

# Official Journal

## of the European Communities

ISSN 0378-6978

L 212

Volume 42

12 August 1999

English edition

## Legislation

### Contents

#### I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1774/1999 of 29 July 1999 concerning the conclusion of the Agreement in the form of an Exchange of Letters amending the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines, and amending Regulation (EC) No 933/95 opening and providing for the administration of Community tariff quotas for certain wines** ..... 1
- Agreement in the form of an Exchange of letters amending the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines** ..... 3
- Commission Regulation (EC) No 1775/1999 of 11 August 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables ... 9
- Commission Regulation (EC) No 1776/1999 of 11 August 1999 fixing the representative prices and the additional import duties for molasses in the sugar sector ..... 11
- Commission Regulation (EC) No 1777/1999 of 11 August 1999 fixing the export refunds on white sugar and raw sugar exported in its unaltered state ..... 13
- Commission Regulation (EC) No 1778/1999 of 11 August 1999 fixing the maximum export refund for white sugar for the 2nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1489/1999 ..... 15
- Commission Regulation (EC) No 1779/1999 of 11 August 1999 concerning Regulation (EC) No 1218/96 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania ..... 16

Contents (continued)

|                                                                                                                                                                                                                                                                                                                                                                                                                       |           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Commission Regulation (EC) No 1780/1999 of 11 August 1999 concerning Regulation (EC) No 1218/96 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania ..... | 17        |
| ★ <b>Commission Regulation (EC) No 1781/1999 of 10 August 1999 suspending the import quota for milk powder for the Dominican Republic provided for in Regulation (EC) No 174/1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products .....</b>                                          | <b>18</b> |
| Commission Regulation (EC) No 1782/1999 of 11 August 1999 amending the corrective amount applicable to the refund on cereals .....                                                                                                                                                                                                                                                                                    | 19        |

II Acts whose publication is not obligatory

**Commission**

1999/561/ECSC:

|                                                                                                                                                                                                                                                                                                                   |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| ★ <b>Decision No 2/99 of the Joint Committee established under the Agreement between the European coal and steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European coal and steel Community of 8 July 1999 amending Protocol 1 of the Agreement .....</b> | <b>21</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|

1999/562/EC:

|                                                                                                                                                                                                                                                                                                                                                   |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| ★ <b>Commission Decision of 12 July 1999 on the exchange of letters concerning the certificate referred to in the second indent of point 6 of the Agreement between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines (notified under document number C(1999) 2054) .....</b> | <b>31</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1774/1999  
of 29 July 1999**

**concerning the conclusion of the Agreement in the form of an Exchange of Letters amending the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines, and amending Regulation (EC) No 933/95 opening and providing for the administration of Community tariff quotas for certain wines**

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 Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) An Agreement in the form of an Exchange of Letters on the reciprocal establishment of tariff quotas for certain wines between the European Community and the Republic of Hungary <sup>(1)</sup> was signed on 29 November 1993;
- (2) That Agreement expired on 31 December 1998;
- (3) In order to preserve reciprocal preferential treatment and to continue to promote the development of trade in wine the Agreement should be extended until 31 December 1999;
- (4) Council Regulation (EC) No 933/95 of 10 April 1995 opening and providing for the administration of Community tariff quotas for certain wines originating in Bulgaria, Hungary and Romania <sup>(2)</sup> opened tariff quotas for certain wines in accordance with the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Hungary; following the new Agreement in the form of an Exchange of Letters, Regulation (EC) No 933/95 has to be amended accordingly;
- (5) In order to facilitate the implementation of certain provisions of the Agreement, the Commission should be authorised to adopt the necessary legislation for implementation of the Agreement in accordance with the

procedure laid down in Article 83 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine <sup>(3)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreement in the form of an Exchange of Letters amending the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

*Article 2*

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the Community.

*Article 3*

The Commission is hereby authorised to adopt the necessary acts for implementation of the Agreement, in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

*Article 4*

In Regulation (EC) No 933/95, Article 1 is hereby amended as follows:

1. in Article 1(1), the table under (b) 'Wines originating in Hungary' shall be replaced by the following table:

<sup>(1)</sup> OJ L 337, 31.12.1993, p. 83.

<sup>(2)</sup> OJ L 96, 28.4.1995, p. 1. Regulation as last amended by Regulation (EC) No 813/98 (OJ L 116, 18.4.1998, p. 1).

<sup>(3)</sup> OJ L 84, 27.3.1987, p. 1. Regulation as last amended by Regulation (EC) No 1627/98 (OJ L 210, 28.7.1998, p. 8).

| 'Order No | CN code<br>(1) | Description<br>(2)                                                                                                                               | Volume of quota<br>(1.5 — 31.12.1999)<br>(hl) | Quota duty<br>(% of basic duty) |
|-----------|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|---------------------------------|
| 09.7007   | ex 2204 29     | Wines of fresh grapes                                                                                                                            | 113 460                                       | 40                              |
| 09.7009   | ex 2204 10     | Quality sparkling wine, in containers holding not more than 2 litres                                                                             | 3 700                                         | 40                              |
| 09.7011   | ex 2204 21     | Quality wine, including wine of superior quality and quality wine bearing the geographical indication "Tokaj" and wine bearing the name "Tájbor" | 216 930                                       | 40'                             |

2. in the first subparagraph of Article 1(2), point (d) shall be replaced by the following:

'(d) quota No 09.7009:

This is to certify that the wine referred to in this document is a quality sparkling wine in accordance with the Hungarian Wine Law;'

3. in the first subparagraph of Article 1(2), point (e) shall be replaced by the following:

'(e) quota No 09.7011:

This is to certify that the wine referred to in this document is a quality wine, including wine of superior quality and quality wine bearing the geographical indication "Tokaj" and wine bearing the name "Tájbor" in accordance with the Hungarian Wine Law.'

4. in Article 1(2), the second subparagraph shall be deleted.

#### Article 5

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

It shall apply as from 1 May 1999.

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

Done at Brussels, 29 July 1999.

*For the Council*

*The President*

S. HASSI

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**  
**amending the Agreement in the form of an Exchange of Letters between the European Community**  
**and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines**

*A. Letter from the Community*

Brussels, 24 July 1999

Sir,

I have the honour to refer to the Agreement of 29 November 1993 in the form of an Exchange of Letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines and to the negotiations which have taken place between the European Community and the Republic of Hungary with a view to adapting the said Agreement following the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, and to extending the Agreement beyond 31 December 1998.

I hereby confirm that the European Community and the Republic of Hungary have agreed on the following:

I. In point 2), first and third indent of the Agreement, the words ‘...within the meaning of the Hungarian Law No 36/1970 on winegrowing and implementing Regulation No 40/1977 (MEM), as amended by Regulation No 7/1990 (FM) and No 23/1992 (FM)...’ shall be replaced by the following words: ‘...within the meaning of the Hungarian Wine Law...’.

II. Table 1 in the Annex to the said Agreement shall be replaced by the following table:

**‘Quantities of wine originating in the Community and qualifying for tariff reductions**

| Hungarian customs tariff code | Description                                                                                                          | 1999<br>Quantity in hectolitres |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------|---------------------------------|
| ex 2204 21<br>ex 2204 29      | Wine of fresh grapes                                                                                                 | 51 170<br>63 500                |
| ex 2204 10                    | Quality sparkling wine, whether or not produced in specified regions, in containers holding not more than two litres | 3 390'                          |

III. Table 2 in the Annex to the said Agreement shall be replaced by the following table:

**‘Quantities of wine originating in Hungary and qualifying for tariff reductions**

| CN code    | Description                                                                                                                                      | 1999<br>Quantity in hectolitres |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| ex 2204 21 | Quality wine, including wine of superior quality and quality wine bearing the geographical indication “Tokaj” and wine bearing the name “Tajbor” | 216 930                         |
| ex 2204 29 | Wine of fresh grapes                                                                                                                             | 113 460                         |
| ex 2204 10 | Quality sparkling wine in containers holding not more than two litres                                                                            | 3 700'                          |

IV. Point 3(a) of the said Agreement shall be replaced by the following:

'In the case of duties applied by Hungary to imports of wine originating in the Community:

- in 1993: 90 % of the basic duty,
- in 1994: 80 % of the basic duty,
- in 1995 and subsequent years: 70 % of the basic duty,
- in 1999, in accordance with the principle of standstill, the duties applicable will be as indicated in the following table:

**Duties applied by Hungary to imports of wine originating in the Community**

| Hungarian CN code                                                                                                            | Description                                                                                                          | Applicable duties in 1999         |
|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| ex 2204 10                                                                                                                   | Quality sparkling wine, whether or not produced in specified regions, in containers holding not more than two litres | 21 % <i>ad valorem</i>            |
| 2204 21 excluding<br>2204 21 79<br>2204 21 80<br>2204 21 83<br>2204 21 84<br>2204 21 94 01<br>2204 21 98 01<br>2204 21 98 01 | Wine in containers holding two litres or less                                                                        | 28 % <i>ad valorem</i>            |
| 2204 21 79<br>2204 21 80<br>2204 21 83<br>2204 21 84                                                                         |                                                                                                                      | 10,5 % <i>ad valorem</i>          |
| 2204 21 94 01<br>2204 21 98 01<br>2204 21 99 01                                                                              |                                                                                                                      | 70 % of applicable MFN duty       |
| 2204 29 excluding<br>2204 29 65<br>2204 29 75<br>2204 29 83<br>2204 29 84<br>2204 29 94 01<br>2204 29 98 01<br>2204 29 99 01 | Wine in containers holding more than two litres                                                                      | 28 % <i>ad valorem</i>            |
| 2204 29 65<br>2204 29 75<br>2204 29 83<br>2204 29 84                                                                         |                                                                                                                      | 10,5 % <i>ad valorem</i>          |
| 2204 29 94 01<br>2204 29 98 01<br>2204 29 99 01                                                                              |                                                                                                                      | 70 % of 1999 applicable MFN duty' |

This Exchange of Letters shall be approved by the Contracting Parties in accordance with their respective procedures.

This Agreement shall enter into force on the day of its signature. It shall apply from 1 May 1999 to 31 December 1999, in accordance with the respective legislation and regulations of the Contracting Parties. It shall expire on 31 December 1999. During the first half of 1999, negotiations will take place with a view to concluding an additional Protocol to the Europe Agreement covering both wines and spirits. Moreover, the additional Protocol to the Europe Agreement will define the modalities for cooperation between Hungary and the European Community to support the implementation of a programme for progressive application by Hungary of the '*acquis communautaire*' in the field of wine and spirits, particularly as regards reinforcing the supply management and control instruments in the winegrowing sector (including the establishment of a vineyard register).

I should be obliged if you would confirm that your Government is in agreement with the content of this letter.

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

*On behalf of the Council of the European Union*

A handwritten signature in black ink, consisting of a series of loops and strokes, likely representing the name of a representative of the Council of the European Union.

*B. Letter from the Republic of Hungary*

Brussels, 29 July 1999

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'I have the honour to refer to the Agreement of 29 November 1993 in the form of an Exchange of Letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines and to the negotiations which have taken place between the European Community and the Republic of Hungary with a view to adapting the said Agreement following the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, and to extending the Agreement beyond 31 December 1998.

I hereby confirm that the European Community and the Republic of Hungary have agreed on the following:

I. In point 2), first and third indent of the Agreement, the words "... within the meaning of the Hungarian Law No 36/1970 on winegrowing and implementing Regulation No 40/1977 (MEM), as amended by Regulation No 7/1990 (FM) and No 23/1992 (FM),..." shall be replaced by the following words: "... within the meaning of the Hungarian Wine Law...".

II. Table 1 in the Annex to the said Agreement shall be replaced by the following table:

**"Quantities of wine originating in the Community and qualifying for tariff reductions**

| Hungarian customs tariff code | Description                                                                                                          | 1999<br>Quantity in hectolitres |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------|---------------------------------|
| ex 2204 21<br>ex 2204 29      | Wine of fresh grapes                                                                                                 | 51 170<br>63 500                |
| ex 2204 10                    | Quality sparkling wine, whether or not produced in specified regions, in containers holding not more than two litres | 3 390"                          |

III. Table 2 in the Annex to the said Agreement shall be replaced by the following table:

**"Quantities of wine originating in Hungary and qualifying for tariff reductions**

| CN code    | Description                                                                                                                                      | 1999<br>Quantity in hectolitres |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| ex 2204 21 | Quality wine, including wine of superior quality and quality wine bearing the geographical indication "Tokaj" and wine bearing the name "Tajbor" | 216 930                         |
| ex 2204 29 | Wine of fresh grapes                                                                                                                             | 113 460                         |
| ex 2204 10 | Quality sparkling wine in containers holding not more than two litres                                                                            | 3 700"                          |

IV. Point 3(a) of the said Agreement shall be replaced by the following:

"In the case of duties applied by Hungary to imports of wine originating in the Community:

- in 1993: 90 % of the basic duty,
- in 1994: 80 % of the basic duty,
- in 1995 and subsequent years: 70 % of the basic duty,
- in 1999, in accordance with the principle of standstill, the duties applicable will be as indicated in the following table:

**Duties applied by Hungary to imports of wine originating in the Community**

| Hungarian CN code                                                                                                            | Description                                                                                                          | Applicable duties 1999            |
|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| ex 2204 10                                                                                                                   | Quality sparkling wine, whether or not produced in specified regions, in containers holding not more than two litres | 21 % <i>ad valorem</i>            |
| 2204 21 excluding<br>2204 21 79<br>2204 21 80<br>2204 21 83<br>2204 21 84<br>2204 21 94 01<br>2204 21 98 01<br>2204 21 99 01 | Wine in containers holding two litres or less                                                                        | 28 % <i>ad valorem</i>            |
| 2204 21 79<br>2204 21 80<br>2204 21 83<br>2204 21 84                                                                         |                                                                                                                      | 10,5 % <i>ad valorem</i>          |
| 2204 21 94 01<br>2204 21 98 01<br>2204 21 99 01                                                                              |                                                                                                                      | 70 % of 1999 applicable MFN duty  |
| 2204 29 excluding<br>2204 29 65<br>2204 29 75<br>2204 29 83<br>2204 29 84<br>2204 29 94 01<br>2204 29 98 01<br>2204 29 99 01 | Wine in containers holding more than two litres                                                                      | 28 % <i>ad valorem</i>            |
| 2204 29 65<br>2204 29 75<br>2204 29 83<br>2204 29 84                                                                         |                                                                                                                      | 10,5 % <i>ad valorem</i>          |
| 2204 29 94 01<br>2204 29 98 01<br>2204 29 99 01                                                                              |                                                                                                                      | 70 % of 1999 applicable MFN duty" |

This Exchange of Letters shall be approved by the Contracting Parties in accordance with their respective procedures.

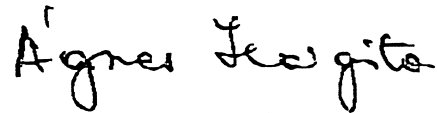
This Agreement shall enter into force on the day of its signature. It shall apply from 1 May 1999 to 31 December 1999, in accordance with the respective legislation and regulations of the Contracting Parties. It shall expire on 31 December 1999. During the first half of 1999, negotiations will take place with a view to concluding an additional Protocol to the Europe Agreement covering both wines and spirits. Moreover, the additional Protocol to the Europe Agreement will define the modalities for cooperation between Hungary and the European Community to support the implementation of a programme for progressive application by Hungary of the *acquis communautaire* in the field of wine and spirits, particularly as regards reinforcing the supply management and control instruments in the winegrowing sector (including the establishment of a vineyard register).

I should be obliged if you would confirm that your Government is in agreement with the content of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

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

*For the Government of the Republic of Hungary*



Agnes Jozsef

---

**COMMISSION REGULATION (EC) No 1775/1999**  
**of 11 August 1999**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 12 August 1999.

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

Done at Brussels, 11 August 1999.

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

---

<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

**to the Commission Regulation of 11 August 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code                            | Third country code <sup>(1)</sup> | Standard import value |
|------------------------------------|-----------------------------------|-----------------------|
| 0709 90 70                         | 052                               | 42,2                  |
|                                    | 999                               | 42,2                  |
| 0805 30 10                         | 388                               | 78,1                  |
|                                    | 524                               | 84,0                  |
|                                    | 528                               | 66,2                  |
|                                    | 999                               | 76,1                  |
| 0806 10 10                         | 052                               | 106,7                 |
|                                    | 400                               | 246,7                 |
|                                    | 512                               | 28,9                  |
|                                    | 600                               | 70,6                  |
|                                    | 999                               | 113,2                 |
| 0808 10 20, 0808 10 50, 0808 10 90 | 388                               | 60,0                  |
|                                    | 400                               | 55,9                  |
|                                    | 508                               | 76,1                  |
|                                    | 512                               | 48,9                  |
|                                    | 524                               | 44,0                  |
|                                    | 528                               | 36,7                  |
|                                    | 800                               | 87,6                  |
|                                    | 804                               | 84,0                  |
|                                    | 999                               | 61,6                  |
|                                    | 052                               | 97,5                  |
| 0808 20 50                         | 388                               | 65,7                  |
|                                    | 512                               | 53,9                  |
|                                    | 528                               | 81,0                  |
|                                    | 999                               | 74,5                  |
| 0809 30 10, 0809 30 90             | 052                               | 94,9                  |
|                                    | 068                               | 55,1                  |
|                                    | 999                               | 75,0                  |
| 0809 40 05                         | 064                               | 53,4                  |
|                                    | 068                               | 58,0                  |
|                                    | 093                               | 56,3                  |
|                                    | 999                               | 55,9                  |

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

**COMMISSION REGULATION (EC) No 1776/1999****of 11 August 1999****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1148/98 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 <sup>(3)</sup>, and in particular Articles 1 (2) and 3 (1) thereof,

- (1) Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 <sup>(4)</sup>; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;
- (2) Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;
- (3) Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;
- (4) Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to

a small quantity that is not representative of the market; whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

- (5) Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;
- (6) Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;
- (7) Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;
- (8) Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation;
- (9) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 12 August 1999.

<sup>(1)</sup> OJ L 177, 1.7.1981, p. 4.

<sup>(2)</sup> OJ L 159, 3.6.1998, p. 38.

<sup>(3)</sup> OJ L 141, 24.6.1995, p. 12.

<sup>(4)</sup> OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 11 August 1999.

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

---

ANNEX

**fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector**

(in EUR)

| CN code                   | Amount of the representative price in 100 kg net of the product in question | Amount of the additional duty in 100 kg net of the product in question | Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 <sup>(2)</sup> |
|---------------------------|-----------------------------------------------------------------------------|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1703 10 00 <sup>(1)</sup> | 6,33                                                                        | 0,23                                                                   | —                                                                                                                                                                                   |
| 1703 90 00 <sup>(1)</sup> | 7,17                                                                        | 0,06                                                                   | —                                                                                                                                                                                   |

<sup>(1)</sup> For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

<sup>(2)</sup> This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

## COMMISSION REGULATION (EC) No 1777/1999

of 11 August 1999

## fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 1 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1148/98 <sup>(2)</sup>, and in particular point (a) of the first subparagraph of Article 19 <sup>(4)</sup> thereof,

(1) Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

(2) Whereas Regulation (EEC) No 1785/81 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 17a of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

(3) Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar <sup>(3)</sup>, as amended by Regulation (EC) No 3290/94 <sup>(4)</sup>; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying

down detailed rules of application for the grant of export refunds in the sugar sector <sup>(5)</sup>; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

(5) Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

(6) Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

(7) Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

## Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

## Article 2

This Regulation shall enter into force on 12 August 1999.

<sup>(1)</sup> OJ L 177, 1.7.1981, p. 4.

<sup>(2)</sup> OJ L 159, 3.6.1998, p. 38.

<sup>(3)</sup> OJ L 89, 10.4.1968, p. 3.

<sup>(4)</sup> OJ L 349, 31.12.1994, p. 105.

<sup>(5)</sup> OJ L 214, 8.9.1995, p. 16.

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

Done at Brussels, 11 August 1999.

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

# ANNEX

## to the Commission Regulation of 11 August 1999 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

| Product code    | Amount of refund                |
|-----------------|---------------------------------|
|                 | — EUR/100 kg —                  |
| 1701 11 90 9100 | 42,21 <sup>(1)</sup>            |
| 1701 11 90 9910 | 42,78 <sup>(1)</sup>            |
| 1701 11 90 9950 | <sup>(2)</sup>                  |
| 1701 12 90 9100 | 42,21 <sup>(1)</sup>            |
| 1701 12 90 9910 | 42,78 <sup>(1)</sup>            |
| 1701 12 90 9950 | <sup>(2)</sup>                  |
|                 | — EUR/1 % of sucrose × 100 kg — |
| 1701 91 00 9000 | 0,4589                          |
|                 | — EUR/100 kg —                  |
| 1701 99 10 9100 | 45,89                           |
| 1701 99 10 9910 | 46,50                           |
| 1701 99 10 9950 | 46,50                           |
|                 | — EUR/1 % of sucrose × 100 kg — |
| 1701 99 90 9100 | 0,4589                          |

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

<sup>(2)</sup> Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

**COMMISSION REGULATION (EC) No 1778/1999****of 11 August 1999****fixing the maximum export refund for white sugar for the 2nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1489/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1148/98 <sup>(2)</sup>, and in particular the second subparagraph of Article 17(5) (b) thereof,

- (1) Whereas Commission Regulation (EC) No 1489/1999 of 7 July 1999 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar <sup>(3)</sup>, requires partial invitations to tender to be issued for the export of this sugar;
- (2) Whereas, pursuant to Article 9(1) of Regulation (EC) No 1489/1999 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

- (3) Whereas, following an examination of the tenders submitted in response to the 2nd partial invitation to tender, the provisions set out in Article 1 should be adopted;

- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 2nd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1489/1999 the maximum amount of the export refund is fixed at 52,549 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 12 August 1999.

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

Done at Brussels, 11 August 1999.

*For the Commission*

Monika WULF-MATHIES

*Member of the Commission*

<sup>(1)</sup> OJ L 177, 1.7.1981, p. 4.

<sup>(2)</sup> OJ L 159, 3.6.1998, p. 38.

<sup>(3)</sup> OJ L 172, 8.7.1999, p. 27.

**COMMISSION REGULATION (EC) No 1779/1999****of 11 August 1999****concerning Regulation (EC) No 1218/96 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 9 thereof,

- (1) Whereas Commission Regulation (EC) No 1218/96 of 28 June 1996 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania <sup>(3)</sup>, as last amended by Regulation (EC) No 32/98 <sup>(4)</sup>, specifies the quantities of barley and common wheat originating in the Czech and Slovak Republics and the Republic of Hungary which enjoy preferential access under the Interim Agreement concluded with those countries;

- (2) Whereas the Commission must fix a single coefficient for reducing the quantities in the import licences applied for where these quantities exceed the quantities in the annual quota; whereas applications for import licences submitted on 9 August 1999 for barley from the Republic of Hungary relate to 4 800 tonnes and the maximum quantity which may be imported is 1 200 tonnes at a duty reduced to EUR 0/tonne,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for licences for the 'Hungary' quota provided for in Regulation (EC) No 1218/96 at an import duty reduced to EUR 0/tonne for barley falling within CN code 1003 00 90, submitted on 9 August 1999 and forwarded to the Commission, shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,25.

*Article 2*

This Regulation shall enter into force on 12 August 1999.

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

Done at Brussels, 11 August 1999.

*For the Commission*

Monika WULF-MATHIES

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 51.

<sup>(4)</sup> OJ L 5, 9.1.1998, p. 4.

**COMMISSION REGULATION (EC) No 1780/1999****of 11 August 1999****concerning Regulation (EC) No 1218/96 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 9 thereof,

- (1) Whereas Commission Regulation (EC) No 1218/96 of 28 June 1996 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania <sup>(3)</sup>, as last amended by Regulation (EC) No 32/98 <sup>(4)</sup>, specifies the quantities of barley and common wheat originating in the Czech and Slovak Republics and the Republic of Hungary which enjoy preferential access under the Interim Agreement concluded with those countries;

- (2) Whereas the Commission must fix a single coefficient for reducing the quantities in the import licences applied for where these quantities exceed the quantities in the annual quota; whereas applications for import licences submitted on 9 August 1999 for common wheat from the Republic of Romania relate to 130 000 tonnes and the maximum quantity which may be imported is 24 000 tonnes at a duty reduced by 80 %,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for licences for the 'Romania' quota provided for in Regulation (EC) No 1218/96 at an import duty reduced by 80 % for common wheat falling within CN code 1001 90 99, submitted on 9 August 1999 and forwarded to the Commission, shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,184615.

*Article 2*

This Regulation shall enter into force on 12 August 1999.

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

Done at Brussels, 11 August 1999.

*For the Commission*

Monika WULF-MATHIES

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1998, p. 21.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 51.

<sup>(4)</sup> OJ L 5, 9.1.1998, p. 4.

**COMMISSION REGULATION (EC) No 1781/1999  
of 10 August 1999**

**suspending the import quota for milk powder for the Dominican Republic provided for in Regulation (EC) No 174/1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>, and in particular Article 13(3), 16a(1) and 17(3) and (14) thereof,

- (1) Whereas Commission Regulation (EC) No 174/1999 <sup>(3)</sup>, as amended by Regulation (EC) No 1596/1999 <sup>(4)</sup>, lays down the rules for administering the milk powder quota for imports into the Dominican Republic under the Memorandum of Understanding between the European Community and the Dominican Republic approved by Council Decision 98/486/EC <sup>(5)</sup>;
- (2) Whereas the Dominican Republic has not yet adopted the measures for applying the quota; whereas the application of the scheme should therefore be urgently suspended; whereas specific measures must be taken

with regard to operators who have already submitted applications;

- (3) 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 application of Article 20a of Regulation (EC) No 174/1999 is suspended.

Applications submitted during the period 1 to 10 August 1999 shall not be accepted. The competent bodies shall immediately release the securities.

*Article 2*

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

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

Done at Brussels, 10 August 1999.

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

<sup>(1)</sup> OJ L 148, 28.6.1968, p. 13.

<sup>(2)</sup> OJ L 206, 16.8.1996, p. 21.

<sup>(3)</sup> OJ L 20, 27.1.1999, p. 8.

<sup>(4)</sup> OJ L 188, 21.7.1999, p. 39.

<sup>(5)</sup> OJ L 218, 6.8.1998, p. 45.

**COMMISSION REGULATION (EC) No 1782/1999**  
**of 11 August 1999**  
**amending the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

- (1) Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 1746/1999 <sup>(3)</sup>;
- (2) Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered;

- (3) Whereas the corrective amount must be fixed according to the same procedure as the refund; whereas it may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 12 August 1999.

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

Done at Brussels, 11 August 1999.

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

---

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 207, 6.8.1999, p. 9.

## ANNEX

## to the Commission Regulation of 11 August 1999 amending the corrective amount applicable to the refund on cereals

(EUR/t)

| Product code    | Destination <sup>(1)</sup> | Current<br>8 | 1st period<br>9 | 2nd period<br>10 | 3rd period<br>11 | 4th period<br>12 | 5th period<br>1 | 6th period<br>2 |
|-----------------|----------------------------|--------------|-----------------|------------------|------------------|------------------|-----------------|-----------------|
| 1001 10 00 9200 | —                          | —            | —               | —                | —                | —                | —               | —               |
| 1001 10 00 9400 | 01                         | 0            | -1,00           | -2,00            | -3,00            | -4,00            | —               | —               |
| 1001 90 91 9000 | —                          | —            | —               | —                | —                | —                | —               | —               |
| 1001 90 99 9000 | 01                         | 0            | 0               | -8,50            | -11,50           | -13,50           | —               | —               |
| 1002 00 00 9000 | 01                         | —            | —               | —                | —                | —                | —               | —               |
| 1003 00 10 9000 | —                          | —            | —               | —                | —                | —                | —               | —               |
| 1003 00 90 9000 | 03                         | 0            | -25,00          | -25,00           | -25,00           | -25,00           | —               | —               |
|                 | 02                         | 0            | 0               | 0                | 0                | 0                | —               | —               |
| 1004 00 00 9200 | —                          | —            | —               | —                | —                | —                | —               | —               |
| 1004 00 00 9400 | 01                         | —            | —               | —                | —                | —                | —               | —               |
| 1005 10 90 9000 | —                          | —            | —               | —                | —                | —                | —               | —               |
| 1005 90 00 9000 | 01                         | —            | —               | —                | —                | —                | —               | —               |
| 1007 00 90 9000 | —                          | —            | —               | —                | —                | —                | —               | —               |
| 1008 20 00 9000 | —                          | —            | —               | —                | —                | —                | —               | —               |
| 1101 00 11 9000 | —                          | —            | —               | —                | —                | —                | —               | —               |
| 1101 00 15 9100 | 01                         | 0            | 0               | -11,65           | -15,76           | -18,50           | —               | —               |
| 1101 00 15 9130 | 01                         | 0            | 0               | -10,88           | -14,72           | -17,28           | —               | —               |
| 1101 00 15 9150 | 01                         | 0            | 0               | -10,03           | -13,57           | -15,93           | —               | —               |
| 1101 00 15 9170 | 01                         | 0            | 0               | -9,27            | -12,54           | -14,72           | —               | —               |
| 1101 00 15 9180 | 01                         | 0            | 0               | -8,67            | -11,73           | -13,77           | —               | —               |
| 1101 00 15 9190 | —                          | —            | —               | —                | —                | —                | —               | —               |
| 1101 00 90 9000 | —                          | —            | —               | —                | —                | —                | —               | —               |
| 1102 10 00 9500 | 01                         | 0            | 0               | 0                | 0                | 0                | —               | —               |
| 1102 10 00 9700 | —                          | —            | —               | —                | —                | —                | —               | —               |
| 1102 10 00 9900 | —                          | —            | —               | —                | —                | —                | —               | —               |
| 1103 11 10 9200 | 01                         | 0            | -1,50           | -3,00            | -4,50            | -6,00            | —               | —               |
| 1103 11 10 9400 | 01                         | 0            | -1,34           | -2,68            | -4,02            | -5,36            | —               | —               |
| 1103 11 10 9900 | —                          | —            | —               | —                | —                | —                | —               | —               |
| 1103 11 90 9200 | 01                         | 0            | 0               | 0                | 0                | 0                | —               | —               |
| 1103 11 90 9800 | —                          | —            | —               | —                | —                | —                | —               | —               |

(<sup>1</sup>) The destinations are identified as follows:

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

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

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

**DECISION No 2/99 OF THE JOINT COMMITTEE ESTABLISHED UNDER THE AGREEMENT  
BETWEEN THE EUROPEAN COAL AND STEEL COMMUNITY AND THE REPUBLIC OF TURKEY  
ON TRADE IN PRODUCTS COVERED BY THE TREATY ESTABLISHING THE EUROPEAN COAL  
AND STEEL COMMUNITY**

**of 8 July 1999**

**amending Protocol 1 of the Agreement**

(1999/561/ECSC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community, and in particular Article 6 and Protocol 1 thereof,

HAS DECIDED AS FOLLOWS:

*Article 1*

Articles 1 to 34 of Protocol 1 of the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community, shall be replaced by the text attached hereto.

*Article 2*

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

It shall apply with effect from 1 January 1999.

*Article 3*

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 8 July 1999.

*For the Joint Committee*

*The Chairman*

Salvatore SALERNO

## ANNEX

**PROTOCOL 1**  
**on rules of origin****TABLE OF CONTENTS**

|                   |                                                                                                      |
|-------------------|------------------------------------------------------------------------------------------------------|
| <b>TITLE I</b>    | <b>GENERAL PROVISIONS</b>                                                                            |
| Article 1         | Definitions                                                                                          |
| <b>TITLE II</b>   | <b>DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS'</b>                                           |
| Article 2         | General requirements                                                                                 |
| Article 3         | Cumulation in the Community                                                                          |
| Article 4         | Cumulation of origin in Turkey                                                                       |
| Article 5         | Wholly obtained products                                                                             |
| Article 6         | Sufficiently worked or processed products                                                            |
| Article 7         | Insufficient working or processing operations                                                        |
| Article 8         | Unit of qualification                                                                                |
| Article 9         | Neutral elements                                                                                     |
| <b>TITLE III</b>  | <b>TERRITORIAL REQUIREMENTS</b>                                                                      |
| Article 10        | Principle of territoriality                                                                          |
| Article 11        | Direct transport                                                                                     |
| Article 12        | Exhibitions                                                                                          |
| <b>TITLE IV</b>   | <b>DRAWBACK OR EXEMPTION</b>                                                                         |
| Article 13        | Prohibition of drawback of, or exemption from, customs duties                                        |
| <b>TITLE V</b>    | <b>PROOF OF ORIGIN</b>                                                                               |
| Article 14        | General requirements                                                                                 |
| Article 15        | Procedure for the issue of an EUR.1 movement certificate                                             |
| Article 16        | EUR.1 movement certificates issued retrospectively                                                   |
| Article 17        | Issue of a duplicate EUR.1 movement certificate                                                      |
| Article 18        | Issue of EUR.1 movement certificates on the basis of a proof of origin issued or made out previously |
| Article 19        | Conditions for making out an invoice declaration                                                     |
| Article 20        | Approved exporter                                                                                    |
| Article 21        | Validity of proof of origin                                                                          |
| Article 22        | Submission of proof of origin                                                                        |
| Article 23        | Supporting documents                                                                                 |
| Article 24        | Preservation of proof of origin and supporting documents                                             |
| Article 25        | Discrepancies and formal errors                                                                      |
| Article 26        | Amounts expressed in euro                                                                            |
| <b>TITLE VI</b>   | <b>ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION</b>                                                   |
| Article 27        | Mutual assistance                                                                                    |
| Article 28        | Verification of proofs of origin                                                                     |
| Article 29        | Dispute settlement                                                                                   |
| Article 30        | Penalties                                                                                            |
| Article 31        | Free zones                                                                                           |
| <b>TITLE VII</b>  | <b>CEUTA AND MELILLA</b>                                                                             |
| Article 32        | Application of the Protocol                                                                          |
| Article 33        | Special conditions                                                                                   |
| <b>TITLE VIII</b> | <b>FINAL PROVISIONS</b>                                                                              |
| Article 34        | Amendments to the Protocol                                                                           |

## TITLE I

## GENERAL PROVISIONS

## Article 1

## Definitions

For the purposes of this Protocol:

- (a) 'manufacture' means any kind of working or processing including assembly or specific operations;
- (b) 'material' means any ingredient, raw material, component or part, etc., used in the manufacture of the product;
- (c) 'product' means the product being manufactured, even if it is intended for later use in another manufacturing operation;
- (d) 'goods' means both materials and products;
- (e) 'customs value' means the value as determined in accordance with the 1994 Agreement on implementation of Article VII of the General Agreement on Tariffs and Trade (WTO Agreement on customs valuation);
- (f) 'ex-works price' means the price paid for the product ex works to the manufacturer in the Community or Turkey in whose undertaking the last working or processing is carried out, provided the price includes the value of all the materials used, less any internal taxes which are, or may be, repaid when the product obtained is exported;
- (g) 'value of materials' means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the Community or Turkey;
- (h) 'value of originating materials' means the value of such materials as defined in subparagraph (g) applied *mutatis mutandis*;
- (i) 'added value' shall be taken to be the ex-works price minus the customs value of each of the materials incorporated which originated in the other countries referred to in Articles 3 and 4 or, where the customs value is not known or cannot be ascertained, the first price verifiably paid for the products in the Community or Turkey;
- (j) 'chapters' and 'headings' mean the chapters and the headings (four-digit codes) used in the nomenclature which makes up the Harmonised Commodity Description and Coding System, referred to in this Protocol as 'the Harmonised System' or 'HS';
- (k) 'classified' refers to the classification of a product or material under a particular heading;
- (l) 'consignment' means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee or, in the absence of such a document, by a single invoice;
- (m) 'territories' includes territorial waters.

## TITLE II

## DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS'

## Article 2

## General requirements

1. For the purpose of implementing this Agreement, the following products shall be considered as originating in the Community:

- (a) products wholly obtained in the Community within the meaning of Article 5 of this Protocol;
  - (b) products obtained in the Community incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in the Community within the meaning of Article 6 of this Protocol;
2. For the purpose of implementing this Agreement, the following products shall be considered as originating in Turkey:
- (a) products wholly obtained in Turkey within the meaning of Article 5 of this Protocol;
  - (b) products obtained in Turkey incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in Turkey within the meaning of Article 6 of this Protocol.

## Article 3

## Cumulation of origin in the Community

1. Without prejudice to the provisions of Article 2(1), products shall be considered as originating in the Community if such products are obtained there, incorporating materials originating in the Community, Turkey, Bulgaria, Poland, Hungary, the Czech Republic, the Slovak Republic, Romania, Lithuania, Latvia, Estonia, Slovenia, Iceland, Norway or Switzerland (including Liechtenstein<sup>(1)</sup>) in accordance with the provisions of the Protocol on rules of origin annexed to the Agreements between the Community and each of these countries, provided that the working or processing carried out in the Community goes beyond that referred to in Article 7 of this Protocol. It shall not be necessary that such materials have undergone sufficient working or processing.
2. Where the working or processing carried out in the Community does not go beyond the operations referred to in Article 7, the product obtained shall be considered as originating in the Community only where the value added there is greater than the value of the materials used originating in any one of the other countries referred to in paragraph 1. If this is not so, the product obtained, shall be considered as originating in the country which accounts for the highest value of originating materials used in the manufacture in the Community.
3. Products originating in one of the countries referred to in paragraph 1, which do not undergo any working or processing in the Community, retain their origin if exported into one of these countries.
4. The cumulation provided for in this Article may only be applied to materials or products which have acquired the originating status by an application of rules of origin identical to those given in this Protocol.

The Community shall provide Turkey, through the European Commission with details of the Agreements and their corresponding rules of origin, which are applied with the other countries referred to in paragraph 1. The Commission shall publish in the *Official Journal of the European Communities* (C Series) the date on which the cumulation, provided for in this Article may be applied by those countries listed in paragraph 1 which have fulfilled the necessary requirements.

## Article 4

## Cumulation in Turkey

1. Without prejudice to the provisions of Article 2(2), products shall be considered as originating in Turkey if such products are obtained there, incorporating materials originating in the Community, Turkey, Bulgaria, Poland, Hungary, the Czech Republic, the Slovak Republic, Romania, Lithuania, Latvia, Estonia, Slovenia, Iceland, Norway or Switzerland (including Liechtenstein<sup>(1)</sup>) in accordance with the provisions of the Protocol on rules of origin annexed to the Agreements between

<sup>(1)</sup> The Principality of Liechtenstein has formed a customs union with Switzerland and is a Contracting Party to the Agreement on the European Economic Area.

Turkey and each one of these countries, provided that the working or processing carried out in Turkey goes beyond that referred to in Article 7 of this Protocol. It shall not be necessary that such materials have undergone sufficient working or processing.

2. Where the working or processing carried out in Turkey does not go beyond the operations referred to in Article 7, the product obtained shall be considered as originating in Turkey only where the value added there is greater than the value of the materials used originating in any one of the other countries referred to in paragraph 1. If this not so, the product obtained shall be considered as originating in the country which accounts for the highest value of originating materials used in the manufacture in Turkey.

3. Products originating in one of the countries referred to in paragraph 1, which do not undergo any working or processing in Turkey, retain their origin if they are exported to one of these countries.

4. The cumulation provided for in this Article may only be applied to materials and products which have acquired originating status by an application of rules of origin identical to those given in this Protocol.

Turkey shall provide the Community, through the European Commission, with details of the Agreements and their corresponding rules of origin, which are applied with the other countries referred to in paragraph 1. The Commission shall publish in the *Official Journal of the European Communities* (C Series) the date on which the cumulation, provided for in this Article may be applied by those countries listed in paragraph, which have fulfilled the necessary requirements.

#### Article 5

##### Wholly obtained products

1. The following shall be considered as wholly obtained in the Community or Turkey:

- (a) mineral products extracted from their soil or from their seabed;
- (b) used articles collected there fit only for the recovery of raw materials;
- (c) waste and scrap resulting from manufacturing operations conducted there;
- (d) goods produced there exclusively from the products specified in subparagraphs (a) to (c).

#### Article 6

##### Sufficiently worked or processed products

1. For the purposes of Article 2, products which are not wholly obtained are considered to be sufficiently worked or processed when the conditions set out in the list in Annex II are fulfilled.

The conditions referred to above indicate, for all products covered by this Agreement, the working or processing which must be carried out on non-originating materials used in manufacturing and apply only in relation to such materials. Accordingly, it follows that if a product, which has acquired originating status by fulfilling the conditions set out in the list is used in the manufacture of another product, the conditions applicable to the product in which it is incorporated do not apply to it,

and no account shall be taken of the non-originating materials which may have been used in its manufacture.

2. Notwithstanding paragraph 1, non-originating materials which, according to the conditions set out in the list, should not be used in the manufacture of a product may nevertheless be used, provided that:

- (a) their total value does not exceed 10 % of the ex-works price of the product;
- (b) any of the percentages given in the list for the maximum value of non-originating materials are not exceeded through the application of this paragraph.

3. Paragraphs 1 and 2 shall apply except as provided in Article 7.

#### Article 7

##### Insufficient working or processing operations

1. Without prejudice to paragraph 2, the following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article 6 are satisfied:

- (a) operations to ensure the preservation of products in good condition during transport and storage (ventilation, spreading out, drying, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);
- (b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up;
- (c) (i) changes of packaging and breaking up and assembly of packages;
- (ii) simple placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards etc., and all other simple packaging operations;
- (d) affixing marks, labels and other like distinguishing signs on products or their packaging;
- (e) simple mixing of products, whether or not of different kinds, where one or more components of the mixtures do not meet the conditions laid down in this Protocol to enable them to be considered as originating in the Community or Turkey;
- (f) simple assembly of parts to constitute a complete product;
- (g) a combination of two or more operations specified in subparagraphs (a) to (f);

2. All the operations carried out in either the Community or Turkey on a given product shall be considered together when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1.

#### Article 8

##### Unit of qualification

1. The unit of qualification for the application of the provisions of this Protocol shall be the particular product which is considered as the basic unit when determining classification using the nomenclature of the Harmonised System.

Accordingly, it follows that:

- (a) when a product composed of a group or assembly of articles is classified under the terms of the Harmonised System in a single heading, the whole constitutes the unit of qualification;
- (b) when a consignment consists of a number of identical products classified under the same heading of the Harmonised System, each product must be taken individually when applying the provisions of this Protocol.

2. Where, under general rule 5 of the Harmonised System, packaging is included with the product for classification purposes, it shall be included for the purposes of determining origin.

### Article 9

#### Neutral elements

In order to determine whether a product originates, it shall not be necessary to determine the origin of the following which might be used in its manufacture:

- (a) energy and fuel;
- (b) plant and equipment;
- (c) machines and tools;
- (d) goods which do not enter and which are not intended to enter into the final composition of the product.

### TITLE III

#### TERRITORIAL REQUIREMENTS

### Article 10

#### Principle of territoriality

1. Except as provided for in Articles 3 and 4 and paragraph 3 of this Article, the conditions for acquiring originating status set out in Title II must continue to be fulfilled at all times in the Community or in Turkey.

2. Except as provided for in Articles 3 and 4, where originating goods exported from the Community or Turkey to another country return, they must be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authorities that:

- (a) the returning goods are the same as those that were exported, and
- (b) they have not undergone any operation beyond that necessary to preserve them in good condition while in that country or while being exported.

3. The acquisition of originating status in accordance with the conditions set out in Title II shall not be affected by working or processing done outside the Community or Turkey on materials exported from the Community or Turkey and subsequently reimported there, provided:

- (a) the said materials are wholly obtained in the Community or Turkey or have undergone working or processing beyond the insufficient operations listed in Article 7 prior to being exported, and
- (b) it can be demonstrated to the satisfaction of the customs authorities that:

- (i) the reimported goods have been obtained by working or processing the exported materials, and
- (ii) the total added value acquired outside the Community or Turkey by applying the provisions of this Article does not exceed 10 % of the ex-works price of the end product for which originating status is claimed.

4. For the purposes of paragraph 3, the conditions for acquiring originating status set out in Title II shall not apply to working or processing done outside the Community or Turkey. But where, in the list in Annex II, a rule setting a maximum value for all the non-originating materials incorporated is applied in determining the originating status of the end product, the total value of the non-originating materials incorporated in the territory of the party concerned, taken together with the total added value acquired outside the Community or Turkey by applying the provisions of this Article, shall not exceed the stated percentage.

5. For the purposes of applying the provisions of paragraphs 3 and 4, 'total added value' shall be taken to mean all costs arising outside the Community or Turkey, including the value of the materials incorporated there.

6. The provisions of paragraphs 3 and 4 shall not apply to products which do not fulfil the conditions set out in the list in Annex II or which can be considered sufficiently worked or processed only if the general values fixed in Article 6(2) are applied.

7. Any working or processing of the kind covered by the provisions of this Article and done outside the Community or Turkey shall be done under the outward processing arrangements, or similar arrangements

### Article 11

#### Direct transport

1. The preferential treatment provided for under the Agreement applies only to products, satisfying the requirements of this Protocol, which are transported directly between the Community and Turkey or through the territory of the other countries referred to in Articles 3 and 4. However, products constituting one single consignment may be transported through other territories with, should the occasion arise, transshipment or temporary warehousing in such territories, provided that they remain under the surveillance of the customs authorities in the country of transit or warehousing and do not undergo operations other than unloading, reloading or any operation designed to preserve them in good condition.

2. Evidence that the conditions set out in paragraph 1 have been fulfilled shall be supplied to the customs authorities of the importing country by the production of:

- (a) a single transport document covering the passage from the exporting country through the country of transit; or
- (b) a certificate issued by the customs authorities of the country of transit:
  - (i) giving an exact description of the products;
  - (ii) stating the dates of unloading and reloading of the products and, where applicable, the names of the ships, or the other means of transport used;
  - (iii) certifying the conditions under which the products remained in the transit country; or
- (c) failing these, any substantiating documents.

*Article 12***Exhibitions**

1. Originating products, sent for exhibition in another country other than those referred to in Articles 3 and 4 and sold after the exhibition for importation in the Community or Turkey shall benefit on importation from the provisions of the Agreement provided it is shown to the satisfaction of the customs authorities that:

- (a) an exporter has consigned these products from the Community or Turkey to the country in which the exhibition is held and has exhibited them there;
- (b) the products have been sold or otherwise disposed of by that exporter to a person in the Community or Turkey;
- (c) the products have been consigned during the exhibition or immediately thereafter in the state in which they were sent for exhibition;
- (d) the products have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A proof of origin must be issued or made out in accordance with the provisions of Title V and submitted to the customs authorities of the importing country in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the conditions under which they have been exhibited may be required.

3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organised for private purposes in shops or business premises with a view to the sale of foreign products, and during which the products remain under customs control.

## TITLE IV

**DRAWBACK OR EXEMPTION***Article 13***Prohibition of drawback of, or exemption from, customs duties**

1. Non-originating materials used in the manufacture of products originating in the Community or in Turkey or in one of the other countries referred to in Article 3 and 4 for which a proof of origin is issued or made out in accordance with the provisions of Title V shall not be subject in the Community or Turkey to drawback of, or exemption from, customs duties of whatever kind.

2. The prohibition in paragraph 1 shall apply to any arrangement for refund, remission or non-payment, partial or complete, of customs duties or charges having an equivalent effect, applicable in the Community or Turkey to materials used in the manufacture, where such refund, remission or non-payment applies, expressly or in effect, when products obtained from the said materials are exported and not when they are retained for home use there.

3. The exporter of products covered by a proof of origin shall be prepared to submit at any time, on request from the customs authorities, all appropriate documents proving that no drawback has been obtained in respect of the non-originating materials used in the manufacture of the products concerned and that all customs duties or

charges having equivalent effect applicable to such materials have actually been paid.

4. The provisions of paragraphs 1 to 3 shall also apply in respect of packaging within the meaning of Article 8 (2) when such items are non-originating.

5. The provisions of paragraphs 1 to 4 shall apply only in respect of materials which are of the kind to which the Agreement applies.

6. Notwithstanding paragraph 1, Turkey may apply arrangements for drawback of, or exemption from, customs duties or charges having an equivalent effect, applicable to materials used in the manufacture of originating products provided that a 5 % rate of customs charge shall be retained, or such lower rate as is in force in Turkey.

The provisions of this paragraph shall apply until 31 December 2000 and may be reviewed by common accord.

## TITLE V

**PROOF OF ORIGIN***Article 14***General requirements**

1. Products originating in the Community shall, on importation into Turkey and products originating in Turkey shall, on importation into the Community, benefit from this Agreement on submission of either

- (a) an EUR.1 movement certificate, a specimen of which appears in Annex III; or
- (b) in the cases specified in Article 19(1), a declaration, the text of which appears in Annex IV, given by the exporter on an invoice, a delivery note or any other commercial document which describes the products concerned in sufficient detail to enable them to be identified (hereinafter referred to as the 'invoice declaration').

*Article 15***Procedure for the issue of an EUR.1 movement certificate**

1. An EUR.1 movement certificate shall be issued by the customs authorities of the exporting country on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorised representative.

2. For this purpose, the exporter or his authorised representative shall complete both the EUR.1 movement certificate and the application form, specimens of which appear in Annex III. These forms shall be completed in one of the languages in which this Agreement is drawn up and in accordance with the provisions of the domestic law of the exporting country. If they are handwritten, they shall be completed in ink in printed characters. The description of the products must be given in the box reserved for this purpose without leaving any blank lines. Where the box is not completely filled, a horizontal line must be drawn below the last line of the description, the empty space being crossed through.

3. The exporter applying for the issue of an EUR.1 movement certificate shall be prepared to submit at any time, at the request of the customs authorities of the exporting country where the EUR.1 movement certificate is issued, all appropriate documents proving the originating status of the products concerned as well as the fulfilment of the other requirements of this Protocol.

4. An EUR.1 movement certificate shall be issued by the customs authorities of an EC Member State or Turkey if the products concerned can be considered as products originating in the Community or Turkey or in one of the other countries referred to in Articles 3 and 4 and fulfil the other requirements of this Protocol.

5. The issuing customs authorities shall take any steps necessary to verify the originating status of the products and the fulfilment of the other requirements of this Protocol. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate. The issuing customs authorities shall also ensure that the forms referred to in paragraph 2 are duly completed. In particular, they shall check whether the space reserved for the description of the products has been completed in such a manner as to exclude all possibility of fraudulent additions.

6. The date of issue of the EUR.1 movement certificate shall be indicated in Box 11 of the certificate.

7. An EUR.1 movement certificate shall be issued by the customs authorities and made available to the exporter as soon as actual exportation has been effected or ensured.

#### Article 16

##### EUR.1 movement certificates issued retrospectively

1. Notwithstanding Article 15(7), an EUR.1 movement certificate may exceptionally be issued after exportation of the products to which it relates if:

- (a) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances; or
- (b) it is demonstrated to the satisfaction of the customs authorities that an EUR.1 movement certificate was issued but was not accepted at importation for technical reasons.

2. For the implementation of paragraph 1, the exporter must indicate in his application the place and date of exportation of the products to which the EUR.1 movement certificate relates, and state the reasons for his request.

3. The customs authorities may issue an EUR.1 movement certificate retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.

4. Movement certificates EUR.1 issued retrospectively must be endorsed with one of the following phrases:

'EXPEDIDO A POSTERIORI', 'UDSTEDT EFTERFØLGENDE', 'NACHTRÄGLICH AUSGESTELLT', 'ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΨΕΤΕΡΩΝ', 'ISSUED RETROSPECTIVELY', 'DÉLIVRÉ A POSTERIORI', 'RILASCIATO A POSTERIORI', 'AFGEGEVEN A POSTERIORI', 'EMITIDO A POSTERIORI', 'ANNETTU JÄLKIKÄTEEN', 'UTFÄRDAT I EFTERHAND', 'SONRADAN VERILMISTIR'.

5. The endorsement referred to in paragraph 4 shall be inserted in the 'Remarks' box of the EUR.1 movement certificate.

#### Article 17

##### Issue of a duplicate EUR.1 movement certificate.

1. In the event of theft, loss or destruction of an EUR.1 movement certificate, the exporter may apply to the customs authorities which issued it for a duplicate made out on the basis of the export documents in their possession.

2. The duplicate issued in this way must be endorsed with one of the following words:

'DUPLICADO', 'DUPLIKAT', 'DUPLIKAT', 'ΑΝΤΙΓΡΑΦΟ', 'DUPLICATE', 'DUPLICATA', 'DUPLICATO', 'DUPLICAAT', 'SEGUNDA VIA', 'KAKSOISKAPPALE', 'DUPLIKAT', 'İKINCI NUSHADIR'.

3. The endorsement referred to in paragraph 2 shall be inserted in the 'Remarks' box of the duplicate EUR.1 movement certificate.

4. The duplicate, which must bear the date of issue of the original EUR.1 movement certificate, shall take effect as from that date.

#### Article 18

##### Issue of EUR.1 movement certificates on the basis of a proof of origin issued or made out previously

When originating products are placed under the control of a customs office in the Community or Turkey, it shall be possible to replace the original proof of origin by one or more EUR.1 movement certificates for the purpose of sending all or some of these products elsewhere within the Community or Turkey. The replacement EUR.1 movement certificates shall be issued by the customs office under whose control the products are placed.

#### Article 19

##### Conditions for making out an invoice declaration

1. An invoice declaration as referred to in Article 14(1) (b) may be made out:

- (a) by an approved exporter within the meaning of Article 20, or
- (b) by any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed EURO 6 000.

2. An invoice declaration may be made out if the products concerned can be considered as products originating in the Community, Turkey or one of the other countries referred to in Articles 3 and 4 and fulfil the other requirements of this Protocol.

3. The exporter making out an invoice declaration shall be prepared to submit at any time, at the request of the customs authorities of the exporting country, all appropriate documents proving the originating status of the products concerned as well as the fulfilment of the other requirements of this Protocol.

4. An invoice declaration shall be made out by the exporter by typing, stamping or printing on the invoice, the delivery note or another commercial document, the declaration, the text of which appears in Annex IV, using one of the linguistic versions set out in that Annex and in accordance with the provisions of the domestic law of the exporting country. If the declaration is handwritten, it shall be written in ink in printed characters.

5. Invoice declarations shall bear the original signature of the exporter in manuscript. However, an approved exporter within the meaning of Article 20 shall not be required to sign such declarations provided that he gives the customs authorities of the exporting country a written undertaking that he accepts full responsibility for any invoice declaration which identifies him as if it had been signed in manuscript by him.

6. An invoice declaration may be made out by the exporter when the products to which it relates are exported, or after exportation on condition that it is presented in the importing country no longer than two years after the importation of the products to which it relates.

## Article 20

### Approved exporter

1. The customs authorities of the exporting country may authorise any exporter who makes frequent shipments of products under this Agreement to make out invoice declarations irrespective of the value of the products concerned. An exporter seeking such authorisation must offer to the satisfaction of the customs authorities all guarantees necessary to verify the originating status of the products as well as the fulfilment of the other requirements of this Protocol.

2. The customs authorities may grant the status of approved exporter subject to any conditions which they consider appropriate.

3. The customs authorities shall grant to the approved exporter a customs authorisation number which shall appear on the invoice declaration.

4. The customs authorities shall monitor the use of the authorisation by the approved exporter.

5. The customs authorities may withdraw the authorisation at any time. They shall do so where the approved exporter no longer offers the guarantees referred to in paragraph 1, does not fulfil the conditions referred to in paragraph 2 or otherwise makes an incorrect use of the authorisation.

## Article 21

### Validity of proof of origin

1. A proof of origin shall be valid for four months from the date of issue in the exporting country, and must be submitted within the said period to the customs authorities of the importing country.

2. Proofs of origin which are submitted to the customs authorities of the importing country after the final date for presentation specified in paragraph 1 may be accepted for the purpose of applying preferential treatment, where the failure to submit these documents by the final date set is due to exceptional circumstances.

3. In other cases of belated presentation, the customs authorities of the importing country may accept the proofs of origin where the products have been submitted before the said final date.

## Article 22

### Submission of proof of origin

Proofs of origin shall be submitted to the customs authorities of the importing country in accordance with the procedures applicable in that country. The said authorities may require a translation of a proof of origin and may also require the import declaration to be accompanied by a statement from the importer to the effect that the products meet the conditions required for the implementation of this Agreement.

## Article 23

### Supporting documents

The documents referred to in Articles 15(3) and 19(3) used for the purpose of proving that products covered by an EUR.1 movement certificate or an invoice declaration can be considered as products originating in the Community or Turkey or in one of the other countries referred to in Articles 3 and 4 and fulfil the other requirements of

this Protocol may consist *inter alia* of the following:

- (a) direct evidence of the processes carried out by the exporter or supplier to obtain the goods concerned, contained for example in his accounts or internal bookkeeping;
- (b) documents proving the originating status of materials used, issued or made out in the Community or Turkey where these documents are used in accordance with domestic law;
- (c) documents proving the working or processing of materials in the Community or Turkey, issued or made out in the Community or Turkey, where these documents are used in accordance with domestic law;
- (d) EUR.1 movement certificates or invoice declarations proving the originating status of materials used, issued or made out in the Community or Turkey in accordance with this Protocol, or in one of the other countries referred to in Articles 3 and 4, in accordance with rules of origin which are identical to the rules of this Protocol.

## Article 24

### Preservation of proof of origin and supporting documents

1. The exporter applying for the issue of an EUR.1 movement certificate shall keep the documents referred to in Article 15(3) for at least three years.

2. The exporter making out an invoice declaration shall keep a copy of this invoice declaration as well as the documents referred to in Article 19(3) for at least three years.

3. The customs authorities of the exporting country issuing an EUR.1 movement certificate shall keep the application form referred to in Article 15(2) for at least three years.

4. The customs authorities of the importing country shall keep the EUR.1 movement certificates and the invoice declarations submitted to them for at least three years.

## Article 25

### Discrepancies and formal errors

1. The discovery of slight discrepancies between the statements made in the proof of origin and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the products shall not *ipso facto* render the proof of origin null and void if it is duly established that this document corresponds to the products submitted.

2. Obvious formal errors such as typing errors on a proof of origin should not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in this document.

## Article 26

### Amounts expressed in euro

1. Amounts in the national currency of the exporting country equivalent to the amounts expressed in euro shall be fixed by the exporting country and communicated to the importing countries through the European Commission.

2. When the amounts exceed the corresponding amounts fixed by the importing country, the latter shall accept them if the products are invoiced in the currency of the exporting country. When the products are invoiced in the currency of another EC Member State or another country referred to in Articles 3 and 4, the importing country shall recognise the amount notified by the country concerned.

3. The amounts to be used in any given national currency shall be the equivalent in that national currency of the amounts expressed in euro as at the first working day in October 1996.

4. The amounts expressed in euro and their equivalents in the national currencies of the EC Member States and Turkey shall be reviewed by the Joint Committee at the request of the Community or Turkey. When carrying out this review, the Joint Committee shall ensure that there will be no decrease in the amounts to be used in any national currency and shall furthermore consider the desirability of preserving the effects of the limits concerned in real terms. For this purpose, it may decide to modify the amounts expressed in euro.

#### TITLE VI

### ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION

#### Article 27

##### Mutual assistance

1. The customs authorities of the EC Member States and of Turkey shall provide each other, through the European Commission, with specimen impressions of stamps used in their customs offices for the issue of EUR.1 movement certificates and with the addresses of the customs authorities responsible for verifying those certificates and invoice declarations.

2. In order to ensure the proper application of this Protocol, the Community and Turkey shall assist each other, through the competent customs administrations, in checking the authenticity of the EUR.1 movement certificates or the invoice declarations and the correctness of the information given in these documents.

#### Article 28

##### Verification of proofs of origin

1. Subsequent verifications of proofs of origin shall be carried out at random or whenever the customs authorities of the importing country have reasonable doubts as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of the other requirements of this Protocol.

2. For the purposes of implementing the provisions of paragraph 1, the customs authorities of the importing country shall return the EUR.1 movement certificate and the invoice, if it has been submitted, the invoice declaration, or a copy of these documents, to the customs authorities of the exporting country giving, where appropriate, the reasons for the enquiry. Any documents and information obtained suggesting that the information given on the proof of origin is incorrect shall be forwarded in support of the request for verification.

3. The verification shall be carried out by the customs authorities of the exporting country. For this purpose, they shall have the right to call

for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate.

4. If the customs authorities of the importing country decide to suspend the granting of preferential treatment to the products concerned while awaiting the results of the verification, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.

5. The customs authorities requesting the verification shall be informed of the results of this verification as soon as possible. These results must indicate clearly whether the documents are authentic and whether the products concerned can be considered as products originating in the Community or Turkey or one of the other countries referred to in Articles 3 and 4 and fulfil the other requirements of this Protocol.

6. If in cases of reasonable doubt there is no reply within 10 months of the date of the verification request or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, the requesting customs authorities shall, except in exceptional circumstances, refuse entitlement to the preferences.

#### Article 29

##### Dispute settlement

Where disputes arise in relation to the verification procedures of Article 28 which cannot be settled between the customs authorities requesting a verification and the customs authorities responsible for carrying out this verification or where they raise a question as to the interpretation of this Protocol, they shall be submitted to the Joint Committee.

In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall be under the legislation of the said country.

#### Article 30

##### Penalties

Penalties shall be imposed on any person who draws up, or causes to be drawn up, a document which contains incorrect information for the purpose of obtaining a preferential treatment for products.

#### Article 31

##### Free zones

1. The Community and Turkey shall take all necessary steps to ensure that products traded under cover of a proof of origin which in the course of transport use a free zone situated in their territory, are not substituted by other goods and do not undergo handling other than normal operations designed to prevent their deterioration.

2. By means of an exemption to the provisions contained in paragraph 1, when products originating in the Community or Turkey are imported into a free zone under cover of a proof of origin and undergo treatment or processing, the authorities concerned shall issue a new EUR.1 movement certificate at the exporter's request, if the treatment or processing undergone is in conformity with the provisions of this Protocol.

## TITLE VII

## CEUTA AND MELILLA

## Article 32

**Application of the Protocol**

1. The term 'Community' used in Article 2 does not cover Ceuta and Melilla.
2. Products originating in Turkey, when imported into Ceuta or Melilla, shall enjoy in all respects the same customs regime as that which is applied to products originating in the customs territory of the Community under Protocol 2 of the Act of Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities. Turkey shall grant to imports of products covered by the Agreement and originating in Ceuta and Melilla the same customs regime as that which is granted to products imported from and originating in the Community.
3. For the purpose of the application of paragraph 2 concerning products originating in Ceuta and Melilla, this Protocol shall apply *mutatis mutandis* subject to the special conditions set out in Article 33.

## Article 33

**Special conditions**

1. Providing they have been transported directly in accordance with the provisions of Article 11, the following shall be considered as:
  - (1) products originating in Ceuta and Melilla:
    - (a) products wholly obtained in Ceuta and Melilla;
    - (b) products obtained in Ceuta and Melilla in the manufacture of which products other than those referred to in (a) are used, provided that:
      - (i) the said products have undergone sufficient working or processing within the meaning of Article 6 of this Protocol; or that

- (ii) those products are originating in Turkey or the Community within the meaning of this Protocol, provided that they have been submitted to working or processing which goes beyond the insufficient working or processing referred to in Article 7(1);

- (2) products originating in Turkey:

- (a) products wholly obtained in Turkey;
  - (b) products obtained in Turkey, in the manufacture of which products other than those referred to in (a) are used, provided that:
    - (i) the said products have undergone sufficient working or processing within the meaning of Article 6 of this Protocol; or that
    - (ii) those products are originating in Ceuta and Melilla or the Community within the meaning of this Protocol, provided that they have been submitted to working or processing which goes beyond the insufficient working or processing referred to in Article 7(1).

2. Ceuta and Melilla shall be considered as a single territory.

3. The exporter or his authorised representative shall enter 'Turkey' and 'Ceuta and Melilla' in Box 2 of EUR.1 movement certificates or on invoice declarations. In addition, in the case of products originating in Ceuta and Melilla, this shall be indicated in Box 4 of EUR.1 movement certificates or on invoice declarations.

4. The Spanish customs authorities shall be responsible for the application of this Protocol in Ceuta and Melilla.

## TITLE VIII

**FINAL PROVISIONS**

## Article 34

**Amendments to the Protocol**

The Joint Committee may decide to amend the provisions of this Protocol.

---

## COMMISSION DECISION

of 12 July 1999

**on the exchange of letters concerning the certificate referred to in the second indent of point 6 of the Agreement between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines**

(notified under document number C(1999) 2054)

(1999/562/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 93/723/EC of 23 November 1993 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines <sup>(1)</sup>, and in particular Article 3 thereof,

- (1) Whereas the second indent of point 6 of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines, signed in Brussels on 29 November 1993 <sup>(2)</sup>, stipulates that the grant of tariff concessions is subject to presentation of a certificate issued by a mutually recognised official body appearing on a list to be drawn up jointly, to the effect that the wine in question complies with points 1, 2 and 4 of the Agreement;
- (2) Whereas the Commission, on behalf of the Community, and Hungary have agreed implementing rules for the above certificate; whereas these rules should therefore be approved;
- (3) Whereas the measures provided for in this Decision and in the attached Exchange of Letters are in accordance

with the opinion of the Management Committee for Wine,

HAS DECIDED AS FOLLOWS:

*Article 1*

The exchange of letters concerning the certificate referred to in the second indent of point 6 of the Agreement between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines is hereby approved on behalf of the Community.

The text of the exchange of letters is attached to this Decision.

*Article 2*

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 12 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 337, 31.12.1993, p. 83.

<sup>(2)</sup> OJ L 337, 31.12.1993, p. 84.

## ANNEX

## EXCHANGE OF LETTERS

**concerning the certificate referred to in paragraph 6, second indent, of the Agreement between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines**

*Letter No 1*

(Commission of the European Communities)

Sir,

I refer to the Agreement in form of an Exchange of Letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines, signed on 29 November 1993, hereinafter called 'the Agreement'.

The Agreement provides in paragraph 6, second indent, that the tariff concessions will be subject to the presentation of a certificate issued by a mutually recognised official body appearing on a list to be drawn up jointly to the effect that the wine in question complies with paragraphs 1, 2 and 4 of the Agreement.

In accordance with the consultations which have taken place between the representatives of the Commission and Hungary, the following rules have been agreed upon as regards the above mentioned certificate:

**1. Wines originating in the Community imported into Hungary:**

- 1.1. The certificate referred to in paragraph 6, second indent, of the Agreement shall be a certificate which conforms to the model set out in the Annex to this exchange of letters and which has been completed in accordance with points 1.2 to 1.8.
- 1.2. The certificate shall measure 210 × 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 40 g/m<sup>2</sup>. If the document has several copies only the top copy, which is the original, shall be printed with the guilloche pattern background. This copy shall be clearly marked 'original' and the other copies 'copy'.
- 1.3. The certificate shall be printed in one of the following languages: English, French, German, Italian or Spanish.
- 1.4. Each certificate shall bear a serial number allocated by the competent Community authority.
- 1.5. The certificate shall be certified, in boxes 10 and 11 respectively, by the competent Community authorities and laboratories. It shall comprise the original and at least one simultaneously produced copy, in that order. Both the original and the copy shall accompany the wine. The certificate form must be completed either in typescript or by hand and in the latter case it shall be completed in ink using block letters. It must contain no erasures or overwritten words and may not be used if any errors are committed in completing it.

The information to be entered in box 11 of the certificate may be submitted in a separate analysis report, certified by the competent laboratory. In this case, box 11 shall refer to the separate report.

- 1.6. The authorities and laboratories referred to point 1.5 shall be:
  - with respect to the competent authorities, those designated pursuant to Article 20 of Commission Regulation (EEC) No 2238/93 on the accompanying documents for the carriage of wine products and the relevant records to be kept,
  - with respect to the competent laboratories, those authorised to carry out official analyses pursuant to Article 79(1) of Regulation (EEC) No 822/87.
- 1.7. The original and the copy of the certificate shall, on completion of the customs formalities for release for free circulation of the consignment to which they relate, be handed over to the competent Hungarian authority that carries out such formalities. This authority shall endorse the back of the certificate. It shall return the original to the person concerned and keep the copy for at least five years.
- 1.8. The certification in box 10 of the certificate may be replaced by an attestation of designation of origin in accordance with Article 7 of Regulation (EEC) No 2238/93.
- 1.9. The certificate referred to in point 1.1 replaces the 'Quality certificate' referred to in Hungarian Wine law.
- 1.10. Certificates completed in accordance with the Hungarian legislation in force before the date of the entry into force of this exchange of letters may be used until 1 January 2000 in place of the certificate provided for in point 1.1.

**2. Wines originating in Hungary and imported into the Community:**

- 2.1. The certificate referred to in paragraph 6, second indent, of the Agreement is the V.I.1/V.I.2. document completed in accordance with Regulation (EEC) No 3590/85.
- 2.2. The certificate must bear one of the following descriptions in box 15:

*This is to certify that the wine referred to in this document is a quality wine/quality sparkling wine <sup>(1)</sup> in accordance with the Hungarian Wine Law.*

(1) *Delete as appropriate.*

or

This is to certify that the wine referred to in this document is a quality wine/quality sparkling wine<sup>(1)</sup>, including wine of superior quality and quality wine bearing the geographical indication "Tokaj" or wine bearing the name "Tájbor" in accordance with the Hungarian Wine Law.

(<sup>1</sup>) *Delete as appropriate.*

- 2.3. The competent Hungarian bodies and laboratories authorised to complete the certificate referred to in point 2.1 are those listed by the Commission in application of Article 7 of Regulation (EEC) No 3590/85.

This exchange of letters shall be approved by the Parties in accordance with their own procedures. It shall enter into force on 1 September 1999.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.

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

On behalf of the European Community

---

## ANNEX

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                       |                                                                                                                                                                                 |  |                                                                                                |                                                                                                                                                                                                                       |                                          |                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINAL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 1. Exporter (name, full address)                                                                                                                                                                                      | <b>EUROPEAN COMMUNITY — MEMBER STATE OF ISSUE:</b><br><br><b>CERTIFICATE<br/>FOR THE IMPORTATION OF WINE INTO<br/>HUNGARY</b><br><br>Serial No:                                 |  |                                                                                                |                                                                                                                                                                                                                       |                                          |                                                                                                                                                                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 2. Consignee (name, full address)                                                                                                                                                                                     |                                                                                                                                                                                 |  |                                                                                                |                                                                                                                                                                                                                       |                                          |                                                                                                                                                                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 3. Stamp of the Hungarian customs authorities <sup>(1)</sup>                                                                                                                                                          | <sup>(1)</sup> Obligatory only for wines benefiting from a reduced customs tariff<br><sup>(2)</sup> Delete as appropriate<br><sup>(3)</sup> Put an "x" in the appropriate place |  |                                                                                                |                                                                                                                                                                                                                       |                                          |                                                                                                                                                                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 4. Means of transport <sup>(1)</sup>                                                                                                                                                                                  |                                                                                                                                                                                 |  |                                                                                                |                                                                                                                                                                                                                       |                                          |                                                                                                                                                                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 5. Place of unloading <sup>(1)</sup>                                                                                                                                                                                  |                                                                                                                                                                                 |  |                                                                                                |                                                                                                                                                                                                                       |                                          |                                                                                                                                                                                                                       |
| 6. Description of product — CN code — Marks and reference numbers — Number and nature of packages                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                       | 7. Quantity in l/hl/kg <sup>(2)</sup>                                                                                                                                           |  |                                                                                                |                                                                                                                                                                                                                       |                                          |                                                                                                                                                                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                       | 8. Number of bottles                                                                                                                                                            |  |                                                                                                |                                                                                                                                                                                                                       |                                          |                                                                                                                                                                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                       | 9. Colour of wine                                                                                                                                                               |  |                                                                                                |                                                                                                                                                                                                                       |                                          |                                                                                                                                                                                                                       |
| <b>10. CERTIFICATION</b><br><br>The wine described above <sup>(3)</sup> <input type="checkbox"/> is <input type="checkbox"/> is not intended for direct human consumption and complies with the conditions governing production and entry into circulation applying in the European Community.<br><br><table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Full name and address of the competent authority:</td> <td style="width: 50%;">           Place and date:<br/>           Signature, name and title of official:           <div style="border: 1px dashed black; border-radius: 50%; width: 80px; height: 80px; margin-left: auto; text-align: center; line-height: 80px;">Stamp</div> </td> </tr> </table>                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                       |                                                                                                                                                                                 |  | Full name and address of the competent authority:                                              | Place and date:<br>Signature, name and title of official: <div style="border: 1px dashed black; border-radius: 50%; width: 80px; height: 80px; margin-left: auto; text-align: center; line-height: 80px;">Stamp</div> |                                          |                                                                                                                                                                                                                       |
| Full name and address of the competent authority:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Place and date:<br>Signature, name and title of official: <div style="border: 1px dashed black; border-radius: 50%; width: 80px; height: 80px; margin-left: auto; text-align: center; line-height: 80px;">Stamp</div> |                                                                                                                                                                                 |  |                                                                                                |                                                                                                                                                                                                                       |                                          |                                                                                                                                                                                                                       |
| <b>11. ANALYSIS REPORT</b> (only if the wine is intended for direct human consumption)<br><br><table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">           Total alcoholic strength:<br/>           Total dry extract:<br/>           Volatile acidity:<br/>           Total sulphur dioxide:         </td> <td style="width: 50%;">           Actual alcoholic strength:<br/>           Total acidity:<br/>           Citric acidity:         </td> </tr> </table> <p>This wine has not been subject to oenological practices which are not permitted under current European Community provisions.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Full name and address of the laboratory:</td> <td style="width: 50%;">           Place and date:<br/>           Signature, name and title of official:           <div style="border: 1px dashed black; border-radius: 50%; width: 80px; height: 80px; margin-left: auto; text-align: center; line-height: 80px;">Stamp</div> </td> </tr> </table> |                                                                                                                                                                                                                       |                                                                                                                                                                                 |  | Total alcoholic strength:<br>Total dry extract:<br>Volatile acidity:<br>Total sulphur dioxide: | Actual alcoholic strength:<br>Total acidity:<br>Citric acidity:                                                                                                                                                       | Full name and address of the laboratory: | Place and date:<br>Signature, name and title of official: <div style="border: 1px dashed black; border-radius: 50%; width: 80px; height: 80px; margin-left: auto; text-align: center; line-height: 80px;">Stamp</div> |
| Total alcoholic strength:<br>Total dry extract:<br>Volatile acidity:<br>Total sulphur dioxide:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Actual alcoholic strength:<br>Total acidity:<br>Citric acidity:                                                                                                                                                       |                                                                                                                                                                                 |  |                                                                                                |                                                                                                                                                                                                                       |                                          |                                                                                                                                                                                                                       |
| Full name and address of the laboratory:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Place and date:<br>Signature, name and title of official: <div style="border: 1px dashed black; border-radius: 50%; width: 80px; height: 80px; margin-left: auto; text-align: center; line-height: 80px;">Stamp</div> |                                                                                                                                                                                 |  |                                                                                                |                                                                                                                                                                                                                       |                                          |                                                                                                                                                                                                                       |

**IMPORTS****(Entry into free circulation or issue of extracts)**

| Quantity               | 12. Reference number and date of the extract or customs document | 13. Full name and address of the consignee (extract) | 14. Stamp of the competent authority |
|------------------------|------------------------------------------------------------------|------------------------------------------------------|--------------------------------------|
| Available              |                                                                  |                                                      |                                      |
| Attributed             |                                                                  |                                                      |                                      |
| Available              |                                                                  |                                                      |                                      |
| Attributed             |                                                                  |                                                      |                                      |
| Available              |                                                                  |                                                      |                                      |
| Attributed             |                                                                  |                                                      |                                      |
| Available              |                                                                  |                                                      |                                      |
| Attributed             |                                                                  |                                                      |                                      |
| Available              |                                                                  |                                                      |                                      |
| Attributed             |                                                                  |                                                      |                                      |
| 15. Other information: |                                                                  |                                                      |                                      |

*Letter No 2*

(Letter from Hungary)

Brussels,

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

I refer to the Agreement in form of an exchange of letters between the European Community and the Republic of Hungary on the reciprocal establishment of tariff quotas for certain wines, signed on 29 November 1993, hereinafter called "the Agreement".

The Agreement provides in paragraph 6, second indent, that the tariff concessions will be subject to the presentation of a certificate issued by a mutually recognised official body appearing on a list to be drawn up jointly to the effect that the wine in question complies with paragraphs 1, 2 and 4 of the Agreement.

In accordance with the consultations which have taken place between the representatives of the Commission and Hungary, the following rules have been agreed upon as regards the above mentioned certificate:

**1. Wines originating in the Community imported into Hungary:**

- 1.1. The certificate referred to in paragraph 6, second indent, of the Agreement shall be a certificate which conforms to the model set out in the Annex to this exchange of letters and which has been completed in accordance with points 1.2 to 1.8.
- 1.2. The certificate shall measure 210 x 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 40 g/m<sup>2</sup>. If the document has several copies only the top copy, which is the original, shall be printed with the guilloche pattern background. This copy shall be clearly marked "original" and the other copies "copy".
- 1.3. The certificate shall be printed in one of the following languages: English, French, German, Italian or Spanish.
- 1.4. Each certificate shall bear a serial number allocated by the competent Community authority.
- 1.5. The certificate shall be certified, in boxes 10 and 11 respectively, by the competent Community authorities and laboratories. It shall comprise the original and at least one simultaneously produced copy, in that order. Both the original and the copy shall accompany the wine. The certificate form must be completed either in typescript or by hand and in the latter case it shall be completed in ink using block letters. It must contain no erasures or overwritten words and may not be used if any errors are committed in completing it.

The information to be entered in box 11 of the certificate may be submitted in a separate analysis report, certified by the competent laboratory. In this case, box 11 shall refer to the separate report.

- 1.6. The authorities and laboratories referred to point 1.5 shall be:
  - with respect to the competent authorities, those designated pursuant to Article 20 of Commission Regulation (EEC) No 2238/93 on the accompanying documents for the carriage of wine products and the relevant records to be kept,
  - with respect to the competent laboratories; those authorised to carry out official analyses pursuant to Article 79(1) of Regulation (EEC) No 822/87.
- 1.7. The original and the copy of the certificate shall, on completion of the customs formalities for release for free circulation of the consignment to which they relate, be handed over to the competent Hungarian authority that carries out such formalities. This authority shall endorse the back of the certificate. It shall return the original to the person concerned and keep the copy for at least five years.
- 1.8. The certification in box 10 of the certificate may be replaced by an attestation of designation of origin in accordance with Article 7 of Regulation (EEC) No 2238/93.
- 1.9. The certificate referred to in point 1.1 replaces the "Quality certificate" referred to in Hungarian Wine law.
- 1.10. Certificates completed in accordance with the Hungarian legislation in force before the date of the entry into force of this exchange of letters may be used until 1 January 2000 in place of the certificate provided for in point 1.1.

**2. Wines originating in Hungary and imported into the Community:**

- 2.1. The certificate referred to in paragraph 6, second indent, of the Agreement is the V.I.1/V.I.2. document completed in accordance with Regulation (EEC) No 3590/85.
- 2.2. The certificate must bear one of the following descriptions in box 15:

*"This is to certify that the wine referred to in this document is a quality wine 1 quality sparkling wine <sup>(1)</sup> in accordance with the Hungarian Wine Law*

*<sup>(1)</sup> Delete as appropriate."*

or

*"This is to certify that the wine referred to in this document is a quality wine/quality sparkling wine <sup>(1)</sup>, including wine of superior quality and quality wine bearing the geographical indication Tokaj or wine bearing the name Tájbor in accordance with the Hungarian Wine Law.*

*<sup>(1)</sup> Delete as appropriate."*

- 2.3. The competent Hungarian bodies and laboratories authorised to complete the certificate referred to in point 2.1 are those listed by the Commission in application of Article 7 of Regulation (EEC) No 3590/85.

This exchange of letters shall be approved by the Parties in accordance with their own procedures. It shall enter into force on 1 September 1999.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

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

*For the Government of the Republic of Hungary*

---

## ANNEX

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                    |                                                                                                                                                                                 |  |                                                                                               |                                                                                                                                                                                                    |                                          |                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ORIGINAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1. Exporter (name, full address)                                                                                                                                                                   | <b>EUROPEAN COMMUNITY — MEMBER STATE OF ISSUE:</b><br><br><b>CERTIFICATE<br/>FOR THE IMPORTATION OF WINE INTO<br/>HUNGARY</b><br><br>Serial No:                                 |  |                                                                                               |                                                                                                                                                                                                    |                                          |                                                                                                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 2. Consignee (name, full address)                                                                                                                                                                  |                                                                                                                                                                                 |  |                                                                                               |                                                                                                                                                                                                    |                                          |                                                                                                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 3. Stamp of the Hungarian customs authorities <sup>(1)</sup>                                                                                                                                       | <sup>(1)</sup> Obligatory only for wines benefiting from a reduced customs tariff<br><sup>(2)</sup> Delete as appropriate<br><sup>(3)</sup> Put an "x" in the appropriate place |  |                                                                                               |                                                                                                                                                                                                    |                                          |                                                                                                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 4. Means of transport <sup>(1)</sup>                                                                                                                                                               |                                                                                                                                                                                 |  |                                                                                               |                                                                                                                                                                                                    |                                          |                                                                                                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 5. Place of unloading <sup>(1)</sup>                                                                                                                                                               |                                                                                                                                                                                 |  |                                                                                               |                                                                                                                                                                                                    |                                          |                                                                                                                                                                                                    |
| 6. Description of product — CN code — Marks and reference numbers — Number and nature of packages                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                    | 7. Quantity in l/hl/kg <sup>(2)</sup>                                                                                                                                           |  |                                                                                               |                                                                                                                                                                                                    |                                          |                                                                                                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                    | 8. Number of bottles                                                                                                                                                            |  |                                                                                               |                                                                                                                                                                                                    |                                          |                                                                                                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                    | 9. Colour of wine                                                                                                                                                               |  |                                                                                               |                                                                                                                                                                                                    |                                          |                                                                                                                                                                                                    |
| <b>10. CERTIFICATION</b><br><br>The wine described above <sup>(3)</sup> <input type="checkbox"/> is <input type="checkbox"/> is not intended for direct human consumption and complies with the conditions governing production and entry into circulation applying in the European Community.<br><br><table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">Full name and address of the competent authority:</td> <td style="width: 50%; vertical-align: top;">           Place and date:<br/>           Signature, name and title of official:           <div style="text-align: center; border: 1px dashed black; border-radius: 50%; width: 80px; height: 80px; margin: 20px auto;">Stamp</div> </td> </tr> </table>                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                    |                                                                                                                                                                                 |  | Full name and address of the competent authority:                                             | Place and date:<br>Signature, name and title of official: <div style="text-align: center; border: 1px dashed black; border-radius: 50%; width: 80px; height: 80px; margin: 20px auto;">Stamp</div> |                                          |                                                                                                                                                                                                    |
| Full name and address of the competent authority:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Place and date:<br>Signature, name and title of official: <div style="text-align: center; border: 1px dashed black; border-radius: 50%; width: 80px; height: 80px; margin: 20px auto;">Stamp</div> |                                                                                                                                                                                 |  |                                                                                               |                                                                                                                                                                                                    |                                          |                                                                                                                                                                                                    |
| <b>11. ANALYSIS REPORT</b> (only if the wine is intended for direct human consumption)<br><br><table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">           Total alcoholic strength:<br/>           Total dry extract:<br/>           Volatile acidity<br/>           Total sulphur dioxide:         </td> <td style="width: 50%; vertical-align: top;">           Actual alcoholic strength:<br/>           Total acidity:<br/>           Citric acidity:         </td> </tr> </table> <p>This wine has not been subject to oenological practices which are not permitted under current European Community provisions.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">Full name and address of the laboratory:</td> <td style="width: 50%; vertical-align: top;">           Place and date:<br/>           Signature, name and title of official:           <div style="text-align: center; border: 1px dashed black; border-radius: 50%; width: 80px; height: 80px; margin: 20px auto;">Stamp</div> </td> </tr> </table> |                                                                                                                                                                                                    |                                                                                                                                                                                 |  | Total alcoholic strength:<br>Total dry extract:<br>Volatile acidity<br>Total sulphur dioxide: | Actual alcoholic strength:<br>Total acidity:<br>Citric acidity:                                                                                                                                    | Full name and address of the laboratory: | Place and date:<br>Signature, name and title of official: <div style="text-align: center; border: 1px dashed black; border-radius: 50%; width: 80px; height: 80px; margin: 20px auto;">Stamp</div> |
| Total alcoholic strength:<br>Total dry extract:<br>Volatile acidity<br>Total sulphur dioxide:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Actual alcoholic strength:<br>Total acidity:<br>Citric acidity:                                                                                                                                    |                                                                                                                                                                                 |  |                                                                                               |                                                                                                                                                                                                    |                                          |                                                                                                                                                                                                    |
| Full name and address of the laboratory:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Place and date:<br>Signature, name and title of official: <div style="text-align: center; border: 1px dashed black; border-radius: 50%; width: 80px; height: 80px; margin: 20px auto;">Stamp</div> |                                                                                                                                                                                 |  |                                                                                               |                                                                                                                                                                                                    |                                          |                                                                                                                                                                                                    |

**IMPORTS****(Entry into free circulation or issue of extracts)**

| Quantity               | 12. Reference number and date of the extract or customs document | 13. Full name and address of the consignee (extract) | 14. Stamp of the competent authority |
|------------------------|------------------------------------------------------------------|------------------------------------------------------|--------------------------------------|
| Available              |                                                                  |                                                      |                                      |
| Attributed             |                                                                  |                                                      |                                      |
| Available              |                                                                  |                                                      |                                      |
| Attributed             |                                                                  |                                                      |                                      |
| Available              |                                                                  |                                                      |                                      |
| Attributed             |                                                                  |                                                      |                                      |
| Available              |                                                                  |                                                      |                                      |
| Attributed             |                                                                  |                                                      |                                      |
| 15. Other information: |                                                                  |                                                      |                                      |