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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 745/1999**of 30 March 1999****opening and providing for the administration of autonomous Community tariff quotas for certain fishery products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas Community supplies of certain fishery products currently depend on imports from third countries; whereas it is in the Community's interest to suspend in part or in whole the customs duties for the products in question, within Community tariff quotas of an appropriate volume; whereas, in order not to jeopardise the development prospects of this production in the Community and to ensure an adequate supply to satisfy user industries, it is advisable to open those quotas, applying customs duties varied accordingly to sensitivity of the different products on the Community market;

Whereas it is necessary, in particular, to ensure that all Community importers have equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas it is for the Community to decide on the opening of autonomous tariff quotas; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorising the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the

Community Customs Code⁽¹⁾ codified the management rules for tariff quotas designed to be used following the chronological order of dates of customs declarations,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import duties on the products listed in the Annex shall be suspended at the indicated duty rate for the periods and in the amounts indicated therein.

2. Imports of the products in question shall not be covered by the quotas referred to in paragraph 1 unless the free-at-frontier price, which is determined in accordance with Article 22 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products⁽²⁾, is at least equal to the reference price fixed, or to be fixed, by the Community for the products under consideration of the categories of the products concerned.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

Article 3

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 4

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

It shall apply from 1 April 1999.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 46/1999 (OJ L 10, 15.1.1999, p. 1).

⁽²⁾ OJ L 388, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 3318/94 (OJ L 350, 31.12.1994, p. 15).

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

Done at Brussels, 30 March 1999.

For the Council

The President

K.-H. FUNKE

ANNEX

Order No	CN code	TARIC code	Description	Amount of quota (in tonnes)	Quota duty (%)	Quota period
09.2753	ex 0302 50 10 ex 0302 50 90 ex 0302 69 35 ex 0303 60 11 ex 0303 60 19 ex 0303 60 90 ex 0303 79 41	*20 *10 *10 *10 *10 *10 *10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , excluding livers and roes, presented fresh, chilled or frozen, for processing (a) (b)	67 000	3	1.4 to 31.12.1999
09.2756	ex 0303 60 11 ex 0303 60 19 ex 0303 60 90 ex 0303 79 41	*10 *10 *10 *10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , excluding livers and roes, frozen, for processing (a) (c)	8 000	2,5	1.4 to 31.12.1999
09.2758	ex 0302 70 00	*20	Cod livers (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish liver of the species <i>Boreogadus saida</i> , fresh or chilled, for processing (a) (b)	300	0	1.4 to 31.12.1999
09.2765	ex 0305 62 00 ex 0305 69 10	*20 *25 *29 *10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , salted or in brine, but not dried or smoked, for processing (a) (b)	8 000	2,5	1.4 to 31.12.1999
09.2773	ex 0306 13 10 ex 0306 23 10	*10 *11 *91	Shrimps and prawns of the species <i>Pandalus borealis</i> , in shell, fresh, chilled or frozen, for processing (a) (b)	12 000	0	1.4.1999 to 31.3.2000
09.2779	ex 0304 90 05	*10	Surimi, frozen, for processing (a) (b)	15 000	3,5	1.4 to 31.12.1999
09.2780	ex 0304 20 91 ex 0304 90 97	*10 *60	Frozen blue grenadier fillets (<i>Macruronus novaezealandiae</i>), and other frozen meat of blue grenadier, for processing (a) (b)	20 000	3,5	1.4 to 31.12.1999
09.2785	ex 0307 49 59 ex 0307 99 11	*10 *10	Tubes of squid (<i>Ommastrephes</i> spp. — excluding <i>Ommastrephes sagittatus</i> —, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp. and <i>Illex</i> spp., frozen, for processing (a) (b)	11 000	3,5	1.4 to 31.12.1999
09.2786	ex 0307 49 59 ex 0307 99 11	*20 *20	Squid (<i>Ommastrephes</i> spp. — excluding <i>Ommastrephes sagittatus</i> —, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp. frozen whole, tentacles and fins, for processing (a) (b)	500	3	1.4 to 31.12.1999
09.2788	ex 0302 40 98 ex 0303 50 98 ex 0304 10 38 ex 0304 10 96 ex 0304 20 75 ex 0304 90 27	*10 *10 *30 *10 *10 *10	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), whole, (3 to 7 pieces/kg) or fillets (6 to 12 pieces/kg) including flaps, excluding livers and roes, fresh, chilled or frozen, for processing (a) (b)	20 000	0	1.11 to 31.12.1999

Order No	CN code	TARIC code	Description	Amount of quota (in tonnes)	Quota duty (%)	Quota period
09.2790	ex 1604 14 16 ex 1604 14 16	*20 *95	Fillets known as 'loins' of tunas and skipjack, for processing (a) (b)	1 200	6	1.4 to 31.12.1999
09.2792	ex 1604 12 99	*10	Herrings, spiced/vinegar cured, in brine, preserved in barrels of at least 70 kg net drained weight for processing (a) (b)	4 000	6	1.4 to 31.12.1999
09.2794	ex 1605 20 99	*45	Shrimps and prawns of the species <i>Pandalus borealis</i> ; cooked and peeled for processing (a) (b)	4 000	6	1.4 to 31.12.1999

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(b) This quota is available for products intended to undergo any operation, unless it is solely for one or more of the following operations:

- cleaning, gutting, tailing, heading,
- cutting (excluding dicing, filleting, production of flaps or cutting of frozen blocks),
- sampling, sorting,
- labelling,
- packing,
- chilling,
- freezing,
- deep freezing,
- thawing, separation.

The quota is not available for products intended, in addition, to undergo treatment (or operations) which gives quota entitlement, where such treatment (or operations) is (are) carried out at retail or catering level. The reduction of customs duties shall apply only to fish intended for human consumption.

(c) The quota is available for products destined exclusively for salting and drying.

COMMISSION REGULATION (EC) No 746/1999
of 9 April 1999
establishing the standard import values for determining the entry price of certain
fruit and vegetables

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

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

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

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 April 1999.

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

Done at Brussels, 9 April 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 9 April 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	61,9
	204	72,1
	999	67,0
0707 00 05	052	118,3
	068	107,2
	999	112,8
0709 10 00	220	156,8
	999	156,8
0709 90 70	052	87,6
	204	103,8
	999	95,7
0805 10 10, 0805 10 30, 0805 10 50	052	25,4
	204	39,7
	212	42,3
	600	58,2
	624	46,0
	999	42,3
0805 30 10	052	62,0
	999	62,0
0808 10 20, 0808 10 50, 0808 10 90	039	103,3
	388	85,2
	400	88,6
	404	97,3
	508	78,4
	512	86,8
	524	68,8
	528	71,0
	720	99,1
	804	105,0
	999	88,4
0808 20 50	388	64,4
	400	65,2
	512	58,4
	528	71,4
	720	79,6
	999	67,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22.11.1997, p. 19). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 747/1999
of 9 April 1999
on the issue of import licences for high-quality fresh, chilled or frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat⁽¹⁾, as last amended by Regulation (EC) No 134/1999⁽²⁾,

Whereas Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f);

Whereas Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 1998 to 30 June 1999 at 11 500 t;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 April 1999 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of May 1999 for 3 521,290 t.

Article 2

This Regulation shall enter into force on 12 April 1999.

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

Done at Brussels, 9 April 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 137, 28.5.1997, p. 10.

⁽²⁾ OJ L 17, 22.1.1999, p. 22.

**COMMISSION REGULATION (EC) No 748/1999
of 9 April 1999**

**fixing the maximum export refund on wholly milled round grain, medium grain
and long grain A rice in connection with the invitation to tender issued in
Regulation (EC) No 2564/98**

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2564/98 ⁽³⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2564/98 is hereby fixed on the basis of the tenders submitted from 5 to 8 April 1999 at EUR/t 125,00.

Article 2

This Regulation shall enter into force on 10 April 1999.

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

Done at Brussels, 9 April 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 320, 28.11.1998, p. 43.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 749/1999

of 9 April 1999

fixing the maximum export refund on wholly milled medium round grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2565/98

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2565/98 ⁽³⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium round grain and long grain A rice to be exported to certain third countries of Europe pursuant to the invitation to tender issued in Regulation (EC) No 2565/98 is hereby fixed on the basis of the tenders submitted from 5 to 8 April at EUR/t 155,00.

Article 2

This Regulation shall enter into force on 10 April 1999.

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

Done at Brussels, 9 April 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 320, 28.11.1998, p. 46.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 750/1999

of 9 April 1999

fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2566/98

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as amended by Regulation (EC) No 2072/98 ⁽²⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2566/98 ⁽³⁾;

Whereas, Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2566/98 is hereby fixed on the basis of the tenders submitted from 5 to 8 April 1999 at EUR/t 327,00.

Article 2

This Regulation shall enter into force on 10 April 1999.

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

Done at Brussels, 9 April 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 320, 28.11.1998, p. 49.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 35, 15.2.1995, p. 8.

COMMISSION REGULATION (EC) No 751/1999

of 9 April 1999

adjusting the total quantities set in Article 3 of Council Regulation (EEC) No 3950/92 establishing an additional levy in the milk and milk products sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector ⁽¹⁾, as last amended by Commission Regulation (EC) No 903/98 ⁽²⁾, and in particular Articles 3(2) and 4(2) thereof,

Whereas Article 3(2) of Regulation (EEC) No 3950/92 provides that the guaranteed total quantities for Austria and Finland may be increased up to a maximum of 180 000 tonnes and 200 000 tonnes respectively in order to compensate Austrian and Finnish 'SLOM' producers; whereas pursuant to Article 6 of Commission Regulation (EC) No 671/95 ⁽³⁾, as amended by Regulation (EC) No 1390/95 ⁽⁴⁾, Austria and Finland have notified the quantities concerned for the 1998/99 marketing year; whereas the guaranteed total quantities should therefore be increased accordingly through the procedure laid down in Article 30 of Council Regulation (EEC) 804/68 ⁽⁵⁾, as last amended by Regulation (EC) No 1587/96 ⁽⁶⁾;

Whereas Article 4(2) of Regulation (EEC) No 3950/92 provides that individual reference quantities are to be increased or established at the duly justified request of producers to take account of changes in their deliveries and/or direct sales; whereas an increase in or establishment of a reference quantity must be offset by a corresponding reduction or deletion of the other reference quantity held by the producer;

Whereas such adjustments may not involve for the Member State concerned an increase in the sum of the delivery and direct sale quantities indicated in Article 3 of Regulation (EEC) No 3950/92; whereas in the event of definitive changes to individual reference quantities the quantities set in the said Article 3 are to be adjusted accordingly through the procedure laid down in Article 30 of Regulation (EEC) No 804/68;

Whereas pursuant to Article 8, third indent, of Commission Regulation (EEC) No 536/93 ⁽⁷⁾, as last amended by Regulation (EC) No 1255/98 ⁽⁸⁾, Belgium, Denmark,

Germany, Spain, France, Ireland, the Netherlands, Austria and the United Kingdom have notified the Commission of quantities definitively modified as mentioned in the second subparagraph of Article 4(2) of Regulation (EEC) No 3950/92; whereas the total quantities for these Member States set in Article 3 of Regulation (EEC) No 3950/92 should therefore be adjusted accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The table in the first subparagraph of Article 3(2) of Regulation (EEC) No 3950/92 is replaced by the following table:

Member State	Deliveries	Direct sales
Belgium	3 140 696	169 735
Denmark	4 454 640	708
Germany ⁽¹⁾	27 767 036	97 780
Greece	629 817	696
Spain	5 457 564	109 386
France	23 793 932	441 866
Ireland	5 236 575	9 189
Italy	9 698 399	231 661
Luxembourg	268 098	951
Netherlands	10 991 900	82 792
Austria	2 393 979	355 422
Portugal	1 835 461	37 000
Finland	2 394 528	10 000
Sweden	3 300 000	3 000
United Kingdom	14 373 969	216 078

⁽¹⁾ Of which 6 242 180 tonnes for deliveries by producers in the new *Länder* and 11 187 tonnes for direct sales in the new *Länder*.

⁽¹⁾ OJ L 405, 31.12.1992, p. 1.

⁽²⁾ OJ L 127, 29.4.1998, p. 8.

⁽³⁾ OJ L 70, 30.3.1995, p. 2.

⁽⁴⁾ OJ L 135, 21.6.1995, p. 4.

⁽⁵⁾ OJ L 148, 28.6.1968, p. 13.

⁽⁶⁾ OJ L 206, 16.8.1996, p. 21.

⁽⁷⁾ OJ L 57, 10.3.1993, p. 12.

⁽⁸⁾ OJ L 173, 18.6.1998, p. 14.

Article 2

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

It shall apply with effect from 1 April 1998.

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

Done at Brussels, 9 April 1999.

For the Commission

Franz FISCHLER

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/1999 OF THE ASSOCIATION COUNCIL

between the European Communities and their Member States, of the one part,
and the Republic of Slovenia, of the other part

of 22 February 1999

adopting its rules of procedure

(1999/247/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Slovenia, of the other part, and in particular Articles 110, 111, 112, 113, 114 and 115 thereof,

Whereas that Agreement entered into force on 1 February 1999,

Unless otherwise agreed by the Parties, each session of the Association Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties.

The meetings of the Association Council shall be jointly convened by the Secretaries of the Association Council in agreement with the President.

Article 3

Representation

The members of the Association Council may be represented if unable to attend. If a member wishes to be so represented, he must notify the President of the name of his representative before the meeting at which he is to be so represented.

The representative of a member of the Association Council shall exercise all the rights of that member.

Article 4

Delegations

The members of the Association Council may be accompanied by officials.

Before each meeting, the President shall be informed of the intended composition of the delegation of each Party.

A representative of the European Investment Bank shall attend the meetings of the Association Council, as an observer, when matters which concern the Bank appear on the agenda.

Article 1

Chairmanship

The Association Council shall be presided over alternately for periods of 12 months by a representative of the Council of the European Union, on behalf of the Community and its Member States, and a representative of the Government of the Republic of Slovenia. The first period shall begin on the date of the first Association Council meeting and end on 31 December 1999.

Article 2

Meetings

The Association Council shall meet regularly at ministerial level once a year. Special sessions of the Association Council may be held if the Parties so agree, at the request of either Party.

The Association Council may invite non-members to attend its meetings in order to provide information on particular subjects.

Article 5

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the Mission of the Republic of Slovenia in Brussels shall act jointly as Secretaries of the Association Council.

Article 6

Correspondence

Correspondence addressed to the Association Council shall be sent to the President of the Association Council at the address of the General Secretariat of the Council of the European Union.

The two Secretaries shall ensure that correspondence is forwarded to the President of the Association Council and, where appropriate, circulated to other members of the Association Council. Correspondence circulated shall be sent to the General Secretariat of the Commission, the Permanent Representations of the Member States and the Mission of the Republic of Slovenia in Brussels.

Communications from the President of the Association Council shall be sent to the addressees by the two Secretaries and circulated, where appropriate, to the other members of the Association Council at the addresses indicated in the preceding paragraph.

Article 7

Publicity

Unless otherwise decided, the meetings of the Association Council shall not be public.

Article 8

Agendas for meetings

1. The President shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Association Council to the addressees referred to in Article 6 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the President has received a request for inclusion in the agenda not later than 21 days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of despatch of the agenda.

The agenda shall be adopted by the Association Council at the beginning of each meeting. An item other than

those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The President may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 9

Minutes

Draft minutes of each meeting shall be drawn up by the two Secretaries.

The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Association Council,
- statements the entry of which has been requested by a member of the Association Council,
- the decisions and recommendations taken, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Association Council for approval. When approved, the minutes shall be signed by the President and the two Secretaries. The minutes shall be filed in the archives of the General Secretariat of the Council of the European Union who is acting as depository of the documents of the Association; a certified copy shall be forwarded to each of the addressees referred to in Article 6.

Article 10

Decisions and recommendations

1. The Association Council shall take its decisions and recommendations by common agreement of the Parties.

During the inter-sessional period, the Association Council may take decisions or recommendations by written procedure if both Parties so agree.

2. The decisions and recommendations of the Association Council within the meaning of Article 112 of the Europe Agreement shall be entitled respectively 'Decision' and 'Recommendation' followed by a serial number, by the date of their adoption and by a description of their subject.

The decisions and recommendations of the Association Council shall be signed by the President and authenticated by the two Secretaries.

Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 6 above.

Each Party may decide on the publication of decisions and recommendations of the Association Council in its respective official publication (*Official Journal of the European Communities* and *Uradni List Republike Slovenije*).

*Article 11***Languages**

The official languages of the Association Council shall be the official languages of the two Parties.

Unless otherwise decided, the Association Council shall base its deliberations on documentation prepared in these languages.

*Article 12***Expenses**

The Community and the Republic of Slovenia shall each defray the expenses they incur by reason of their participation in the meetings of the Association Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the Community, with the exception of expenditure in connection with interpreting or translation into or from Slovenian, which shall be borne by the Republic of Slovenia.

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

*Article 13***Association Committee**

1. An Association Committee is hereby established in order to assist the Association Council in carrying out its duties. It shall be composed of representatives of the members of the Council of the European Union and of members of the Commission of the European Communities, on the one hand, and of representatives of the Slovenian Government, on the other, normally at senior civil servant level.

2. The Association Committee shall prepare the meetings and the deliberations of the Association Council, implement the decisions of the Association Council

where appropriate and, in general, ensure continuity of the association relationship and the proper functioning of the Europe Agreement. It shall consider any matter referred to it by the Association Council as well as any other matter which may arise in the course of the day-to-day implementation of the Europe Agreement. It shall submit proposals or any draft decisions/recommendations for adoption to the Association Council.

3. In cases where the Europe Agreement refers to an obligation to consult or a possibility of consultation, such consultation may take place within the Association Committee. The consultation may continue in the Association Council if the two Parties so agree.

4. The rules of procedure of the Association Committee are annexed to this Decision.

*Article 14***Subcommittees and special groups**

The subcommittees, mentioned in Article 115 of the Europe Agreement, are listed in Annex II to this Decision. Subcommittees shall work under the authority of the Association Committee, to which they shall report after each of their meetings.

The Association Committee may decide to abolish any existing subcommittees or groups, modify their terms of reference or set up further subcommittees or groups to assist it in carrying out its duties.

These subcommittees and groups shall not have any decision-making power.

Done at Brussels, 22 February 1999.

For the Association Council

The President

J. FISCHER

ANNEX I

RULES OF PROCEDURE OF THE ASSOCIATION COMMITTEE

*Article 1***Chairmanship**

The Association Committee shall be presided over alternately for periods of 12 months by a representative of the European Commission, on behalf of the Community and its Member States, and a representative of the Government of the Republic of Slovenia. The first period shall begin on the date of the first Association Council meeting and end on 31 December 1999.

*Article 2***Meetings**

The Association Committee shall meet when circumstances require with the agreement of both Parties.

Each meeting of the Association Committee shall be held at a time and place agreed by both Parties.

The meetings of the Association Committee shall be convened by the Chairman.

*Article 3***Delegations**

Before each meeting, the Chairman shall be informed of the intended composition of the delegation of each Party.

*Article 4***Secretariat**

An official of the European Commission and an official of the Slovenian Government shall act jointly as Secretaries of the Association Committee.

All communications to and from the Chairman of the Association Committee provided for in this Decision shall be forwarded to the Secretaries of the Association Committee and to the Secretaries and the President of the Association Council.

*Article 5***Publicity**

Unless otherwise decided, the meetings of the Association Committee shall not be public.

*Article 6***Agendas for meetings**

1. The Chairman shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Association Committee to the addressees referred

to in Article 4 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion in the agenda not later than 21 days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the agenda.

The Association Committee may ask experts to attend its meetings in order to provide information on particular subjects.

The agenda shall be adopted by the Association Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chairman may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 7***Minutes**

Minutes shall be taken for each meeting and shall be based on a summing up by the Chairman of the conclusions arrived at by the Association Committee.

When approved by the Association Committee, the minutes shall be signed by the Chairman and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

*Article 8***Deliberations**

In the specific cases where the Association Committee is empowered by the Association Council under Article 114(2) of the Europe Agreement to take decisions/recommendations, these acts shall be entitled respectively 'Decision' and 'Recommendation', followed by a serial number, by the date of their adoption and by a description of their subject. Decisions and recommendations shall be made by common agreement between the Parties.

The decisions and recommendations of the Association Committee shall be signed by the President and authenticated by the two Secretaries and shall be forwarded to the addressees referred to in Article 4 of this Annex. Each Party may decide on the publication of the decisions and recommendations of this Association Committee in its respective official publication (i.e. *Official Journal of the European Communities* and the *Uradni List Republike Slovenije*).

Article 9

Expenses

The Community and the Republic of Slovenia shall each defray the expenses they incur by reason of their participation in the meetings of the Association Committee, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the Community, with the exception of expenditure in connection with interpreting or translation into or from Slovenian, which shall be borne by the Republic of Slovenia.

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

ANNEX II

EC-SLOVENIA EUROPE AGREEMENT
PROPOSED MULTIDISCIPLINARY SUBCOMMITTEE STRUCTURE

Title	Issues	EA Article
1. Agriculture and fisheries	Agriculture Fisheries Processed Agriculture	19-22/79 23-24 Protocol 3
2. Approximation of legislation, competition and opening up of Community programmes	Approximation of legislation (all areas) White Paper on integration in the internal market Competition Intellectual and industrial property Public procurement Public administration Community programmes	70-72 65-67 68 69 106
3. Trade, industry, ECSC products and consumer protection	Commercial questions Industrial cooperation Standards and conformity assessment Tourism Small and medium-sized enterprises Consumer protection Coal and steel	26-37 74 76 90 91 93 Protocol 2
4. Economic issues	Economic questions Monetary policy	73, 96 86
5. Human resources, research, technological development and social policy	Education and training Science and technology Social cooperation (employment, labour market, legislation, industrial relations, etc.) Cultural legislation Information communication	78 77 89 99 92
6. Transport Committee	Transport Maritime transport Infrastructure and trans-European networks Post and telecommunications	83 84
7. Environment, energy and regional development	Environment and protection against natural disasters Energy Nuclear safety Regional development	82 80 81 88
8. Cooperation in customs matters, statistics, drugs and prevention of illegal activities	Customs Taxation Statistical cooperation Drugs and money laundering Prevention of illegal activities Protocol on origin and mutual assistance	94-35 27 95 87, 97 98 Protocols 4, 5
9. Financial services and establishment and capital movements	Banking, insurance and other financial services Investment promotion and protection Movement of workers Right of establishment and services Capital movements and payments	85 75 38-44 45-55 62-64

DECISION No 1/1999 OF THE ASSOCIATION COUNCIL
between the European Communities and their Member States, of the one part,
and Romania, of the other part
of 26 February 1999
adopting the terms and conditions for the participation of Romania in the
Community programme for energy efficiency, SAVE II
(1999/248/EC, ECSC, Euratom)

THE ASSOCIATION COUNCIL,

HAS DECIDED AS FOLLOWS:

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part ⁽¹⁾,

Having regard to the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, concerning Romania's participation in Community programmes ⁽²⁾, and in particular Articles 1 and 2 thereof,

Whereas, according to Article 1 of the said Additional Protocol, Romania may participate in Community framework programmes, specific programmes, projects or other actions, including those in the field of energy;

Whereas, according to Article 2 of the said Additional Protocol, the terms and conditions for the participation of Romania in the activities referred to in the said Article 1 are to be decided by the Association Council,

Article 1

Romania shall participate in the European Community programme SAVE II according to the terms and conditions set out in Annexes I and II which shall form an integral part of this Decision.

Article 2

This Decision shall apply for the duration of the SAVE II programme.

Article 3

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

Done at Brussels, 26 February 1999.

For the Association Council
The Chairman
J. FISCHER

⁽¹⁾ OJ L 357, 31.12.1994, p. 2.

⁽²⁾ OJ L 317, 30.12.1995, p. 40.

*ANNEX I***TERMS AND CONDITIONS FOR THE PARTICIPATION OF ROMANIA IN THE MULTI-ANNUAL COMMUNITY PROGRAMME FOR ENERGY EFFICIENCY, SAVE II**

1. Romania will participate in all actions of the multiannual Community programme for energy efficiency, SAVE II (hereinafter called 'SAVE II') in conformity, unless otherwise provided in this Decision, with the objectives, criteria, procedures and time limits laid down in Council Decision 96/737/EC of 16 December 1996 concerning a multiannual programme for the promotion of energy efficiency in the Community — SAVE II⁽¹⁾ establishing a five-year programme for the preparation and implementation of measures and actions in a cost-effective manner in order to promote energy efficiency within the Community.
2. The terms and conditions for the submission, assessment and selection of applications related to eligible institutions, organisations and individuals of Romania will be the same as those applicable to eligible institutions, organisations and individuals of the Community, set within the limits of the financial contribution of Romania less administrative costs as provided in Annex II.
3. Where applicable, to ensure the Community dimension of SAVE II, transnational projects and activities proposed by Romania will be required to include a minimum number of partners from the Member States of the Community. This minimum number will be decided in the framework of the implementation of SAVE II, taking into account the nature of the various activities, the number of partners in a given project and the number of countries participating in the activity.
4. Romania will take all necessary steps to ensure national coordination and organisations of participation in SAVE II.
5. Romania will pay each year a contribution to the general budget of the European Communities to cover the costs resulting from its participation in SAVE II (see Annex II).

The Association Committee is entitled to adapt this contribution whenever necessary.

6. The Member States of the Community and Romania will make every effort, within the framework of existing provisions, to facilitate the free movement and residence of persons moving between Romania and the Member States of the Community for the purpose of participating in activities covered by this Decision.
7. Without prejudice to the responsibilities of the Commission and the Court of Auditors of the European Communities in relation to the monitoring and evaluation of SAVE II pursuant to Article 5 of Decision 96/737/EC, the participation of Romania in the programme will be continuously monitored on a partnership basis involving Romania and the Commission of the European Communities. Romania will submit the necessary reports to the Commission and take part in other specific activities set out by the Community in that context.
8. Without prejudice to the procedures referred to in Articles 4 and 5 of Decision 96/737/EC, Romania will be invited to coordination meetings on any question concerning the implementation of this Decision prior to the regular meetings of the SAVE Committee. The Commission will inform Romania about the results of such regular meetings.
9. The language to be used as regards the application process, contracts, reports to be submitted and other administrative arrangements for the SAVE II programme will be one of the official languages of the Community.

⁽¹⁾ OJ L 335, 24.12.1996, p. 50.

ANNEX II

FINANCIAL CONTRIBUTION OF ROMANIA TO SAVE II

1. The financial contribution of Romania will cover:
 - subsidies or any other financial support from the programme to Romanian participants,
 - supplementary administrative costs related to the management of the programme by the Commission of the European Communities stemming from Romania's participation.
2. For every financial year, the aggregated amount of subsidies or any other financial support received from the programme by Romanian beneficiaries will not exceed the contribution paid by Romania, after deduction of the supplementary administrative costs.

Should the contribution paid by Romania to the general budget of the European Communities, after deduction of the supplementary administrative costs, be higher than the aggregated amount of the subsidies or other financial support received by the Romanian beneficiaries from the programme, the Commission will transfer the balance to the next budgetary exercise, and it will be deducted from the following year's contribution. Should such a balance be left when the programme comes to an end, the corresponding amount will be reimbursed to Romania.

3. Romania's annual contribution will be ECU 560 106 from 1998. From this sum, an amount of ECU 38 106 will cover supplementary administrative costs related to the management of the programme by the Commission stemming from Romania's participation.
4. The Financial Regulation applicable to the general budget of the European Communities will apply, notably to the management of the contribution of Romania.

Upon the entry into force of this Decision and at the beginning of each year, the Commission will send to Romania a call for funds corresponding to its contribution to the costs under this Decision.

This contribution will be expressed in ecus and paid into an ecu bank account of the Commission.

Romania will pay its contribution to the annual costs under this Decision according to the call for funds and at the latest three months after the call for funds is sent. Any delay in the payment of the contribution will give rise to the payment of interest by Romania on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Monetary Cooperation Fund for the month of the due date, for its operations in ecus⁽¹⁾, increased by 1,5 percentage points.

5. Romania will pay the supplementary administrative costs referred to in paragraph 3 from its national budget.
6. Romania will pay ECU 104 400 (1998), ECU 261 000 (1999) and ECU 417 600 (2000) of the remaining cost of its participation in SAVE II from its national budget.

Subject to regular PHARE programming procedures, the remaining ECU 417 600 (1998), ECU 261 000 (1999) and ECU 104 400 (2000) will be paid from Romania's annual PHARE allocation.

⁽¹⁾ Rate published monthly in the *Official Journal of the European Communities* — C series.

DECISION No 2/1999 OF THE ASSOCIATION COUNCIL

**between the European Communities and their Member States, of the one part, and
Romania, of the other part**

of 16 March 1999

**adopting the necessary rules for the implementation of Article 64(1)(i) and (ii) and
Article 64(2) of the Europe Agreement establishing an association between the Euro-
pean Communities and their Member States, of the one part, and Romania, of the
other part, and the rules for the implementation of Article 9(1)(1) and (2) and Article
9(2) of Protocol 2 on ECSC products to the same Agreement**

(1999/249/EC, ECSC, Euratom)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part ⁽¹⁾, and in particular Article 64(3) thereof,

Having regard to Protocol 2 on ECSC products to the said Europe Agreement, and in particular Article 9(3) thereof,

Whereas Article 64(3) of the Europe Agreement lays down that the Association Council shall, within three years of the entry into force of the Agreement, adopt by decision the necessary rules for the implementation of paragraphs 1 and 2 of that Article;

Whereas Article 9(3) of Protocol 2 to the Europe Agreement lays down that the Association Council shall, within three years of the entry into force of the Agreement, adopt by decision the necessary rules for the implementation of paragraphs 1 and 2 of that Article,

HAS DECIDED AS FOLLOWS:

Sole Article

The necessary rules for the implementation of Article 64(1)(i) and (ii) and Article 64(2) of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, and the rules for the implementation of Article 9(1)(1) and (2) and Article 9(2) of Protocol 2 on ECSC products to the Europe Agreement, as set out in the Annex to this Decision, are hereby adopted.

Done at Brussels, 16 March 1999.

For the Association Council

The President

J. FISCHER

⁽¹⁾ OJ L 357, 31.12.1994, p. 2.

ANNEX

**IMPLEMENTING RULES FOR THE APPLICATION OF THE COMPETITION PROVISIONS
APPLICABLE TO UNDERTAKINGS PROVIDED FOR IN ARTICLE 64(1)(i) AND (ii) AND
ARTICLE 64(2) OF THE EUROPE AGREEMENT AND ARTICLE 9(1)(1) AND (2) AND ARTICLE
9(2) OF PROTOCOL 2 ON ECSC PRODUCTS TO THAT AGREEMENT**

*Article 1***General principle**

Cases relating to agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition and cases relating to abuses of a dominant position in the territories of the Community or of Romania as a whole or in a substantial part thereof, which may affect trade between the Community and Romania, shall be settled according to the principles contained in Article 64(1) and (2) of the Europe Agreement.

For this purpose, the cases are dealt with by the Commission of the European Communities (DG IV) ('Commission') on the Community side and the Competition Office and the Competition Council (COCC) on the Romanian side.

The competences of the Commission and the COCC to deal with these cases shall flow from the existing rules of the respective legislation of the Community and Romania, including where these rules are applied to undertakings located outside the respective territory.

Both authorities shall settle the cases in accordance with their own substantive rules, and having regard to the provisions set out below. The relevant substantive rules of the authorities are the competition rules of the Treaty establishing the European Community as well as of the Treaty establishing the European Coal and Steel Community including the competition-related secondary legislation, for the Commission, and the Romanian Competition Law No 21 of 10 April 1996, for the COCC.

ECONOMIC ACTIVITIES UNDER THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY

*Article 2***Competence of both competition authorities**

Cases under Article 64 of the Europe Agreement which may affect both the Community and the Romanian market and which may fall under the competence of both

competition authorities shall be dealt with by the Commission and the COCC, according to the rules under this Article.

1. Notification

- (a) The competition authorities shall notify to each other those cases they are dealing with, which, according to the general principle laid out in Article 1, appear to fall also under the competence of the other authority.
- (b) This situation may arise in particular in cases concerning activities that:
 - involve anti-competitive activities carried out in the other authority's territory,
 - are relevant to enforcement activities of the other competition authority,
 - involve remedies that would require or prohibit conduct in the other authority's territory.
- (c) Notification under this Article shall include sufficient information to permit an initial evaluation by the recipient Party of any effects on its interests. Copies of the notifications shall be submitted on a regular basis to the Association Council under the Europe Agreement.
- (d) Notification shall be made in advance, as soon as possible and at the latest at the stage of an investigation still far enough in advance of the adoption of a settlement or decision, so as to facilitate comments or consultations and to enable the proceeding authority to take into account the other authority's views, as well as to take such remedial action it may find feasible under its own laws, in order to deal with the case in question.

2. Consultation and comity

Whenever the Commission or the COCC considers that anti-competitive activities carried out on the territory of the other authority are substantially affecting important interests of the respective Party, it may request consultation with the other authority, or it may request that the other Party's competition authority initiate any appropriate procedures with a view to

taking remedial action under its legislation on anti-competitive activities. This is without prejudice to any action under the requesting Party's competition law and does not hamper the full freedom of ultimate decision of the authority so addressed.

3. Finding of an understanding

The competition authority so addressed shall give full and sympathetic consideration to such views and factual materials as may be provided by the requesting authority and, in particular, to the nature of the anti-competitive activities in question, the enterprises involved and the alleged harmful effects on the important interests of the requesting Party.

Without prejudice to any of their rights or obligations, the competition authorities involved in consultations under this Article shall endeavour to find a mutually acceptable solution in the light of the respective important interests involved.

Article 3

Competence of one competition authority only

1. Cases falling under the exclusive competence of one competition authority, in accordance with the principle laid down in Article 1, which may affect important interests of the other Party shall be handled having regard to the provisions set out in Article 2, taking account of the principles set out below.

2. In particular, whenever one of the competition authorities undertakes an investigation or proceeding in a case which is found to affect important interests of the other Party, the proceeding authority shall notify this case to the other authority, without formal request by the latter.

Article 4

Request for information

Whenever the competition authority of a Party becomes aware of the fact that a case, falling also or only under the competence of the other authority, appears to affect important interests of the first Party, it may request information about this case from the proceeding authority.

The proceeding authority shall give sufficient information to the extent possible and at a stage of its proceedings far enough in advance of the adoption of a decision or settlement to enable the requesting authority's views to be taken into account.

Article 5

Secrecy and confidentiality of information

1. Having regard to Article 64(7) of the Europe Agreement, neither competition authority is required to provide information to the other authority if disclosure of that information to the requesting authority is prohibited by the law of the authority possessing the information, or

would be incompatible with important interests of the Party whose authority is in possession of the information.

2. Each authority agrees to maintain, to the fullest extent possible, the confidentiality of any information provided to it in confidence by the other authority.

Article 6

Block exemptions

In the application of Article 64 of the Europe Agreement as provided for in Articles 2 and 3 of these Implementing Rules, the competition authorities shall ensure that the principles contained in the block exemption regulations in force in the Community shall be applied in full. The COCC shall be informed of any procedure related to the adoption, abolition or modification of block exemptions by the Community.

Where such block exemption regulations encounter serious objections on the Romanian side, and having regard to the approximation of legislation as foreseen in the Europe Agreement, consultations shall take place in the Association Council, in accordance with the provisions contained in Article 9.

The same principles shall apply regarding other significant changes in the Community or Romanian competition policies.

Article 7

Merger control

With regard to mergers which fall within Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings⁽¹⁾, and which have a significant impact on the Romanian economy, the COCC shall be entitled to express its view in the course of the procedure, taking into account the time limits as provided for in the aforementioned Regulation. The Commission shall give due consideration to that view, without prejudice to any action under the Parties' respective competition laws.

Article 8

Activities of minor importance

1. Anti-competitive activities whose effects on trade between the Parties or on competition are negligible do not fall under Article 64(1) of the Europe Agreement and, therefore, are not to be treated under Articles 2 to 6 of these implementing rules.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1. Regulation as last amended by Regulation (EC) No 1310/97 (OJ L 180, 9.7.1997, p. 1).

2. Negligible effects within the meaning of paragraph 1 are generally presumed to exist when:

- the aggregate annual turnover of the participating undertakings does not exceed ECU 200 million, and
- the goods or services which are the subject of the Agreement together with the participating undertakings' other goods or services which are considered by users to be equivalent in view of their characteristics, price and intended use, do not represent more than 5 % of the total market for such goods or services in the area of the common market affected by the Agreement, and the Romanian market affected by the Agreement.

Article 9

Association Council

1. Whenever the procedures provided for in Articles 2 and 3 above do not lead to a mutually acceptable solution, as well as in other cases explicitly mentioned in these implementing rules, an exchange of views shall take place in the Association Council at the request of one Party within 3 months following the request.

2. Following this exchange of views, or after expiry of the period referred to in paragraph 1, the Association Council may make appropriate recommendations for the settlement of these cases, without prejudice to Article 64(6) of the Europe Agreement. In these recommendations, the Association Council may take into account any failure of the requested authority to give its point of view to the requesting authority within the period referred to in paragraph 1.

3. These procedures in the Association Council are without prejudice to any action under the respective competition laws in force in the territory of the Parties.

Article 10

Negative conflict of competence

When both the Commission and the COCC consider that neither of them is competent to handle a case on the basis of their respective legislation, an exchange of views shall take place on request in the Association Council. The Community and Romania shall endeavour to find a mutually acceptable solution in the light of the respective important interests involved with the support of the Association Council, which may make appropriate recommendations, without prejudice to Article 64(6) of the Europe Agreement, and the rights of individual Member States of the European Communities on the basis of their competition rules.

ECONOMIC ACTIVITIES UNDER THE TREATY ESTABLISHING THE EUROPEAN COAL AND STEEL COMMUNITY (ECSC)

Article 11

ECSC Treaty

The provisions contained in Articles 1 to 6 and 8 to 10 above shall apply with respect to the coal and steel sector as referred to in Protocol 2 to the Europe Agreement.

ADMINISTRATIVE ASSISTANCE

Article 12

Languages

The Commission and the COCC shall provide for practical arrangements, for mutual assistance or any other appropriate solution concerning in particular the question of translations.

COMMISSION

COMMISSION DECISION

of 14 October 1998

on measures to assist cooperatives taken by Italy under Law 49/85

(notified under document number C(1998) 2857)

(Only the Italian text is authentic)

(Text with EEA relevance)

(1999/250/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having given the other Member States and parties concerned notice to submit their comments, in accordance with those Articles ⁽¹⁾,

Whereas:

parties and asking them to submit any observations within one month of the date of publication of the notice.

- (3) No other Member State or interested third party submitted observations. The Italian Government submitted observations in several letters, dated 31 July 1997 and 21 January, 6 March, 13 May and 16 June 1998.

II

I

- (1) By letter of 11 June 1997 the Commission informed the Italian Government that it had decided to initiate proceedings under Article 93(2) of the Treaty in respect of fresh funding provided for in Laws 538/93 and 644/94 and Decree-law 416/95 to finance certain provisions of Law 49/85 on measures to assist cooperatives; the Commission asked the Italian Government to submit its comments within one month of the date of the letter.

- (2) The Commission also published a notice in the *Official Journal of the European Communities* ⁽²⁾ informing other Member States and interested

- (4) In its letter of 31 July 1997 the Italian Government informed the Commission as follows:

- (a) Law 49/85 had been repealed, and no aid had been granted out of the funding notified to the Commission;
- (b) the aid had been replaced by a new scheme, which would be notified under Article 92(3) of the Treaty;
- (c) one of the schemes provided for in the old law, namely the Special Fund, was nevertheless to continue to apply on a transitional basis to cooperatives set up before 31 December 1996; there were 21 cases, involving a total of ITL 40 billion and affecting 795 workers.

⁽¹⁾ OJ C 309, 7.10.1997, p. 3.

⁽²⁾ See footnote 1.

- (5) The new scheme has since been notified to the Commission, and the Commission has approved it, taking the view that in principle it does not comprise State aid within the meaning of Article 92(1) of the Treaty ⁽³⁾. The holdings which may be taken under the new scheme are holdings in enterprises classified as small and medium-sized enterprises in accordance with the Community definition, and one of the conditions is that the public investors be given special rights in respect of the distribution of profits (2 % in the event that the annual accounts show a profit, guaranteed even if the general meeting decides not to pay a dividend to the private members).

- (6) The proceedings which the Commission had initiated now served no further purpose, except with regard to the transitional application of the Special Fund scheme in the 21 cases referred to.

III

- (7) The Special Fund is intended to provide one-off, non-repayable financing for cooperatives to be set up by unemployed production workers. The cooperatives may purchase, lease or manage firms which previously employed the workers concerned, and may undertake new business activities.

- (8) The financing provided takes the form of holdings in the capital of the cooperative through cooperative finance societies. The size of the holding may not exceed three times the capital subscribed by the worker members of the cooperative, or 75 % of the equity of the cooperative. On the boards of the cooperatives the finance societies have no more than five votes out of 14. There is provision for shares subscribed by the finance societies to be redeemed by the workers at par value.

- (9) When it initiated the proceedings, therefore, the Commission took the view that to acquire these holdings was not the behaviour of an investor in a market economy, which meant that they constituted State aid within the meaning of Article 92(1) of the Treaty. The aid might well be given to enterprises in difficulty, as the takeover of old firms in difficulty was expressly provided for. The Community guidelines on State aid for rescuing and restructuring firms in difficulty ⁽⁴⁾ had not been complied with, so that the aid could not be considered compatible with the common market. The

Commission also concluded that the measures were incompatible even if intended for new enterprises, as they could not be quantified in terms of investment or new jobs.

IV

- (10) According to the documentation supplied, out of the 21 cooperatives referred to in Section II four carry on business in which there is no trade between Member States. They are rather small-scale operations on local markets, in funeral services, catering, school building management and the military sector.

- (11) The others are all small enterprises, except for two which have more than 100 employees and consequently fall into the category of medium-sized enterprises. The Italian Government has given assurances that the clause allowing the private members to redeem the public holdings in these societies at par value will not be applied. The public holdings will thus be sold at their market value. The Italian authorities have also stated that of the equity in these cooperatives the majority or at least a large stake in the neighbourhood of 50 % will be held by private parties. The Italian Government declares that in all of these cases the enterprise is a new one.

V

- (12) The Community guidelines on public authorities' holdings in company capital state that the acquisition of a holding by the authorities does not constitute State aid within the meaning of Article 92(1) of the Treaty if the public investor's conduct is that of a private investor operating under normal market economy conditions ⁽⁵⁾. To satisfy itself that this is so, the Commission has to establish that there will be a normal return on the capital invested, looking at such factors as risk, the rules governing the distribution of profits, and the terms on which the holding may be sold.

- (13) In the cases at issue the private stake is significant, at around 50 %, which is a guarantee that the transaction is reasonable and profitable. As for the terms of sale of the public holding, the possibility of redemption at par value has been excluded. The Commission takes it, therefore, that sales will be on market terms.

⁽³⁾ State aid measure N 26/98; letter to the Italian Government No 6278 of 24 July 1998.

⁽⁴⁾ OJ C 368, 23.12.1994, p. 12.

⁽⁵⁾ Bull. 9/1984.

- (14) Turning to the rules governing the return on the holdings, it clearly cannot be said that the public member of the cooperative can expect a normal return on the capital invested, given the restrictions on the distribution of profits and on voting rights at general meetings, where the public member will have no more than five votes out of 14. The worker members will be free to decide not to declare a dividend, and to distribute the profits in some other way, for example by increasing wages.
- (15) In view of the rules governing the return on holdings, therefore, the Commission must find that the measures constitute State aid within the meaning of Article 92(1). The Commission confirms that the measures are incompatible with Articles 92 and 93, being operating aid which will not fall over time and which is not subject to a time-limit, contrary to the relevant Community rules. The aid is therefore incompatible with the common market, and must be abolished.
- (16) Despite the restrictions referred to in recital 14, the return on capital might have been considered to be on market terms if the public holding had carried a special right to profits higher than those distributed to the worker members, along the lines of what is done in the new law on measures to assist co-operatives, which the Commission has recently approved⁽⁶⁾. Such guarantees would have counter-balanced the restrictions on voting rights and on the distribution of dividends, and given the favourable approach which is taken to SMEs in the Community guidelines on public authorities' holdings in company capital they would have provided grounds for concluding that the public investor was acting as a private investor would in a market economy.
- (17) In circumstances of that kind, the Commission takes the view that the question whether the recipient enterprises are in difficulty is irrelevant, for the following reasons. First, the Italian authorities have ruled out that possibility. Second, a capital injection into an enterprise in financial difficulties may indeed comprise State aid, as is made clear in the Community guidelines on State aid for rescuing and restructuring firms in difficulty, so that there might conceivably be a State aid compo-

nent in the financial transfer involved here; but the Commission has to conclude that there is not. The extent of the stake held by private investors, who are to contribute some 50 % of the equity, along with the assurance provided by the mechanism guaranteeing a return on the public capital invested, would be enough to show that the measures did indeed comply with the private investor principle.

- (18) If the public holdings had had the characteristics referred to in recital 16, the Commission would have concluded, in accordance with the Community guidelines on public authorities' holdings in company capital, that in principle they did not constitute State aid within the meaning of Article 92(1) of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The transitional application to the 17 cooperatives referred to above of aid in the form of the Special Fund capital holdings provided for in Italian Law 49/85 constitutes State aid for purposes of Article 92(1) of the Treaty which is incompatible with the common market and which must be abolished.

Article 2

Italy shall take all the measures necessary to comply with Article 1, and shall inform the Commission thereof within two months of the date of notification of this Decision.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 14 October 1998.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽⁶⁾ See footnote 3.

COMMISSION DECISION

of 23 March 1999

amending the list of less-favoured areas within the meaning of Regulation (EC)
No 950/97 (Ireland)*(notified under document number C(1999) 709)*

(Only the English text is authentic)

(1999/251/EC)

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

Having regard to Council Regulation (EC) No 950/97 of 20 May 1997 on improving the efficiency of agricultural structures ⁽¹⁾, as last amended by Regulation (EC) No 2331/98 ⁽²⁾, and in particular Article 21(3),

Whereas the Government of Ireland has requested by letter of 30 April 1997 and of 19 November 1998, pursuant to Article 21(1) of Regulation (EC) No 950/97, that the Community list of less-favoured areas be amended in accordance with the Annexes to this Decision;

Whereas the new areas for inclusion on the list satisfy the criteria laid down in Council Directive 85/350/EEC ⁽³⁾ for determining areas within the meaning of Article 24 of Regulation (EC) No 950/97;

Whereas the Government of Ireland has communicated by the abovementioned letters a list of areas to be reclassified from less severely handicapped areas to more severely handicapped areas in County Monaghan covering an area of 10 470 ha of utilised agricultural area so that this type of less-favoured area will cover 75 087 ha of utilised agricultural area; whereas this list replaces from 1999 on, the previous list on County Monaghan;

Whereas the areas for reclassification satisfy the criteria for the classification of more severely handicapped areas laid down in Commission Decision C(95)2850 of 28 November 1995;

Whereas these amendments do not have the effect of increasing the utilised agricultural area of the less-favoured areas by more than 1,5 % of the total utilised agricultural area of Ireland;

Whereas, under Article 30 of Regulation (EC) No 950/97, the Commission has to decide whether on the basis of conformity with the provisions of that Regulation and taking into account the objectives set out therein and the necessary links between the different measures, the conditions for a financial contribution by the Community have been satisfied;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee on agricultural structures and rural development,

HAS ADOPTED THIS DECISION:

Article 1

The list of less-favoured areas in Ireland contained in the Annex to Directive 85/350/EEC, Directive 91/466/EEC ⁽⁴⁾ and Directive 96/52/EC ⁽⁵⁾ is supplemented by the lists in the Annex to this Decision.

The list of less-favoured areas reclassified as more severely handicapped concerning County Monaghan is replaced by the list communicated by the Irish Government by letter of 30 April 1997.

Article 2

This Decision is addressed to Ireland.

Done at Brussels, 23 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 142, 2.6.1997, p. 1.

⁽²⁾ OJ L 291, 30.10.1998, p. 10.

⁽³⁾ OJ L 187, 19.7.1985, p. 1.

⁽⁴⁾ OJ L 251, 7.9.1991, p. 10.

⁽⁵⁾ OJ L 194, 6.8.1996, p. 5.

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO — LIITE — BILAGA*

Zonas desfavorecidas tal como se definen en el apartado 24 del Reglamento (CE) n° 950/97 / Ugunstigt stillede landbrugsområder i henhold til artikel 24 i forordning (EF) nr. 950/97 / Benachteiligte Gebiete im Sinne von Artikel 24 der Verordnung (EG) Nr. 950/97 / Μειονεκτικές περιοχές σύμφωνα με το άρθρο 24 του κανονισμού (ΕΚ) αριθ. 950/97 / Less-favoured areas within the meaning of Article 24 of Regulation (EC) No 950/97 / Zones défavorisées au titre de l'article 24 du règlement (CE) n° 950/97 / Zone svantaggiate ai sensi dell'articolo 24 del regolamento (CE) n. 950/97 / Probleemgebieden in de zin van artikel 24 van Verordening (EG) nr. 950/97 / Zonas desfavorecidas na acepção do artigo 24.º do Regulamento (CE) n.º 950/97 / Asetuksen (EY) N:o 950/97 24 artiklan mukaisesti epäsuotuisiksi määritetyt alueet / Mindre gynnade områden i enlighet med artikel 24 i förordning (EG) nr 950/97

COUNTY CORK

DISTRICT ELECTORAL DIVISION	TOWNLAND(S)
Derry	Ballinaclogh
Carrig	Chimneyfield

COUNTY KILDARE

DISTRICT ELECTORAL DIVISION	TOWNLAND(S)
Carrigeen	Glebe
	Glowens
	Simonstown West

COUNTY LAOIS

DISTRICT ELECTORAL DIVISION	TOWNLAND(S)
Ballinakill	Cloghoge

COUNTY WICKLOW

DISTRICT ELECTORAL DIVISION	TOWNLAND(S)
Dunganstown South	Breagura
Dunganstown West	Kilmacurra West

COMMISSION DECISION

of 26 March 1999

amending Decision 93/197/EEC on animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production

(notified under document number C(1999) 754)

(Text with EEA relevance)

(1999/252/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and imports from third countries of equidae⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Articles 14, 15(a) and 16 thereof,

(1) Whereas Commission Decision 93/197/EEC⁽²⁾, as last amended by Decision 1999/236/EC⁽³⁾, establishes the animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production;

(2) Whereas paragraph (d) of Chapter III of the health certificates A, B, C, D and E in Annex II of Decision 93/197/EEC was amended by Decision 93/510/EEC⁽⁴⁾ in order to allow the imports into the Community of registered equidae and equidae for breeding and production from third countries before the required residence period of 90 days prior to dispatch has elapsed, if these equidae were directly imported into the dispatching third country from Member States during that period;

(3) Whereas, however, it was omitted to align the corresponding wording in the declaration of the owner or representative of the owner of the equine animal; whereas therefore for the sake of clarity the wording of the declaration must be aligned with the wording of paragraph (d) of Chapter III of the Annex II, health certificates A, B, C, D and E;

(4) Whereas Decision 93/197/EEC must be amended accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

Point 2 of the declaration of the owner or representative of the animal in animal health certificates A, B, C, D and E of Annex II of 93/197/EEC is replaced by the following:

‘2. The animal has either remained
in
(exporting country)

since birth⁽³⁾, or has been imported directly from a Member State of the European Community during the past 90 days⁽³⁾, or entered the exporting country at least 90 days prior to this declaration⁽³⁾.’

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 42.

⁽²⁾ OJ L 86, 6.4.1993, p. 16.

⁽³⁾ OJ L 87, 31.3.1999, p. 13.

⁽⁴⁾ OJ L 238, 23.9.1993, p. 44.