7(1) of the Council Regulation on minimum reserves, the Executive Board of the ECB or, on its behalf, the competent national central bank shall notify the undertaking concerned of the alleged non-compliance and of the corresponding sanction. The notification shall contain all relevant facts of the alleged non-compliance and shall also inform the undertaking concerned that, unless it submits any objections, the sanction shall be deemed to be imposed by decision of the Executive Board of the ECB.

4. Upon receipt of the notification, the undertaking concerned shall be given five working days either:

— to acknowledge the alleged non-compliance and agree to the payment of the specified sanction, in which case the infringement procedure shall be deemed to have come to an end,

or

— to present any written information, explanations or objections which may be deemed relevant to a decision on whether or not to impose the sanction. The undertaking concerned may also attach any relevant documents as proof of the content of its reply. The competent national central bank shall without undue delay forward the file to the Executive Board of the ECB, which shall then decide whether or not to impose a sanction.

5. If no written objections are raised by the undertaking concerned within the established time limit, the sanction shall be deemed to be imposed by decision of the Executive Board of the ECB. After the decision has become final in accordance with the provisions of the Council Regulation, the undertaking concerned shall be charged the amount of the sanction specified in the notification.

6. In the situations foreseen in paragraph 4, first indent, and in paragraph 5, the ECB or the competent national central bank, on behalf of the ECB, as the case may be, shall give notification in writing to the relevant supervisory authorities.

Article 12

Time limits

1. Without prejudice to Article 4 of the Council Regulation, the time limits foreseen in this Regulation shall run from the day following receipt of a communication or delivery thereof by hand. Any communication from the undertaking concerned must be received by the addressee or be dispatched by registered post before the relevant time limit has expired.

2. Where the time limit would expire on a Saturday, Sunday or public holiday, it shall be extended up to the end of the following working day.

3. For the purposes of this Regulation, relevant public holidays for the ECB shall be those set out in the Annex to this Regulation, whereas public holidays relevant to national central banks shall be those established by law in the respective area of the Member State in which the undertaking concerned is located. The term 'working day' shall be construed accordingly. The ECB shall update the Annex of this Regulation whenever necessary.

Done at Frankfurt am Main, 23 September 1999.

*On behalf of the Governing Council of the
ECB*

The President

Willem F. DUISENBERG

ANNEX (*Indicative*)**List of public holidays (as referred to in paragraph 3 of Article 12)**

The following public holidays will be observed by the ECB:

New Year's Day	1 January
Carnival Tuesday (half day)	date varies
Good Friday	date varies
Easter Monday	date varies
Labour Day	1 May
Anniversary of the Declaration of Robert Schuman	9 May
Ascension Day	date varies
Whit Monday	date varies
Corpus Christi	date varies
Day of German Unity	3 October
All Saints' Day	1 November
Christmas Eve	24 December
Christmas Day	25 December
26 December	26 December
New Year's Eve	31 December
