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Legislation

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Contents

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[1] Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

EN

(1) Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 14 June 2010

approving the conclusion, by the European Commission on behalf of the European Atomic Energy Community, of the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, and the Exchange of Letters amending the Interim Agreement as regards the authentic language versions

(2011/186/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the recommendation from the Commission,

Whereas:

(1) Pending the entry into force of the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part, signed in Brussels on 25 May 1998, it is necessary to approve the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, signed in Brussels on 10 November 1999 ('Interim Agreement') ([1]).

(2) Article 31 of the Interim Agreement should be amended in order to take into account the new official languages of the Union since the signature of the Interim Agreement, by the Exchange of Letters between the European Community and Turkmenistan amending the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, as regards the authentic language versions ('Exchange of Letters') ([2]).

(3) The conclusion, by the European Commission on behalf of the European Atomic Energy Community, of the Interim Agreement, its Annexes, the Protocol and the declarations, and the Exchange of Letters, should be approved,

HAS ADOPTED THIS DECISION:

Sole Article

The conclusion by the European Commission, on behalf of the European Atomic Energy Community, of the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan of the other part, together with its Annexes, the Protocol and the declarations, and the Exchange of Letters between the European Community and Turkmenistan amending the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, as regards the authentic language versions, is hereby approved.

Done at Luxembourg, 14 June 2010.

For the Council
The President
C. ASHTON

([1]) See page 21 of this Official Journal.
([2]) See page 40 of this Official Journal.

REGULATIONS

COUNCIL REGULATION (EU) No 296/2011

of 25 March 2011

amending Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2011/178/CFSP of 23 March 2011 amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya [1],

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission,

Whereas:

(1) Decision 2011/178/CFSP provides, inter alia, for further restrictive measures in relation to Libya, including a prohibition on flights in Libyan airspace, a prohibtion on Libyan aircraft in the airspace of the Union, and further provisions in relation to the measures introduced in Council Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya [2], including a provision to ensure that these measures do not affect humanitarian operations in Libya.

(2) Some of those measures fall within the scope of the Treaty on the Functioning of the European Union and regulatory action at the level of the Union is therefore necessary in order to implement them, in particular with a view to ensuring their uniform application by economic operators in all Member States.

(3) Council Regulation (EU) No 204/2011 [3] should be amended accordingly.

(4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 204/2011 is hereby amended as follows:

(1) Article 3 is replaced by the following:

'*Article 3*

1. It shall be prohibited:

(a) to provide, directly or indirectly, technical assistance related to the goods and technology listed in the Common Military List of the European Union (*) (Common Military List) or related to the provision, manufacture, maintenance and use of goods included in that list, to any person, entity or body in Libya or for use in Libya;

(b) to provide, directly or indirectly, technical assistance or brokering services related to equipment which might be used for internal repression as listed in Annex I, to any person, entity or body in Libya or for use in Libya;

(c) to provide, directly or indirectly, financing or financial assistance related to the goods and technology listed in the Common Military List or in Annex I, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of such items, or for any provision of related technical assistance to any person, entity or body in Libya or for use in Libya;

(d) to provide, directly or indirectly, technical assistance, financing or financial assistance, brokering services or transport services related to the provision of armed mercenary personnel in Libya or for use in Libya;

(e) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in points (a) to (d).

[1] OJ L 78, 24.3.2011, p. 24.
[2] OJ L 58, 3.3.2011, p. 53.
[3] OJ L 58, 3.3.2011, p. 1.

2. By way of derogation from paragraph 1, the prohibitions refered to therein shall not apply to the provision of technical assistance, financing and financial assistance related to non-lethal military equipment intended solely for humanitarian purposes or protective use, or to other sales and supply of arms and related material, as approved in advance by the Sanctions Committee.

3. By way of derogation from paragraph 1, the competent authorities in the Member States, as listed in Annex IV, may authorise the provision of technical assistance, financing and financial assistance related to equipment which might be used for internal repression, under such conditions as they deem appropriate, if they determine that such equipment is intended solely for humanitarian or protective use.

4. By way of derogation from paragraph 1, the competent authorities in the Member States, as listed in Annex IV, may authorise the provision to persons, entities or bodies in Libya of technical assistance, financing and financial assistance related to the goods and technology listed in the Common Military List, or related to equipment which might be used for internal repression, where the competent authority considers that such authorisation is necessary in order to protect civilians who, and civilian-populated areas in Libya which, are under threat of attack, provided that, in the case of the provision of assistance related to goods or technology listed in the Common Military List, the Member State concerned has given prior notification to the Secretary-General of the United Nations.

5. Paragraph 1 shall not apply to protective clothing, including flak jackets and helmets, temporarily exported to Libya by United Nations personnel, personnel of the Union or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

(*) OJ C 69, 18.3.2010, p. 19.';

(2) the following Articles are inserted:

'*Article 4a*

1. It shall be prohibited for any aircraft or air carrier registered in Libya, or owned or operated by Libyan nationals or entities, to:

(a) fly over the territory of the Union;

(b) make stops in the territory of the Union for any purpose; or

(c) operate any air service to or from the Union,

except where the particular flight has been approved in advance by the Sanctions Committee, or in the case of an emergency landing.

2. It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibtion in paragraph 1.

Article 4b

1. It shall be prohibited for any aircraft or air carrier in the Union, or owned or operated by citizens of the Union or by entities incorporated or constituted under the law of a Member State, to:

(a) fly over the territory of Libya;

(b) make stops in the territory of Libya for any purpose; or

(c) operate any air service to or from Libya.

2. Paragraph 1 shall not apply to flights:

(i) the sole purpose of which is humanitarian, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance;

(ii) for evacuations from Libya;

(iii) authorised by paragraph 4 or 8 of UNSCR 1973 (2011); or

(iv) which are deemed by Member States, acting under the authorisation conferred in paragraph 8 of UNSCR 1973 (2011), to be necessary for the benefit of the Libyan people.

3. It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibition in paragraph 1.';

(3) in Article 6, paragraphs 1 and 2 are replaced by the following:

'1. Annex II shall include the natural or legal persons, entities and bodies designated by the United Nations Security Council or by the Sanctions Committee in accordance with paragraph 22 of UNSCR 1970 (2011) or paragraphs 19, 22 or 23 of UNSCR 1973 (2011).

2. Annex III shall consist of natural or legal persons, entities and bodies, not covered by Annex II, who, in accordance with point (b) of Article 6(1) of Decision 2011/137/CFSP have been identified by the Council as being persons and entities involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in Libya, including by being involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations and facilities, or as being persons, entities or bodies that are Libyan authorities, or as being persons, entities or bodies that have violated or have assisted in violating the provisions of UNSCR 1970 (2011) or UNSCR 1973 (2011) or of this Regulation, or as being persons, entities or bodies acting for or on behalf or at the direction of any of the above, or entities or bodies owned or controlled by them or by persons, entities or bodies listed in Annex II.';

(4) the following Article is inserted:

'*Article 6a*

With regard to persons, entities and bodies not designated in Annexes II or III, in which a person, entity or body designated in those Annexes has a stake, the obligation to freeze the funds and economic resources of the designated person, entity or body shall not prevent such non-designated persons, entities or bodies from continuing to conduct legitimate business in so far as this business does not involve making available any funds or economic resources to a designated person, entity or body.';

(5) the following Article is inserted:

'*Article 8a*

By way of derogation from Article 5, the competent authorities in the Member States, as listed in Annex IV, may authorise the release of certain frozen funds or economic resourses belonging to persons, entities or bodies listed in Annex III, or the making available of certain funds or economic resources to persons, entities or bodies listed in Annex III, under such conditions as they deem appropriate, where they consider it necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, food, the provision of electricity, humanitarian workers and related assistance, or evacuations from Libya. The Member State concerned shall inform the other Member States and the Commission of authorisations granted under this Article.';

(6) Article 12 is replaced by the following:

'*Article 12*

No claims, including for compensation or any other claim of this kind, such as a claim of set-off or a claim under a guarantee, in connection with any contract or transaction the performance of which was affected, directly or indirectly, wholly or in part, by reason of measures decided upon pursuant to UNSCR 1970 (2011) or UNSCR 1973 (2011), including measures of the Union or any Member State in accordance with, as required by, or in any connection with, the implementation of the relevant decisions of the United Nations Security Council, or measures covered by this Regulation, shall be granted to the Libyan authorities, or any person, entity or body claiming on their behalf or for their benefit.

No liability shall arise on the part of natural or legal persons, entities or bodies in respect of actions performed by them in good faith in implementation of the obligations laid down in this Regulation.';

(7) in point (a) of Article 13(1), the reference to Article 4 is replaced by a reference to Article 5.

Article 2

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

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

Done at Brussels, 25 March 2011.

For the Council
The President
MARTONYI J.

COMMISSION IMPLEMENTING REGULATION (EU) No 297/2011

of 25 March 2011

imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety [1], and in particular Article 53 (1) (b)(ii) thereof,

Whereas:

(1) Article 53 of Regulation (EC) No 178/2002 provides for the possibility to adopt appropriate Community emergency measures for food and feed imported from a third country in order to protect public health, animal health or the environment, where the risk cannot be contained satisfactorily by means of measures taken by the Member States individually.

(2) Following the accident at the Fukushima nuclear power station on 11 March 2011, the Commission was informed that radionuclide levels in certain food products originating in Japan such as milk and spinach exceeded the action levels in food applicable in Japan. Such contamination may constitute a threat to public and animal health within the Union and it is therefore appropriate as a precautionary measure to urgently take measures at Union level to ensure the safety of the feed and food, including fish and fishery products, originating in or consigned from Japan. As the accident is not yet under control, it is at this stage appropriate that the required testing before export would apply to feed and food originating from the affected prefectures with a buffer zone and a random testing of feed and food at import originating from the whole territory of Japan.

(3) Maximum levels have been established by Council Regulation (Euratom) No 3954/87 of 22 December 1987 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency [2], Commission Regulation (Euratom) No 944/89 of 12 April 1989 laying down maximum permitted levels of radioactive contamination in minor foodstuffs following a nuclear accident or any other case of radiological emergency [3] and Commission Regulation (Euratom) No 770/90 of 29 March 1990 laying down maximum permitted levels of radioactive contamination of feedingstuffs following a nuclear accident or any other case of radiological emergency [4].

(4) These maximum levels can be rendered applicable after the Commission is informed of a nuclear accident substantiating that the maximum permitted levels of radioactive contamination of foodstuffs and feedingstuffs are likely to be reached or have been reached pursuant to Council Decision 87/600/Euratom of 14 December 1987 on Community arrangements for the early exchange of information in the event of radiological emergency [5] or under the International Atomic Energy Agency (IAEA) Convention on early notification of a nuclear accident of 26 September 1986. In the meantime it is appropriate to use these pre–established maximum levels as reference values to judge the acceptability to place feed and food on the market.

(5) The Japanese authorities have informed the Commission services that appropriate testing is carried out on food products from the affected region exported from Japan.

(6) In addition to the testing carried out by the Japanese authorities, it is appropriate to foresee random controls on such imports.

(7) It is appropriate that Member States inform the Commission of all analytical results through the Rapid Alert System for Food and Feed (RASFF) and the European Union's Urgent Radiological Information Exchange system (ECURIE). The measures will be reviewed on the basis of these analytical results.

[1] OJ L 31, 1.2.2002, p. 1.

[2] OJ L 371, 30.12.1987, p. 11.
[3] OJ L 101, 13.4.1989, p. 17.
[4] OJ L 83, 30.3.1990, p. 78.
[5] OJ L 371, 30.12.1987, p. 76.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation shall apply to feedstuffs and foodstuffs within the meaning of Article 1 (2) of Regulation 3954/87 originating in or consigned from Japan, with the exclusion of products which left Japan before 28 March 2011 and of products which have been harvested and/or processed before 11 March 2011.

Article 2

Attestation

1. All consignments of the products referred to in Article 1 shall be subject to the conditions laid down in this Regulation.

2. Consignments of the products referred to in Article 1 falling outside the scope of Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community for third countries [1] shall be introduced into the EU through a designated point of entry (hereinafter 'DPE') within the meaning of Article 3 (b) of Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC [2].

3. Each consignment of the products referred to in Article 1 shall be accompanied by a declaration, attesting that

— the product has been harvested and/or processed before 11 March 2011, or

— the product is originating from a prefecture other than Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamagata, Niigata, Nagano, Yamanashi, Saitama, Tokyo and Chiba, or

— in case the product is originating from the prefectures Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamagata, Niigata, Nagano, Yamanashi, Saitama, Tokyo and Chiba, the product does not contain levels of the radionuclides iodine-131, caesium-134 and caesium-137 above the maximum levels provided for in Council Regulation (Euratom) No 3954/87 of 22 December 1987, Commission Regulation (Euratom) No 944/89 of 12 April 1989 and Commission Regulation (Euratom) No 770/90 of 29 March 1990.

4. The model of the declaration referred to in paragraph 3 is set out in the Annex. The declaration shall be signed by an authorised representative of the Japanese competent authorities and shall for the products falling under paragraph 3, third indent be accompanied by an analytical report.

Article 3

Identification

Each consignment of the products referred to in Article 1 shall be identified by means of a code which shall be indicated on the declaration, on the analytical report containing the results of sampling and analysis, sanitary certificate and on any commercial documents accompanying the consignment.

Article 4

Prior notification

Feed and food business operators or their representatives shall give prior notification of the arrival of each consignment of the products referred to in Article 1, at least two working days prior to the physical arrival of the consignment, to the competent authorities at the Border Inspection Post (hereinafter 'BIP') or at the DPE.

Article 5

Official controls

1. The competent authorities of the BIP or DPE shall carry out documentary and identity checks on all consignments of products referred to in Article 1, and physical checks, including laboratory analysis, on the presence of iodine-131, caesium-134 and caesium-137, on at least 10% of such consignments of the products referred to in Article 2 (3), 3rd indent and on at least 20 % of such consignments of the products referred to in Article 2(3) 2nd indent.

2. Consignments shall be kept under official control, for a maximum of 5 working days, pending the availability of the results of the laboratory analysis.

3. The release for free circulation of consignments shall be subject to the presentation by the feed and food business operator or their representative to the customs authorities of the declaration referred to in Annex, duly endorsed by the competent authority at the BIP or DPE, giving evidence that the official controls referred to in paragraph 1 have been carried out and that the results from physical checks, where such checks were carried out, have been favourable.

[1] OJ L 24, 30.1.1998, p. 9.
[2] OJ L 194, 25.7.2009, p. 11.

Article 6

Costs

All costs resulting from the official controls referred to in Article 5(1) and 5(2) and any measures taken following non-compliance, shall be borne by the feed and food business operator.

Article 7

Non-compliant products

Pursuant to Article 6 of Regulation (Euratom) No 3954/87 feedstuffs and foodstuffs not in compliance with the maximum permitted levels referred to in the Annex of Regulation (Euratom) No 3954/87, Regulation (Euratom) No 944/89 and Regulation (Euratom) No 770/90 shall not be placed on the market safely disposed of or returned to the country of origin.

Article 8

Reports

Member States shall inform the Commission regularly through the Rapid Alert System for Food and Feed (RASFF) and the European Union's Urgent Radiological Information Exchange system (ECURIE) of all analytical results obtained.

Article 9

Entry into force and period of application

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

It shall apply from the date of entry into force until 30 June 2011. The Regulation will be reviewed monthly on the basis of the analytical results obtained.

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

Done at Brussels, 25 March 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX

Declaration for the import into the European Union of

..... (*)

Consignment Code ..... **Certificate Number** .....

According to the provisions of the Commission Implementing Regulation (EU) No 297/2011 ([1]) imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station the

.....

..... (competent authority referred to in Article 2(2))

DECLARES that the .....

..... (products referred to in Article 1)

of this consignment composed of: .....

.....

..... (description of consignment, product, number and type of packages, gross or net weight)

embarked at ..... (embarkation place)

on .....(date of embarkation)

by ..... (identification of transporter)

going to ..... (place and country of destination)

which comes from the establishment .....

..... (name and address of establishment)

☐ has been harvested and/or processed before 11 March 2011

☐ is originating from a prefecture other than Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamagata, Niigata, Nagano, Yamanashi, Saitama, Tokyo and Chiba

☐ is originating from the prefectures Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamagata, Niigata, Nagano, Yamanashi, Saitama, Tokyo and Chiba and has been sampled on ..... (date), subjected to laboratory analysis on .....

(date) in the .....

(name of laboratory), to determine the level of the radionuclides, iodine-131, caesium-134 and caesium-137, and the analytical results are in compliance with the maximum levels referred to in Article 2 (3). The analytical report is attached.

Done at ..... on .....

Stamp and signature of authorised
representative of competent authority referred to in Article 2(4)

Part to be completed by the competent authority at the BIP or DPE

☐ The consignment has been accepted to be presented for release for free circulation by the custom authorities in the European Union

.....

(Competent authority, Member State)

.....

Date Stamp Signature

(*) Product and country of origin.
([1]) Present Regulation.

COMMISSION IMPLEMENTING REGULATION (EU) No 298/2011

of 25 March 2011

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1],

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector [2], and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 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 Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 March 2011.

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

Done at Brussels, 25 March 2011.

For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 350, 31.12.2007, p. 1.

ANNEX

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	ET	73,9
	IL	82,8
	JO	71,2
	MA	57,2
	TN	115,9
	TR	81,4
	ZZ	80,4
0707 00 05	EG	170,1
	TR	144,5
	ZZ	157,3
0709 90 70	MA	33,7
	TR	129,5
	ZA	49,8
	ZZ	71,0
0805 10 20	EG	52,6
	IL	77,9
	MA	53,5
	TN	58,7
	TR	74,0
	ZZ	63,3
0805 50 10	EG	66,4
	TR	51,7
	ZZ	59,1
0808 10 80	AR	86,0
	BR	79,5
	CA	106,9
	CL	89,4
	CN	89,7
	MK	47,7
	US	140,9
	UY	64,5
	ZA	94,2
	ZZ	88,8
0808 20 50	AR	92,9
	CL	82,7
	CN	55,6
	US	79,9
	ZA	92,6
	ZZ	80,7

(1) Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) No 299/2011

of 25 March 2011

amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) [1],

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector [2], and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 [3]. These prices and duties have been last amended by Commission Regulation (EU) No 295/2011 [4].

(2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EU) No 867/2010 for the 2010/11, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 March 2011.

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

Done at Brussels, 25 March 2011.

For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 178, 1.7.2006, p. 24.
[3] OJ L 259, 1.10.2010, p. 3.
[4] OJ L 79, 25.3.2011, p. 11.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 26 March 2011

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 (1)	51,49	0,00
1701 11 90 (1)	51,49	0,00
1701 12 10 (1)	51,49	0,00
1701 12 90 (1)	51,49	0,00
1701 91 00 (2)	49,96	2,48
1701 99 10 (2)	49,96	0,00
1701 99 90 (2)	49,96	0,00
1702 90 95 (3)	0,50	0,22

(1) For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.
(2) For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.
(3) Per 1 % sucrose content.

COMMISSION IMPLEMENTING REGULATION (EU) No 300/2011

of 25 March 2011

on selling prices for cereals in response to the ninth individual invitations to tender within the tendering procedures opened by Regulation (EU) No 1017/2010

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1], and in particular Article 43(f), in conjunction with Article 4, thereof

Whereas:

(1) Commission Regulation (EU) No 1017/2010 [2] has opened the sales of cereals by tendering procedures, in accordance with the conditions provided for in Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention [3].

(2) In accordance with Article 46(1) of Regulation (EU) No 1272/2009 and Article 4 of Regulation (EU) No 1017/2010, in the light of the tenders received in response to individual invitations to tender, the Commission has to fix for each cereal and per Member State a minimum selling price or to decide not to fix a minimum selling price.

(3) On the basis of the tenders received for the ninth individual invitations to tender, it has been decided that a minimum selling price should be fixed for certain cereals and for certain Member States and no minimum selling price should be fixed for other cereals and other Member States.

(4) In order to give a rapid signal to the market and to ensure efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the ninth individual invitations to tender for selling of cereals within the tendering procedures opened by Regulation (EU) No 1017/2010, in respect of which the time limit for the submission of tenders expired on 23 March 2011, the decisions on the selling price per cereal and Member State are set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 25 March 2011.

For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and Rural Development

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[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 293, 11.11.2010, p. 41.
[3] OJ L 349, 29.12.2009, p. 1.

ANNEX

Decisions on sales

(EUR/tonne)

Member State	The minimum selling price		
	Common wheat	Barley	Maize
	CN code 1001 90	CN code 1003 00	CN code 1005 90 00
Belgique/België	X	X	X
Bulgaria	X	X	X
Česká republika	X	X	X
Danmark	X	X	X
Deutschland	X	172,51	X
Eesti	X	X	X
Éire/Ireland	X	X	X
Elláda	X	X	X
España	X	X	X
France	X	°	X
Italia	X	X	X
Kýpros	X	X	X
Latvija	X	X	X
Lietuva	X	X	X
Luxembourg	X	X	X
Magyarország	X	X	X
Malta	X	X	X
Nederland	X	X	X
Österreich	X	X	X
Polska	X	X	X
Portugal	X	X	X
România	X	X	X
Slovenija	X	X	X
Slovensko	X	X	X
Suomi/Finland	X	°	X
Sverige	X	—	X
United Kingdom	X	—	X

— no minimum selling price fixed (all offers rejected)
° no offers
X no cereals available for sales
not applicable

DECISIONS

COMMISSION DECISION

of 24 March 2011

amending Decision 2010/221/EU as regards the approval of national measures for preventing the introduction of ostreid herpesvirus 1 µvar (OsHV-1 µvar) into certain areas of Ireland and the United Kingdom

(notified under document C(2011) 1825)

(Text with EEA relevance)

(2011/187/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals [1], and in particular Article 43(2) thereof,

Whereas:

(1) Commission Decision 2010/221/EU of 15 April 2010 approving national measures for limiting the impact of certain diseases in aquaculture animals and wild aquatic animals in accordance with Article 43 of Council Directive 2006/88/EC [2] allows certain Member States to apply placing on the market and import restrictions on consignments of those animals in order to prevent the introduction of certain diseases into their territory, provided that they have either demonstrated that their territory, or certain demarcated areas of their territory, are free of such diseases or that they have established an eradication programme to obtain such freedom.

(2) Since 2008, increased mortality in Pacific oysters (*Crassostrea gigas*) has occurred in several areas in Ireland, France and the United Kingdom. The epidemiological investigations undertaken in 2009 suggested that a newly described strain of ostreid herpesvirus-1 (OsHV-1), namely OsHV-1 µvar, played a major role in the increased mortality.

(3) Commission Regulation (EU) No 175/2010 of 2 March 2010 implementing Council Directive 2006/88/EC as regards measures to control increased mortality in oysters of the species *Crassostrea gigas* in connection with the detection of *Ostreid herpesvirus* 1 µvar (OsHV-1 µvar) [3] was adopted with the aim of preventing the further spread of OsHV-1 µvar. It introduced measures to control the spread of that disease and it applies until 30 April 2011.

(4) On 27 October 2010, the European Food Safety Authority (EFSA) adopted a scientific opinion on the increased mortality events in Pacific oysters, *Crassostrea gigas* [4] (the EFSA opinion). In that opinion, the EFSA concludes that OsHV-1, both the reference strain and the new µ variant (µvar) of that oyster herpesvirus, have been associated with high levels of mortality in Pacific oysters spat and juveniles and that available evidence suggests that an infection with OsHV-1 is a necessary cause but may not be sufficient by itself as other factors appear to be important. The EFSA opinion further concludes that OsHV-1 µvar seems to be the dominant viral strain in the 2008-2010 increased mortality outbreaks although it is not clear if this is a result of increased virulence or other epidemiological factors.

(5) In 2010, Ireland, Spain, the Netherlands and the United Kingdom established programmes for the early detection of OsHV-1 µvar and applied the relevant movement restrictions provided for in Regulation (EU) No 175/2010. The outcome of the surveillance undertaken by those Member States in the framework of those programmes suggests that parts of the Union are free of OsHV-1 µvar.

(6) Ireland and the United Kingdom have submitted to the Commission surveillance programmes for approval in accordance with Directive 2006/88/EC (the surveillance programmes). The surveillance programmes aim to demonstrate that the areas where OsHV-1 µvar has not been detected are free of that virus and to prevent its introduction into those areas.

[1] OJ L 328, 24.11.2006, p. 14.
[2] OJ L 98, 20.4.2010, p. 7.
[3] OJ L 52, 3.3.2010, p. 1.
[4] EFSA Journal 2010;8(11):1894.

(7) Under the surveillance programmes, Ireland and the United Kingdom would apply basic biosecurity measures against OsHV-1 µvar which are equivalent to those laid down in Directive 2006/88/EC and targeted surveillance. In addition, they would apply restrictions on the movement of Pacific oysters into all areas covered by the surveillance programmes.

(8) The movement restrictions set out in the surveillance programmes would be limited to Pacific oysters intended for farming and relaying areas, and for dispatch centres, purification centres or similar businesses that are not equipped with effluent treatment systems which reduce the risk of transmitting diseases to the natural waters to an acceptable level.

(9) The conclusions of the EFSA opinion and the epidemiological data from 2010 suggest that the spread of OsHV-1 µvar into virus free areas is likely to cause increased mortality and subsequent high losses to the Pacific oyster industry.

(10) Consequently, it is appropriate to apply restrictions on the movement of Pacific oysters into areas covered by the surveillance programmes in order to prevent the introduction of OsHV-1 µvar into those areas. For reasons of clarity and simplification of Union legislation, the respective placing on the market requirements are to be included in Commission Regulation (EC) No 1251/2008 of 12 December 2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species [1].

(11) The surveillance programmes should therefore be approved.

(12) As OsHV-1 µvar is an emerging disease, concerning which there are still many uncertainties, the movement restrictions set out in the surveillance programmes approved by this Decision should be reassessed and their appropriateness and necessity should be re-evaluated in due course. Therefore, the placing on the market requirements provided for in this Decision should apply only for a limited period of time. Additionally, Ireland and the United Kingdom should send annual reports to the Commission on the functioning of the movement restrictions and the surveillance undertaken.

(13) Any suspicion of the presence of OsHV-1 µvar in areas covered by the surveillance programmes should be investigated and during the investigation certain movement restrictions as provided for in Directive 2006/88/EC should be applied to protect other Member States with approved national measures as regards OsHV-1 µvar. In addition, to facilitate the re-assessment of the approved national measures, any subsequent disease confirmation should be notified to the Commission and to the other Member States.

(14) Decision 2010/221/EU should therefore be amended accordingly.

(15) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/221/EU is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

Subject matter and scope

This Decision approves the national measures of Member States listed in Annexes I, II and III hereto for limiting the impact and spread of certain diseases in aquaculture animals and wild aquatic animals in accordance with Article 43(2) of Directive 2006/88/EC.';

2. the following Article 3a is inserted:

'Article 3a

Approval of national surveillance programmes regarding ostreid herpesvirus 1 µvar (OsHV-1 µvar)

1. The surveillance programmes regarding ostreid herpes virus 1 µvar (OsHV-1 µvar) adopted by the Member States listed in the second column of the table in Annex III in respect of the areas listed in the fourth column thereof (surveillance programmes), are approved.

2. For a period until 30 April 2013, the Member States listed in the table in Annex III may require that the following consignments introduced into an area listed in the fourth column of that Annex comply with the following requirements:

(a) consignments of Pacific oysters intended for farming and relaying areas must comply with the placing on the market requirements laid down in Article 8a of Regulation (EC) No 1251/2008;

[1] OJ L 337, 16.12.2008, p. 41.

(b) consignments of Pacific oysters must comply with the placing on the market requirements laid down in Article 8b of Regulation (EC) No 1251/2008 where such consignments are intended for dispatch centres, purification centres or similar businesses before human consumption which are not equipped with an effluent treatment system validated by the competent authority that:

(i) inactivates enveloped viruses; or

(ii) reduces the risk of transmitting diseases to the natural waters to an acceptable level.';

3. Article 4 is replaced by the following:

'*Article 4*

Reporting

1. By 30 April each year at the latest, the Member States listed in Annexes I and II shall submit a report to the Commission on the approved national measures referred to in Articles 2 and 3.

2. By 31 December each year at the latest, the Member States listed in Annex III shall submit a report to the Commission on the approved national measures referred to in Article 3a.

3. The reports provided for in paragraphs 1 and 2 shall include at least up-to-date information on:

(a) significant risks for the animal health situation of aquaculture animals or wild aquatic animals posed by the diseases, for which the national measures apply, and the necessity and appropriateness of those measures;

(b) national measures taken to maintain the disease-free status, including any testing that has been carried out; information concerning such testing must be provided using the model form set out in Annex VI to Commission Decision 2009/177/EC (*);

(c) the evolution of the eradication or surveillance programme, including any testing that has been carried out; information concerning such testing must be provided using the model form set out in Annex VI to Decision 2009/177/EC.

(*) OJ L 63, 7.3.2009, p. 15.';

4. the following Article 5a is inserted:

'*Article 5a*

Suspicion and detection of ostreid herpesvirus 1 µvar (OsHV-1 µvar) in areas with surveillance programmes

1. Where a Member State listed in Annex III suspects the presence of OsHV-1 µvar, in an area listed in the fourth column of that Annex, that Member State shall take measures at least equivalent to those laid down in Article 28, Article 29(2), (3) and (4) and Article 30 of Directive 2006/88/EC.

2. Where the epizootic investigation confirms the detection of OsHV-1 µvar in areas referred to in paragraph 1, the Member State concerned shall inform the Commission and the other Member States thereof, and of any measures taken to contain that disease.';

5. a new Annex III is added, the text of which is set out in the Annex to this Decision.

Article 2

This Decision shall apply from 1 May 2011.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 24 March 2011.

For the Commission

John DALLI

Member of the Commission

ANNEX

'ANNEX III

Member States and areas with surveillance programmes regarding ostreid herpesvirus 1 µvar (OsHV-1 µvar), and approved to take national measures to control that disease in accordance with Article 43(2) of Directive 2006/88/EC

Disease	Member State	Code	Geographical demarcation of the areas with approved national measures (Member States, zones and compartments)
Ostreid herpesvirus 1 µvar (OsHV-1 µvar)	Ireland	IE	Compartment 1: Sheephaven and Gweedore bays. Compartment 2: Gweebara Bay. Compartment 3: Drumcliff, Killala, Broadhaven and Blacksod Bays. Compartment 4: Ballinakill and Streamstown Bays. Compartment 5: Bertraghboy and Galway Bays. Compartment 6: Shannon Estuary and Poulnasharry, Askeaton and Ballylongford Bays. Compartment 7: Kenmare Bay. Compartment 8: Dunmanus Bay. Compartment 9: Kinsale and Oysterhaven Bays.
	United Kingdom	UK	Whole territory of Great Britain except Whitestable Bay, Kent. Whole territory of Northern Ireland, except Killough Bay, Lough Foyle and Carlington Lough.'

IV

(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL DECISION

of 27 July 2009

on the conclusion by the European Community of the Interim Agreement between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, on trade and trade-related matters

(2011/188/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas:

(1) Pending the entry into force of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part, signed in Brussels on 25 May 1998, it is necessary to approve on behalf of the European Community, the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, signed in Brussels on 10 November 1999.

(2) Article 31 of that Interim Agreement on trade and trade-related matters should be amended in order to take into account the new official languages of the Community since the signature of the Agreement, through the Exchange of Letters between the European Community and Turkmenistan amending the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, as regards the authentic language versions,

HAS DECIDED AS FOLLOWS:

Article 1

The Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, together with its Annexes, the Protocol and the declarations, and the Exchange of Letters between the European Community and Turkmenistan amending the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, as regards the authentic language versions, which amends Article 31 of that Interim Agreement on trade and trade-related matters, are hereby approved on behalf of the European Community.

These texts are attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the persons empowered to sign the Exchange of Letters on behalf of the European Community.

Article 3

The President of the Council shall give the notification provided for in Article 32 of the Interim Agreement on behalf of the European Community.

Article 4

This Decision shall take effect on the date of its adoption.

Done at Brussels, 27 July 2009.

For the Council
The President
C. BILDT

INTERIM AGREEMENT

on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan of the other part

THE EUROPEAN COMMUNITY, THE EUROPEAN COAL AND STEEL COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

TURKMENISTAN,

of the other part,

WHEREAS a Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part and Turkmenistan of the other part was initialled on 24 May 1997;

WHEREAS the aim of the Partnership and Cooperation Agreement is to strengthen and widen the relations established previously, notably by the Agreement between the European Economic Community and the European Atomic Energy Community and the Union of Soviet Socialist Republics on Trade and Commercial and Economic Cooperation signed on 18 December 1989;

WHEREAS it is necessary to ensure the rapid development of trade relations between the Parties;

WHEREAS to this end it is necessary to implement as speedily as possible, by means of an Interim Agreement, the provisions of the Partnership and Cooperation Agreement concerning trade and trade-related matters;

WHEREAS the said provisions should, accordingly, replace the relevant provisions of the Agreement on Trade and Commercial and Economic Cooperation;

WHEREAS it is necessary to ensure that pending the entry into force of the Partnership and Cooperation Agreement and the establishment of the Cooperation Council, the Joint Committee set up under the Agreement on Trade and Commercial and Economic Cooperation may exercise the powers assigned by the Partnership and Cooperation Agreement to the Cooperation Council, which are necessary in order to implement the Interim Agreement;

HAVE DECIDED to conclude this Agreement and to this end have designated as their plenipotentiaries:

THE EUROPEAN COMMUNITY:

THE EUROPEAN COAL AND STEEL COMMUNITY:

THE EUROPEAN ATOMIC ENERGY COMMUNITY:

TURKMENISTAN:

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

TITLE I

GENERAL PRINCIPLES

(PCA Turkmenistan: Title I)

Article 1

(PCA Turkmenistan: Article 2)

Respect for democracy and fundamental and human rights, as defined in the Universal Declaration of Human Rights, the United Nations Charter, the Helsinki Final Act and the Charter of Paris for a New Europe, as well as the principles of market economy, including those enunciated in the documents of the CSCE Bonn Conference, underpin the internal and external policies of the Parties and constitute an essential element of this Agreement.

TITLE II

TRADE IN GOODS

(PCA Turkmenistan: Title III)

Article 2

(PCA Turkmenistan: Article 7)

1. The Parties shall accord to one another most-favoured-nation treatment in all areas in respect of:

— customs duties and charges applied to imports and exports, including the method of collecting such duties and charges,

— provisions relating to customs clearance, transit, warehouses and transhipment,

— taxes and other internal charges of any kind applied directly or indirectly to imported goods,

— methods of payment and the transfer of such payments related to trade in goods,

— the rules relating to the sale, purchase, transport, distribution and use of goods on the domestic market.

2. The provisions of paragraph 1 shall not apply to:

(a) advantages granted with the aim of creating a customs union or a free-trade area or pursuant to the creation of such a union or area;

(b) advantages granted to particular countries in accordance with World Trade Organisation (WTO) rules and with other international arrangements in favour of developing countries;

(c) advantages accorded to adjacent countries in order to facilitate frontier traffic.

3. The provisions of paragraph 1 shall not apply, during a transitional period expiring on 31 December 1998, to advantages defined in Annex I granted by Turkmenistan to other states which have emerged from the dissolution of the USSR.

Article 3

(PCA Turkmenistan: Article 8)

1. The Parties agree that the principle of free transit is an essential condition of attaining the objectives of this Agreement.

In this connection each Party shall secure unrestricted transit via or through its territory of goods originating in the customs territory or destined for the customs territory of the other Party.

2. The rules described in Article V, paragraphs 2, 3, 4 and 5 of the GATT are applicable between the Parties.

3. The rules contained in this Article are without prejudice to any special rules relating to specific sectors, in particular such as transport, or products agreed between the Parties.

Article 4

(PCA Turkmenistan: Article 9)

Without prejudice to the rights and obligations stemming from international conventions on the temporary admission of goods which bind both Parties, each Party shall furthermore grant the other Party exemption from import charges and duties on goods admitted temporarily, in the instances and according to the procedures stipulated by any other international convention on this matter binding upon it, in conformity with its legislation. Account shall be taken of the conditions under which the obligations stemming from such a convention have been accepted by the Party in question.

Article 5

(PCA Turkmenistan: Article 10)

1. Goods originating in Turkmenistan shall be imported into the Community free of quantitative restrictions and measures of equivalent effect, without prejudice to the provisions of Articles 7, 10 and 11 of this Agreement.

2. Goods originating in the Community shall be imported into Turkmenistan free of all quantitative restrictions and measures of equivalent effect, without prejudice to the provisions of Articles 7, 10 and 11 of this Agreement.

Article 6

(PCA Turkmenistan: Article 11)

Goods shall be traded between the Parties at market-related prices.

Article 7

(PCA Turkmenistan: Article 12)

1. Where any product is being imported into the territory of one of the Parties in such increased quantities or under such conditions as to cause or threaten to cause injury to domestic producers of like or direct competitive products, the Community or Turkmenistan, whichever is concerned, may take appropriate measures in accordance with the following procedures and conditions.

2. Before taking any measures, or in cases to which paragraph 4 applies, as soon as possible thereafter, the Community or Turkmenistan as the case may be shall supply the Joint Committee with all relevant information with a view to seeking a solution acceptable to both Parties as provided for in Title IV.

3. If, as a result of the consultations, the Parties do not reach agreement within 30 days of referral to the Joint Committee on actions to avoid the situation, the Party which requested consultations shall be free to restrict imports of the products concerned to the extent and for such time as is necessary to prevent or remedy the injury, or to adopt other appropriate measures.

4. In critical circumstances where delay would cause damage difficult to repair, the Parties may take the measures before the consultations, on the condition that consultations shall be offered immediately after taking such action.

5. In the selection of measures under this Article, the Parties shall give priority to those which cause least disturbance to the achievement of the aims of this Agreement.

6. Nothing in this Article shall prejudice or affect in any way the taking, by either Party, of anti-dumping or countervailing measures in accordance with Article VI of the GATT 1994, the Agreement on Implementation of Article VI of the GATT 1994, the Agreement on Subsidies and Countervailing Measures or related internal legislation.

Article 8

(PCA Turkmenistan: Article 13)

The Parties undertake to consider development of the provisions in this Agreement on trade in goods between them, as circumstances allow, including the situation arising from the future accession of Turkmenistan to the WTO. The Joint Committee referred to in Article 17 may make recommendations on such developments to the Parties which could be put into effect, where accepted, by virtue of agreement between the Parties in accordance with their respective procedures.

Article 9

(PCA Turkmenistan: Article 14)

The Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of natural resources; the protection of national treasures of artistic, historic or archaeological value or the protection of intellectual, industrial and commercial property or rules relating to gold and silver. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Parties.

Article 10

(PCA Turkmenistan: Article 15)

This Title shall not apply to trade in textile products falling under Chapters 50 to 63 of the Combined Nomenclature. Trade in these products shall be governed by a separate agreement, initialled on 30 December 1995 and applied provisionally since 1 January 1996.

Article 11

(PCA Turkmenistan: Article 16)

1. Trade in products covered by the Treaty establishing the European Coal and Steel Community shall be governed by the provisions of this Title, with the exception of Article 5.

2. A contact group on coal and steel matters shall be set up, comprising representatives of the Community on the one hand, and representatives of the Turkmenistan on the other.

The contact group shall exchange, on a regular basis, information on all coal and steel matters of interest to the Parties.

Article 12

(PCA Turkmenistan: Article 17)

Trade in nuclear materials will be conducted in accordance with the provisions of the Treaty establishing the European Atomic Energy Community. If necessary, trade in nuclear materials shall be subject to the provisions of a specific Agreement to be concluded between the European Atomic Energy Community and Turkmenistan.

TITLE III

PAYMENTS, COMPETITION AND OTHER ECONOMIC PROVISIONS

(PCA Turkmenistan: Title IV)

Article 13

(PCA Turkmenistan: Article 39(1))

The Parties undertake to authorise, in freely convertible currency, any current payments between residents of the Community and of Turkmenistan connected with the movement of goods, made in accordance with the provisions of this Agreement.

Article 14

(PCA Turkmenistan: Article 41(4))

The Parties agree to examine ways to apply their respective competition laws on a concerted basis in such cases where trade between them is affected.

Article 15

(PCA Turkmenistan: Article 40(1))

Pursuant to the provisions of this Article and of Annex II, Turkmenistan shall continue to improve the protection of intellectual, industrial and commercial property rights in order to provide, by the end of the fifth year after the entry into force of the Agreement, for a level of protection similar to that provided in the Community by Community acts, in particular the ones referred to in Annex II, including effective means of enforcing such rights.

Article 16

Mutual administrative assistance in customs matters between the authorities of the Parties shall take place in accordance with the Protocol annexed to this Agreement.

TITLE IV

INSTITUTIONAL, GENERAL AND FINAL PROVISIONS

(PCA Turkmenistan: Title XI)

Article 17

The Joint Committee set up by the Agreement between the European Economic Community and the European Atomic Energy Community and the Union of Soviet Socialist Republics on Trade and Commercial and Economic Cooperation signed on 18 December 1989 shall perform the duties assigned to it by this Agreement until the Cooperation Council provided for in Article 77 of the Partnership and Cooperation Agreement is established.

Article 18

The Joint Committee may, for the purposes of attaining the objectives of the Agreement, make recommendations in the cases provided for therein.

It shall draw up its recommendations by agreement between the Parties.

Article 19

(PCA Turkmenistan: Article 81)

When examining any issue arising within the framework of this Agreement in relation to a provision referring to an Article of one of the Agreements constituting the WTO, the Joint Committee shall take into account to the greatest extent possible the interpretation that is generally given to the Article in question by the Members of the WTO.

Article 20

(PCA Turkmenistan: Article 85)

1. Within the scope of this Agreement, each Party undertakes to ensure that natural and legal persons of the other Party have access free of discrimination in relation to its own nationals to the competent courts and administrative organs of the Parties to defend their individual rights and their property rights, including those concerning intellectual, industrial and commercial property.

2. Within the limits of their respective powers, the Parties:

— shall encourage the adoption of arbitration for the settlement of disputes arising out of commercial and co-operation transactions concluded by economic operators of the Community and those of Turkmenistan,

— agree that where a dispute is submitted to arbitration, each party to the dispute may, except where the rules of the arbitration centre chosen by the parties provide otherwise, choose its own arbitrator, irrespective of his nationality, and that the presiding third arbitrator or the sole arbitrator may be a citizen of a third State,

— will recommend their economic operators to choose by mutual consent the law applicable to their contracts,

— shall encourage recourse to the arbitration rules elaborated by the United Nations Commission on International Trade Law (Uncitral) and to arbitration by any centre of a state signatory to the Convention on Recognition and Enforcement of Foreign Arbitral Awards done at New York on 10 June 1958.

Article 21

(PCA Turkmenistan: Article 86)

Nothing in the Agreement shall prevent a Party from taking any measures:

(a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;

(b) which relate to the production of, or trade in arms, munitions or war materials or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;

(c) which it considers essential to its own security in the event of serious internal disturbances affecting the maintenance of law and order, in time of war or serious international tension constituting threat of war or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security;

(d) which it considers necessary to respect its international obligations and commitments in the control of dual use industrial goods and technology.

Article 22

(PCA Turkmenistan: Article 87)

1. In the fields covered by this Agreement and without prejudice to any special provisions contained therein:

— the arrangements applied by Turkmenistan in respect of the Community shall not give rise to any discrimination between the Member States, their nationals or their companies or firms,

— the arrangements applied by the Community in respect of Turkmenistan shall not give rise to any discrimination between Turkmen nationals, or Turkmen companies or firms.

2. The provisions of paragraph 1 are without prejudice to the right of the Parties to apply the relevant provisions of their fiscal legislation to tax payers who are not in identical situations as regards their place of residence.

Article 23

(PCA Turkmenistan: Article 88)

1. Each Party may refer to the Joint Committee any dispute relating to the application or interpretation of this Agreement.

2. The Joint Committee may settle the dispute by means of a recommendation.

3. In the event of it not being possible to settle the dispute in accordance with paragraph 2, either Party may notify the other of the appointment of a conciliator; the other Party must then appoint a second conciliator within 2 months.

The Joint Committee shall appoint a third conciliator.

The conciliators' recommendations shall be taken by majority vote. Such recommendations shall not be binding upon the Parties.

Article 24

(PCA Turkmenistan: Article 89)

The Parties agree to consult promptly through appropriate channels at the request of either Party to discuss any matter concerning the interpretation or implementation of this Agreement and other relevant aspects of the relations between the Parties.

The provisions of this Article shall in no way affect and are without prejudice to Articles 7, 23 and 28.

Article 25

(PCA Turkmenistan: Article 90)

Treatment granted to Turkmenistan hereunder shall in no case be more favourable than that granted by the Member States to each other.

Article 26

(PCA Turkmenistan: Article 92)

Insofar as matters covered by this Agreement are covered by the Energy Charter Treaty and Protocols thereto, such Treaty and Protocols shall upon entry into force apply to such matters but only to the extent that such application is provided for therein.

Article 27

1. This Agreement shall be applicable until the entry into force of the Partnership and Cooperation Agreement initialled on 24 May 1997.

2. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply 6 months after the date of such notification.

Article 28

(PCA Turkmenistan: Article 94)

1. The Parties shall take any general or specific measures required to fulfil their obligations under the Agreement. They shall see to it that the objectives set out in the Agreement are attained.

2. If either Party considers that the other Party has failed to fulfil an obligation under the Agreement, it may take the appropriate measures. Before so doing, except in cases of special urgency, it shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties.

In the selection of these measures, priority must be given to those which least disturb the functioning of the Agreement. These measures shall be notified immediately to the Joint Committee if the other Party so requests.

Article 29

(PCA Turkmenistan: Article 95)

Annexes I and II and the Protocol on mutual administrative assistance in customs matters shall form an integral part of this Agreement.

Article 30

(PCA Turkmenistan: Article 97)

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community, the European Atomic Energy Community and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Turkmenistan.

Article 31

This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Italian, Spanish, Swedish, Greek, Portuguese and Turkmen languages, each of these texts being equally authentic.

Article 32

This Agreement will be approved by the Parties in accordance with their own procedures.

This Agreement shall enter into force on the first day of the second month following the date on which the Parties notify the Secretary-General of the Council of the European Union that the procedures referred to in the first paragraph have been completed.

Upon its entry into force, and as far as relations between Turkmenistan and the Community are concerned, this Agreement shall replace Article 2, Article 3, except for the fourth indent thereof, and Articles 4 to 16 of the Agreement between the European Economic Community, the European Atomic Energy Community and the Union of Soviet Socialist Republics on Trade and Economic and Commercial Cooperation signed in Brussels on 18 December 1989.

Hecho en Bruselas, el diez de noviembre de mil novecientos noventa y nueve.

Udfærdiget i Bruxelles den tiende november nitten hundrede og nioghalvfems.

Geschehen zu Brüssel am zehnten November neunzehnhundertneunundneunzig.

Έγινε στις Βρυξέλλες, στις δέκα Νοεμβρίου χίλια εννιακόσια ενενήντα εννέα.

Done at Brussels on the tenth day of November in the year one thousand nine hundred and ninety-nine.

Fait à Bruxelles, le dix novembre mil neuf cent quatre-vingt-dix-neuf.

Fatto a Bruxelles, addì dieci novembre millenovecentonovantanove.

Gedaan te Brussel, de tiende november negentienhonderd negenennegentig.

Feito em Bruxelas, em dez de Novembro de mil novecentos e noventa e nove.

Tehty Brysselissä kymmenentenä päivänä marraskuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäyhdeksän.

Som skedde i Bryssel den tionde november nittonhundranittionio.

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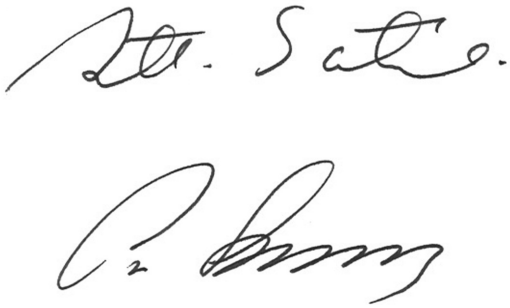
Por las Comunidades Europeas
For De Europæiske Fællesskaber
Für die Europäischen Gemeinschaften
Για τις Ευρωπαϊκές Κοινότητες
For the European Communities
Pour les Communautés européennes
Per le Comunità europee
Voor de Europese Gemeenschappen
Pelas Comunidades Europeias
Euroopan yhteisöjen puolesta
För Europeiska gemenskaperna
Европа Билелешигшшн адындан



Por Turkmenistán
For Turkmenistan
Für Turkmenistan
Για το Τουρκμενιστάν
For Turkmenistan
Pour le Turkménistan
Per il Turkmenistan
Voor Turkmenistan
Pelo Turquemenistão
Turkmenistanin puolesta
På Turkmenistans vägnar
Туркменистаньн адындан

LIST OF DOCUMENTS ATTACHED

ANNEX I: Indicative list of advantages granted by Turkmenistan to the Independent States in accordance with Article 2(3).

ANNEX II: Intellectual, industrial and commercial property acts referred to in Article 15.

Protocol on mutual administrative assistance in customs matters.

ANNEX I

Indicative list of advantages granted by Turkmenistan to the Independent States in accordance with Article 2(3)

1. Import/export taxation

   No import or export duties are levied.

   Services such as customs clearance, commissions and other duties levied by the State Customs, the State Commodity Exchange and the State Tax Inspection are not payable in the case of the following goods:

   — import of grain, baby food, foodstuffs which are sold to the population at state controlled prices,

   — goods imported on a contract basis and financed by the Turkmenistan state budget.

2. Conditions of transportation and transit

   In respect of the CIS countries which are Parties to the Multilateral Agreement 'on the principles and conditions of relations in the field of transport' and/or on the basis of bilateral agreements on transportation and transit, no taxes or fees are applied on a reciprocal basis for the transportation and customs clearing of goods (including goods in transit) and transit of vehicles.

   Vehicles from CIS States are exempted from paying any duties when in transit through the territory of Turkmenistan.

ANNEX II

Intellectual, Industrial and Commercial Property acts referred to in Article 15

1. Community acts referred to in Article 15.

— First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks.

— Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semi-conductor products.

— Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs.

— Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products.

— Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

— Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission.

— Council Directive 93/98/EEC of 29 October 1993 harmonising the term of protection of copyright and certain related rights.

— Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property.

— Regulation of the European Parliament and Council (EC) No 1610/96 of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products.

— Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases.

— Council Regulation (EC) No 3295/94 of 22 December 1994 laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods.

2. If problems in the area of intellectual, industrial and commercial property as addressed in the above Community acts and affecting trading conditions were to occur, urgent consultations will be undertaken, at the request of the Community or Turkmenistan, with a view to reaching mutually satisfactory solutions.

PROTOCOL

on mutual administrative assistance in customs matters

Article 1

Definitions

For the purposes of this Protocol:

(a) 'customs legislation' shall mean any legal or regulatory provisions applicable in the territory of the Parties governing the import, export and transit of goods and their placing under any customs procedure, including measures of prohibition, restriction and control adopted by the said Parties;

(b) 'applicant authority' shall mean a competent administrative authority which has been appointed by a Party for this purpose and which makes a request for assistance in customs matters;

(c) 'requested authority' shall mean a competent administrative authority which has been appointed by a Party for this purpose and which receives a request for assistance in customs matters;

(d) 'personal data' shall mean all information relating to an identified or identifiable individual;

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

Article 2

Scope

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

2. Assistance, in customs matters, as provided for in this Protocol, shall apply to any administrative authority of the Parties which is competent for the application of this Protocol. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of the judicial authorities, except where communication of such information is authorised by the said authorities.

Article 3

Assistance on request

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant information which may enable it to ensure compliance with customs legislation, including information regarding operations noted or planned which are or might be in breach of such legislation.

2. At the request of the applicant authority, the requested authority shall inform it whether goods exported from the territory of one of the Parties have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.

3. At the request of the applicant authority, the requested authority shall, within the framework of its laws, take the necessary steps to ensure special surveillance of:

(a) natural or legal persons of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;

(b) places where goods are stored in a way that gives grounds for suspecting that they are intended to be used in operations in breach of customs legislation;

(c) movements of goods notified as possibly giving rise to operations in breach of customs legislation;

(d) means of transport for which there are reasonable grounds for believing that they have been, or may be used in operations in breach of customs legislation.

Article 4

Spontaneous assistance

The Parties shall provide each other, at their own initiative and in accordance with their laws, rules and other legal instruments, with assistance if they consider that to be necessary for the correct application of customs legislation, particularly when they obtain information pertaining to:

— operations which are or appear to be in breach of such legislation and which may be of interest to another Party,

— new means or methods employed in carrying out such operations,

— goods known to be subject to operations in breach of customs legislation,

— natural or legal persons concerning whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation,

— means of transport concerning which there are reasonable grounds for believing that they have been, are or may be used in operations in breach of customs legislation.

Article 5

Delivery/Notification

At the request of the applicant authority, the requested authority shall, in accordance with its legislation, take all necessary measures in order:

— to deliver all documents,

— to notify all decisions,

falling within the scope of this Protocol to an addressee, residing or established in its territory. In such a case, Article 6(3) shall apply to the requests for communication or notification.

Article 6

Form and substance of requests for assistance

1. Requests pursuant to this Protocol shall be made in writing. They shall be accompanied by the documents necessary to enable compliance with the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.

2. Requests pursuant to paragraph 1 shall include the following information:

(a) the applicant authority making the request;

(b) the measure requested;

(c) the object of and the reason for the request;

(d) the laws, rules and other legal elements involved;

(e) indications as exact and comprehensive as possible on the natural or legal persons who are the target of the investigations;

(f) a summary of the relevant facts and of the enquiries already carried out, except in cases provided for in Article 5.

3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to that authority.

4. If a request does not meet the formal requirements, its correction or completion may be requested; precautionary measures may, however, be ordered.

Article 7

Execution of requests

1. In order to comply with a request for assistance, the requested authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out. This provision shall also apply to the administrative department to which the request has been addressed by the requested authority when the latter cannot act on its own.

2. Requests for assistance shall be executed in accordance with the laws, rules and other legal instruments of the requested Party.

3. Duly authorised officials of a Party may, with the agreement of the other Party involved and subject to the conditions laid down by the latter, obtain from the offices of the requested authority or other authority for which the requested authority is responsible, information relating to operations which are or may be in breach of customs legislation which the applicant authority needs for the purposes of this Protocol.

4. Officials of a Party may, with the agreement of the other Party involved and subject to the conditions laid down by the latter, be present at enquiries carried out in the latter's territory.

Article 8

Form in which information is to be communicated

1. The requested authority shall communicate results of enquiries to the applicant authority in the form of documents, certified copies of documents, reports and the like.

2. The documents provided for in paragraph 1 may be replaced by computerised information produced in any form for the same purpose.

3. Original files and documents shall be requested only in cases where certified copies would be insufficient. Originals which have been transmitted shall be returned at the earliest opportunity.

Article 9

Exceptions to the obligation to provide assistance

1. The Parties may refuse to give assistance as provided for in this Protocol, where to do so would:

(a) be likely to prejudice the sovereignty of Turkmenistan or that of a Member State which has been asked to provide assistance under this Protocol; or

(b) be likely to prejudice public policy, security or other essential interests, in particular in the cases referred to under Article 10(2); or

(c) involve currency or tax regulations other than customs legislation; or

(d) violate an industrial, commercial or professional secret.

2. Where the applicant authority requests assistance which it would itself be unable to provide if so asked, it shall draw attention to that fact in its request. It shall then be left to the requested authority to decide how to respond to such a request.

3. If assistance is refused, the decision and the reasons therefore must be notified to the applicant authority without delay.

Article 10

Information exchange and confidentiality

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

2. Personal data may be exchanged only where the receiving Party undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the supplying Party.

3. Information obtained shall be used solely for the purposes of this Protocol. Where one of the Parties requests the use of such information for other purposes, it shall ask for the prior written consent of the authority which furnished the information. Such use shall then be subject to any restrictions laid down by that authority.

4. Paragraph 3 shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with customs legislation. The competent authority which supplied that information shall be notified of such use.

5. The Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Protocol.

Article 11

Experts and witnesses

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

Article 12

Assistance expenses

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

Article 13

Application

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

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

Article 14

Other agreements

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

— not affect the obligations of the Parties under any other international agreement or convention,

— be deemed complementary with agreements on mutual assistance which have been or may be concluded between individual Member States and Turkmenistan, and

— not affect the provisions governing the communication between the competent services of the Commission and the customs authorities of the Member States of any information obtained under this agreement which could be of interest to the Community.

2. Notwithstanding the provisions of paragraph 1, the provisions of this agreement shall take precedence over the provisions of the bilateral agreement on mutual assistance which have been or may be concluded between individual Member States and Turkmenistan insofar as the provisions of the latter are incompatible with those of this Protocol.

3. In respect of questions relating to the applicability of this Protocol, the Parties shall consult each other to resolve the matter in the framework of the Joint Committee referred to in Article 17 of this Agreement.

FINAL ACT

The Plenipotentiaries of the 'EUROPEAN COMMUNITY', the 'EUROPEAN COAL AND STEEL COMMUNITY', and the 'EUROPEAN ATOMIC ENERGY COMMUNITY', hereinafter referred to as 'the Community',

of the one part, and

the plenipotentiaries of 'TURKMENISTAN',

of the other part,

meeting at Brussels on 10 November 1999 for the signature of the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, hereinafter referred to as the 'Agreement', have adopted the following texts:

the Agreement including its Annexes and the following Protocol:

Protocol on mutual administrative assistance in customs matters.

The plenipotentiaries of the Community and the plenipotentiaries of Turkmenistan have adopted the texts of the Joint Declarations listed below and annexed to this Final Act:

Joint Declaration on personal data

Joint Declaration concerning Article 7 of the Agreement

Joint Declaration concerning Article 8 of the Agreement

Joint Declaration concerning Article 15 of the Agreement

Joint Declaration concerning Article 28 of the Agreement

The plenipotentiaries of the Community have further taken note of the Unilateral Declaration listed below and annexed to this Final Act:

Unilateral Declaration by Turkmenistan concerning the protection of intellectual, industrial and commercial property rights.

Hecho en Bruselas, el diez de noviembre de mil novecientos noventa y nueve.

Udfærdiget i Bruxelles den tiende november nitten hundrede og nioghalvfems.

Geschehen zu Brüssel am zehnten November neunzehnhundertneunundneunzig.

Έγινε στις Βρυξέλλες, στις δέκα Νοεμβρίου χίλια εννιακόσια ενενήντα εννέα.

Done at Brussels on the tenth day of November in the year one thousand nine hundred and ninety-nine.

Fait à Bruxelles, le dix novembre mil neuf cent quatre-vingt-dix-neuf.

Fatto a Bruxelles, addì dieci novembre millenovecentonovantanove.

Gedaan te Brussel, de tiende november negentienhonderd negenennegentig.

Feito em Bruxelas, em dez de Novembro de mil novecentos e noventa e nove.

Tehty Brysselissä kymmenentenä päivänä marraskuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäyhdekcsän.

Som skedde i Bryssel den tionde november nittonhundranittionio.

Брюссел шэхеринде бир мың доқуз йүз тоғсан доқузынҗы йылың онунҗы ноябрында амала ашырылды

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Per il Turkmenistan
Voor Turkmenistan
Pelo Turquemenistão
Turkmenistanin puolesta
På Turkmenistans vägnar
Туркменистаньн адындан

Joint declaration on personal data

In applying the agreement, the Parties are aware of the necessity of an adequate protection of individuals with regard to the processing of personal data and on the free movement of such data.

Joint declaration concerning Article 7 of the Agreement

The Community and Turkmenistan declare that the text of the safeguard clause does not grant GATT safeguard treatment.

Joint declaration concerning Article 8 of the Agreement

Until Turkmenistan accedes to the WTO, the Parties shall hold consultations in the Joint Committee on Turkmenistan's import tariff policies, including changes in tariff protection. In particular, such consultations shall be offered prior to the increase of tariff protection.

Joint declaration concerning Article 15 of the Agreement

Within the limits of their respective competences, the Parties agree that for the purpose of this Agreement, intellectual, industrial and commercial property includes in particular copyright, including the copyright in computer programs, and neighbouring rights, the rights relating to patents, industrial designs, geographical indications, including appellations of origin, trademarks and service marks, topographies of integrated circuits as well as protection against unfair competition as referred to in Article 10bis of the Paris Convention for the protection of Industrial Property and protection of undisclosed information on know-how.

Joint declaration concerning article 28 of the agreement

1. The Parties agree, for the purpose of its correct interpretation and its practical application, that the term 'cases of special urgency' included in Article 28 of the Agreement means cases of material breach of the Agreement by one of the Parties. A material breach of the Agreement consists in

   (a) repudiation of the Agreement not sanctioned by the general rules of international law;

   or

   (b) violation of the essential elements of the Agreement set out in Article 1.

2. The Parties agree that the 'appropriate measures' referred to in Article 28 are measures taken in accordance with international law. If a party takes a measure in a case of special urgency as provided for under Article 28, the other party may avail itself of the procedure relating to settlement of disputes.

Unilateral Declaration by Turkmenistan concerning the protection of intellectual, industrial and commercial property rights

Turkmenistan declares that:

1. By the end of the fifth year after entry into force of the Agreement, Turkmenistan shall accede to the multilateral conventions on intellectual, industrial and commercial property rights referred to in paragraph 2 of this Declaration to which Member States of the Community are parties or which are de facto applied by Member States according to the relevant provisions contained in these conventions.

2. Paragraph 1 of this Declaration concerns the following multilateral conventions:

   — Berne Convention for the Protection of Literary and Artistic Works (Paris Act, 1971),

   — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome, 1961),

   — Madrid Agreement concerning the International Registration of Marks (Stockholm Act, 1967, and amended in 1979),

   — Protocol relating to the Madrid Agreement concerning the International Registration of Marks (Madrid, 1989),

   — Nice Agreement concerning the International Classification of Goods and Services for the purposes of the Registration of Marks (Geneva 1977, amended 1979),

   — Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the purposes of Patent Procedures (1977, modified in 1980),

   — International Convention for the Protection of New Varieties of Plants (UPOV) (Geneva Act, 1991).

3. Turkmenistan confirms the importance it attaches to the obligations arising from the following multilateral conventions:

   — Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967 and amended in 1979),

   — Patent Cooperation Treaty (Washington 1970, amended and modified in 1979 and 1984).

4. From the entry into force of this Agreement, Turkmenistan shall grant to Community companies and nationals, in respect of the recognition and protection of intellectual, industrial and commercial property, treatment no less favourable than that granted by it to any third country under bilateral agreements.

5. The provisions of paragraph 4 shall not apply to advantages granted by Turkmenistan to any third country on an effective reciprocal basis or to advantages granted by Turkmenistan to another country of the former USSR.

Exchange of letters between the European Community and Turkmenistan amending the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, as regards the authentic language versions

A. *Letter from the European Community*

Sir,

The Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, was signed on 10 November 1999.

Article 31 of the Interim Agreement designates the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Turkmen language versions as authentic versions of this agreement.

Following the increase in the number of official languages of the institutions of the European Community, in particular following the accession of 12 new Member States to the European Union since the signature of the Interim Agreement, it is necessary that the Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Romanian, Slovak and Slovene language versions of the Interim Agreement are also designated as authentic versions of the Interim Agreement and that Article 31 of the Interim Agreement is amended accordingly.

You will find these additional language versions attached to the present letter.

I would be grateful if you could express Turkmenistan's acceptance of the attached language versions as authentic language versions of the Interim Agreement and Turkmenistan's agreement to the corresponding amendment of Article 31 of the Interim Agreement.

This Instrument will enter into force on the date of its signature.

Please accept, Sir, the assurance of my highest consideration.

For the European Community

B. *Letter from Turkmenistan*

Sir,

I have the honour to acknowledge receipt of your letter of today's date and the Annexed language versions of the Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, which reads as follows:

> 'The Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, was signed on 10 November 1999.
>
> Article 31 of the Interim Agreement designates the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Turkmen language versions as authentic versions of this agreement.
>
> Following the increase in the number of official languages of the institutions of the European Community, in particular following the accession of 12 new Member States to the European Union since the signature of the Interim Agreement, it is necessary that the Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Romanian, Slovak and Slovene language versions of the Interim Agreement are also designated as authentic versions of the Interim Agreement and that Article 31 of the Interim Agreement is amended accordingly.
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> You will find these additional language versions attached to the present letter.

I would be grateful if you could express Turkmenistan's acceptance of the attached language versions as authentic language versions of the Interim Agreement and Turkmenistan's agreement to the corresponding amendment of Article 31 of the Interim Agreement.

This Instrument will enter into force on the date of its signature.'

I have the honour to express Turkmenistan's acceptance of the language versions attached to that letter as authentic language versions of the Interim Agreement and Turkmenistan's agreement to the corresponding amendment of Article 31 of the Interim Agreement.

As set out in your letter, this instrument will enter into force on the date of its signature.

Please accept, Sir, the assurance of my highest consideration.

For Turkmenistan

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