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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2041/1999
of 27 September 1999
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 September 1999.

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

Done at Brussels, 27 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 27 September 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	52,5
	999	52,5
0707 00 05	052	85,5
	628	125,1
	999	105,3
0709 90 70	052	59,7
	999	59,7
0805 30 10	052	54,4
	388	69,9
	512	61,0
	524	56,2
	528	65,0
0806 10 10	999	61,3
	052	104,9
	064	61,7
	400	238,1
	999	134,9
0808 10 20, 0808 10 50, 0808 10 90	064	36,9
	388	57,2
	400	50,5
	512	87,0
	804	62,2
	999	58,8
0808 20 50	052	81,7
	064	57,7
	999	69,7
0809 30 10, 0809 30 90	052	113,7
	999	113,7
0809 40 05	052	59,2
	060	60,3
	064	62,8
	400	119,0
	624	192,4
	999	98,7

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

COMMISSION REGULATION (EC) No 2042/1999
of 27 September 1999
on the transport of pigmeat to Russia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2802/98 of 17 December 1998 on a programme to supply agricultural products to the Russian Federation ⁽¹⁾, and in particular Article 4(2) thereof,

- (1) Whereas Commission Regulation (EC) No 111/1999 ⁽²⁾, as amended by Regulation (EC) No 1125/1999 ⁽³⁾, lays down general rules for the application of Regulation (EC) No 2802/98;
- (2) Whereas an invitation to tender was opened by Commission Regulation (EC) No 1135/1999 ⁽⁴⁾, as amended by Regulation (EC) No 1773/1999 ⁽⁵⁾, for the purpose of awarding contracts for the supply of a number of lots of pigmeat to be delivered to Community stores; whereas a new invitation to tender should be opened to award contracts for the transport of that pigmeat from the Community stores to Russia;
- (3) Whereas the supply of 3 500 tonnes should be organised in one single lot;
- (4) Whereas the special conditions applicable to that supply operation should be defined as a supplement to the provisions laid down in Regulation (EC) No 111/1999; whereas the entry into force of those conditions should be immediate;
- (5) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

An invitation to tender is hereby opened to establish the costs of supplying transport for a total of 3 500 tonnes net of pigmeat in one single lot, as defined in Annex I, as a supply operation covered by Article 2(1)(b) of Regulation (EC) No 111/1999, in accordance with that Regulation and this Regulation.

Article 2

1. The supply shall comprise:
 - take-over at the stage laid down in paragraph 2, and
 - transport by suitable means to the destinations to arrive no later than the dates laid down in Annex I. Sea transport must be undertaken by a single vessel in the case of goods

to be delivered by a given date to a given port of destination or transhipment.

2. The pigmeat lot shall be kept available for the successful tenderer in the coldstores listed in Annex II.

Removal from each store must take place from the dates laid down in Annex II in conformity with the minimum loading rate per day.

After expiry of 10 working days after the above dates and of the period required for removal from the stores taking into account the minimum loading rates laid down in Annex II, the successful tenderer shall be obliged to reimburse the Commission for all costs incurred by the latter as a result of the delay in take-over (parking, insurance, security, securities, etc.) as laid down in Article 7a(1) of Regulation (EC) No 111/1999.

Article 3

1. Tenders shall be lodged with the Spanish intervention agency, whose address is given at Annex II.

The time limit for lodging tenders shall expire on 5 October 1999 at 12 noon (Brussels time).

2. Tenders shall cover the cost of transport of all the quantities in one lot to be taken over at the coldstores laid down in Article 2(2) and to be supplied to the destination laid down in Annex I.

Article 4

1. The tendering security shall be EUR 25/t of pigmeat to be delivered.

2. The supply security shall be EUR 1 718/t of pigmeat to be delivered. It must be lodged in accordance with Article 7(1) of Regulation (EC) No 111/1999 in favour of the intervention agency indicated in Article 3 for the lot in question.

Article 5

The take-over certificate drawn up in accordance with Annex I to Regulation (EC) No 111/1999 shall be issued at the place of destination by the control body designated by the Commission and signed by the authorities listed in Annex III.

Article 6

For the purposes of Article 13 of Regulation (EC) No 111/1999 the advance shall be paid on presentation of a removal certificate covering the entire quantity to be delivered to a given destination on a given date.

⁽¹⁾ OJ L 349, 24.12.1998, p. 12.

⁽²⁾ OJ L 14, 19.1.1999, p. 3.

⁽³⁾ OJ L 135, 29.5.1999, p. 41.

⁽⁴⁾ OJ L 135, 29.5.1999, p. 85.

⁽⁵⁾ OJ L 211, 11.8.1999, p. 46.

Payment shall be made within 15 days of presentation of the application for the advance accompanied by the requisite documentary evidence.

Article 7

The successful tenderer shall ensure that the special stamp shown in the Annex to Commission Regulation (EC) No 385/1999 ⁽¹⁾ is inserted in the transport documents.

Article 8

If during performance of the transport it proves necessary to change the route indicated in the tender, the successful tenderer must without delay inform the Commission, the control body and the intervention agency concerned thereof.

Article 9

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

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

Done at Brussels, 27 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 46, 20.2.1999, p. 48.

ANNEX I

PIGMEAT

Final destinations

These destinations are indicated for the purposes of drawing up the transport documents and of selecting the means of transport (railway wagons/trucks) in the event of transport by land. However, the price to be tendered must not take account of the final destination, only the frontier point.

Region of Tambov	500
Region of Kemerovo	1 500
Region of Volgograd	500
Republic of Tatarstan	500
Region of Saratov	500
Total	3 500

- Delivery stage: product not unloaded, either at frontier point Krasnoye or at the port of St Petersburg,
- Transport means: the lot must be transported either in its entirety by sea in accordance with the second indent of Article 2(1) or in its entirety by land.

In the latter event, if certain final destination regions are supplied by rail and others by truck, tenders must be accompanied by two breakdowns drawn up in accordance with Annex II to Regulation (EC) No 111/1999 and the sum tendered must be equivalent to the weighted average of the costs per tonne. The tender must indicate the quantities used to determine the weighted average,

- Final date for arrival at Krasnoye frontier point in the case of land transport: 6 December 1999,
- Final dates for arrival at the port in the case of sea transport: St Petersburg:
 - 1 750 tonnes 6 December 1999,
 - 1 750 tonnes 14 December 1999.

ANNEX II

Lot: 3 500 tonnes

Tonnes		Minimum daily loading rate	Date available
3 000	SATN 1596 (NUFRI) Ctra. Palau, km 1 E-25230 Mollerussa	200	11.10.1999
500	Suministro Medina SA Ctra. Nacional 1, km 32,3 E-28750 San Agustín de Guadalix	100	27.9.1999

Address of the intervention agency:

FEGA (Fondo Español de Garantía Agraria)
Beneficencia, 8
E-28005 Madrid
Tel.: (34) 913 47 65 00/913 47 63 10
Fax: (34) 915 21 98 32/915 22 43 87

ANNEX III

Place of takeover: In accordance with the delivery stage resulting from the means of transport used by the tenderer, in accordance with Annex I.

Authorities empowered to sign the takeover certificates:

- (a) St Petersburg
VO Prodintorg
103084 Moscow
Ul. Mjasnitskaya, 47
- (b) Susemka, Bryansk and Smolensk for customs formalities for trucks
VO Prodintorg
103084 Moscow
Ul. Mjasnitskaya, 47
- (c) Krasnoye for customs formalities for railway wagons
VO Prodintorg
103084 Moscow
Ul. Mjasnitskaya, 47

COMMISSION REGULATION (EC) No 2043/1999
of 27 September 1999
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

(1) Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 1961/1999⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 September 1999.

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

Done at Brussels, 27 September 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 315, 25.11.1998, p. 7.

⁽⁵⁾ OJ L 244, 16.9.1999, p. 4.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	33,67	23,67
	medium quality ⁽¹⁾	43,67	33,67
1001 90 91	Common wheat seed	42,04	32,04
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	42,04	32,04
	medium quality	68,65	58,65
	low quality	83,08	73,08
1002 00 00	Rye	83,10	73,10
1003 00 10	Barley, seed	83,10	73,10
1003 00 90	Barley, other ⁽³⁾	83,10	73,10
1005 10 90	Maize seed other than hybrid	102,80	98,09
1005 90 00	Maize other than seed ⁽³⁾	102,80	98,09
1007 00 90	Grain sorghum other than hybrids for sowing	93,95	83,95

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 15 September to 24 September 1999)

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	119,28	104,93	98,21	80,01	135,27 (**)	125,27 (**)	86,09 (**)
Gulf premium (EUR/t)	—	7,17	- 0,53	3,50	—	—	—
Great Lakes premium (EUR/t)	7,88	—	—	—	—	—	—

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

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 13,98 EUR/t; Great Lakes — Rotterdam: 25,79 EUR/t.

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

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 4/1999 OF THE EU-BULGARIA ASSOCIATION COUNCIL

of 30 July 1999

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

(1999/639/EC)

THE ASSOCIATION COUNCIL,

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

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

(1) Whereas, pursuant to Article 1 of the said Additional Protocol, Bulgaria may participate in Community framework programmes, specific programmes, projects or other Community actions, in particular in the fields of research and technological development;

(2) Whereas the European Council, at its meeting in Luxembourg on 12 and 13 December 1997, called in its Conclusions for the opening of certain Community programmes (such as in the field of research) to the candidate countries, as a way of familiarising themselves with the policies and working methods of the Union, each candidate country being expected to make a steadily increasing financial contribution of its own (PHARE will, if necessary, be able to part-finance the applicant States' national contributions);

(3) Whereas the aforementioned Conclusions also call for the participation of the candidate countries, as observers and for the points which concern them, in the commit-

tees assisting the Commission in the implementation of the programmes to which they contribute financially;

(4) Whereas, by Decision No 182/1999/EC, the European Parliament and the Council of the European Union adopted a framework programme of the European Community for research, technological development and demonstration activities (1998 to 2002) ⁽¹⁾, hereinafter called 'the Fifth Framework Programme';

(5) Whereas, by Decision 1999/64/Euratom, the Council of the European Union adopted a framework programme of the European Atomic Energy Community for research and training activities (1998 to 2002) ⁽²⁾, hereinafter called 'the Fifth Euratom Framework Programme';

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

HAS DECIDED AS FOLLOWS:

Article 1

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

⁽¹⁾ OJ L 26, 1.2.1999, p. 1.

⁽²⁾ OJ L 26, 1.2.1999, p. 34.

Article 2

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

Article 3

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

Done at Brussels, 30 July 1999.

For the Association Council

The President

T. HALONEN

ANNEX I

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

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

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

2. Paragraph 1 shall imply the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Bulgarian representatives will, for the points which concern them, participate as observers in the programme committees of the Fifth Framework Programme and in the Consultative Committee of the Fifth Euratom Framework Programme. These committees shall moreover meet without the presence of Bulgarian representatives at the time of voting. Bulgaria will be informed. Participation as referred to in this paragraph shall take the same form, including procedures for receipt of information and documentation, as that applicable to participants from Member States.
9. The Community and Bulgaria may terminate activities under this Decision at any time upon 12 months' notice in writing. Projects and activities in progress at the time of termination shall continue until their completion under the conditions laid down in this Decision.

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

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

ANNEX II

PRINCIPLES ON THE ALLOCATION OF INTELLECTUAL PROPERTY RIGHTS

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

I. Application

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

II. Ownership, allocation and exercise of rights

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

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

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

III. International conventions

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

IV. Scientific literary works

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

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

V. Undisclosed information

A. Documentary undisclosed information

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

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

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

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

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

B. Non-documentary undisclosed information

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

C. Control

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

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

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

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

ANNEX III

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

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

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

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

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

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

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

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

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

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

Bulgaria shall pay its contribution under this Decision according to the schedule in this paragraph. Any delay in payment shall give rise to the payment of interest at a rate equal to the one-month interbank offered rate (IBOR) in euros as quoted by the International Swap Dealers' Association on the ISDA page of Reuters. This rate shall be increased by 1,5 % for each month of delay. The increased rate shall be applied to the entire period of delay. However, the interest shall be due only if the contribution is paid more than 30 days after the scheduled payment dates mentioned in this paragraph.

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

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

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

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

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

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

Joint Declaration by Bulgaria and the Community

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

COMMISSION

COMMISSION DECISION

of 23 September 1999

on protective measures with regard to contamination by dioxins of certain products of porcine and poultry origin intended for human or animal consumption

(notified under document number C(1999) 3050)

(Text with EEA relevance)

(1999/640/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animal and products with a view to the completion of the internal market ⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 10 (4) thereof,

Whereas:

- (1) on 27 May 1999, the Belgian authorities informed the Commission of a case of heavy contamination of compound feedingstuffs with dioxins. Those feedingstuffs had been distributed to a considerable number of poultry farms in Belgium (some 25 %) from 15 January 1999 onwards;
- (2) from 26 May 1999, the Belgian authorities placed restrictions on all the poultry holdings which had received those feedingstuffs. The Belgian authorities prohibited the slaughter of poultry from 1 June 1999. Products intended for human or animal consumption derived from animals reared in those farms before that date may still be on the market;
- (3) on 2 June 1999, the Belgian authorities informed the Commission that they had placed restrictions on some 500 pig holdings which may have received contamin-

ated feedingstuffs. On 3 June 1999, they also informed the Commission that contaminated feedingstuffs had been distributed to a number of bovine holdings as well. The Belgian authorities adopted measures applying to pigs and bovine animals and derived products which were similar to those applied in the case of poultry and, in particular, they prohibited the slaughter of bovine animals and pigs from 3 June 1999;

- (4) it appears that those feedingstuffs, live animals which had been fed therewith and products derived from those animals have been traded to other Member States and third countries. Other animal species may have been fed with those contaminated feedingstuffs. Investigation of the responsibility for this contamination is continuing. The Community inspection in Belgium on 8 to 11 June 1999 concluded that, on the basis of the available results of analyses, a massive contamination occurred over a limited time, rather than a recurring problem;
- (5) in the light of the foregoing, it is necessary to take measures to protect the health of consumers. The measures should apply to poultry and pigs reared in Belgium from 15 January onwards and to products derived therefrom. The measures should not apply to products which have been shown by analyses not to be contaminated by dioxins. Provision should be made for contaminated products to be destroyed in a manner that ensures that they cannot enter the human food or animal feed chains. It is not yet appropriate to set an end-date for the application of the measures. In order to prevent deflections of trade, the measures should also apply to exports to third countries. All relevant information should be supplied to the Commission, the Member States and third countries, where appropriate by means of the rapid

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 224, 18.8.1990, p. 20.

alert system set up by Council Directive 92/59/EEC of 29 June 1992 on general product safety ⁽¹⁾. For the purposes of intra-Community trade and exports to third countries, a system of certificates should be established for consignments of Belgian origin. In the view of the difficulties which have arisen in connection with the tracing system used in Belgium, it is appropriate to terminate the issue of certificates for trade or export to third countries on the basis of traceability. It is necessary that Belgium and Member States which received certain Belgian animals and products establish a monitoring plan to evaluate the presence of contamination of dioxins/PCB in products of animal origin. Inspections should be carried out by the Commission in order to verify the implementation of this Decision;

- (6) the Belgian authorities are prepared to accept the return of those products from Member States in application of Article 7 of Directive 89/662/EEC. It is necessary to lay down strict and specific rules on the procedure to be followed when the products are returned to Belgium in order to ensure that they cannot re-enter the human food or animal feed chains before they are subjected to appropriate checks to verify their safety;
- (7) Article 15 of Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾ establishes specific rules for the reimportation of consignments of products of Community origin which have been refused by a third country. It is necessary to establish that products returned from third countries to Belgium cannot re-enter the human food or animal feed chains before they are submitted to the appropriate checks to verify their safety;
- (8) Council Directive 1999/29/EC of 22 April 1999 on the undesirable substances and products in animal nutrition ⁽³⁾ provides that feed materials may only be put into circulation in the Community if they are sound, genuine and of merchantable quality;
- (9) the body of toxicological and epidemiological evidence available today has led the International Agency for Research on Cancer (IARC) of the World Health Organisation (WHO) to consider TCDD a class 1 carcinogen (the highest class in the IARC ranking). The WHO has recommended that a tolerable daily intake (TDI) of 1 -4pg/Kg bw/day be respected for dioxins. No limits for dioxin contamination have been set for individual commodities and food products. Data on background levels of contamination do exist. In the absence of limits for dioxins at international, Community or national level, the data on background levels should be used as references. The analysis of dioxins requires sophisticated

methods which are available only in a limited number of laboratories in the Member States;

- (10) on 11 June 1999 a Commission working group on PCBs as markers for dioxin contamination concluded that the levels of seven persistent polychlorinated biphenyls (PCBs) in eggs and poultrymeat products can be used reliably as a surrogate for dioxins. Furthermore, it concluded that an action level of 200 ng PCB (sum of 7 congeners)/g fat be used for poultry products. On 16 June 1999 the Scientific Committee for Food adopted an opinion on dioxins in milk derived from cattle fed on contaminated feed in Belgium. In its opinion, the Committee stressed the need to analyse milk samples from all dairy farms placed under restriction by the Belgian authority, individually, at least for PCBs, using an adequate limit of quantification, as an indicator for a possible dioxin contamination, above background. For this purpose, the Committee recommended that an action level of 100 ng PCB (sum of 7 congeners)/g fat be used for milk and milk products. This action level should be applied for screening purposes for raw milk from the individual farms in question, for bulked milk from dairies, and for any milk products manufactured since the date of known contamination of animal feed. Where levels above 100 ng PCB/g fat are found, this should trigger analysis for dioxins. The Committee and the Commission working group stressed that those action levels were only intended to apply in the context of the present particular situation in Belgium and should not be taken as an endorsement of a permanent limit for PCBs in the products concerned;
- (11) in compliance with the above scientific opinion of 16 June 1999, the Belgian authorities carried out individual analyses of raw milk from all the 234 individual farms placed under restriction, bulked milk from dairies, and milk products manufactured since the date of known contamination of animal feed. The results indicated that the current and past milk products from those farms have no health significance for consumers. Furthermore, the Belgian authorities carried out a sample survey for possible PCB/dioxin contamination in the Belgian cattle population and a separate screening of fattening calves farms. The results of that survey combined with the results of that screening have not showed positive results linked to this dioxin contamination. The Belgian authorities have undertaken to continue a monitoring programme on slaughtered cattle. Accordingly, it is appropriate to exclude bovine animals and products derived therefrom from the scope of this Decision;
- (12) it appears necessary to establish a provisional maximum level for PCBs in fresh pigmeat and derived products, pending the generation of data to allow a scientific evaluation;

⁽¹⁾ OJ L 228, 11.8.1992, p. 24.

⁽²⁾ OJ L 24, 30.1.1998, p. 9.

⁽³⁾ OJ L 115, 4.5.1999, p. 32.

- (13) on 28 and 29 June 1999 a Commission working group on the PCB/Dioxin contamination of the Belgian food supply considered the adequacy of a threshold of 2 % of fat below which foodstuffs would be excluded from the scope of the restrictions laid down. That working group concluded that, in the light of the abovementioned opinion of the Scientific Committee for Food and considering the data available so far on PCBs and dioxins in Belgian products, it was reasonable to assume, in the case of egg products containing less than 10 % of egg fat, that their presence in amounts below 2 % was unlikely to increase PCB and dioxins intake significantly above background levels. The fat level in animal casings cleaned, salted or dried, and/or heated is less than 1 %. It is therefore appropriate to exclude those products from the scope of this Decision;
- (14) Article 9(4) of Directive 89/662/EEC and Article 10(4) of Directive 90/425/EEC authorise the Commission to adopt safeguard measures for animals and products specified in those Directives and, if the situation so requires, products or products derived from those products. Therefore, the measures provided for in this Decision can also cover incidentally other products which are not included in Annex I to the Treaty. The situation as regards contamination by dioxins justifies such measures;
- (15) Commission Decision 1999/449/EC of 9 July 1999 on protective measures with regard to contamination by dioxins of certain products of animal origin intended for human or animal consumption⁽¹⁾, as amended by Decision 1999/551/EC⁽²⁾, and Commission Decision 1999/601/EC of 1 September 1999 amending Decision 1999/551/EC as regards the review of the protective measures with regard to contamination by dioxins⁽³⁾ should accordingly be repealed;
- (16) the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. Belgium shall prohibit the placing on the market, including distribution to the final consumer, the trade and the export to third countries, of the products listed below which are intended for human or animal consumption and are derived from poultry of species referred to in Article 2(1) of

Council Directive 71/118/EEC⁽⁴⁾ and pigs reared in Belgium from 15 January 1999:

- (a) fresh poultrymeat, as defined by Council Directive 71/118/EEC;
- (b) fresh meat, as defined by Council Directive 64/433/EEC⁽⁵⁾;
- (c) mechanically recovered meat;
- (d) minced meat and meat preparations, as defined by Council Directive 94/65/EC⁽⁶⁾;
- (e) meat products and other products of animal origin as defined by Council Directive 77/99/EEC⁽⁷⁾; with the exclusion of stomachs, bladders and intestines, cleaned, salted or dried, and/or heated;
- (f) products intended for human consumption which contain other products of porcine or poultry origin as defined by Directive 77/99/EEC, which contain more than 2 % of animal fat;
- (g) eggs;
- (h) egg products, as defined by Council Directive 89/437/EEC⁽⁸⁾, with the exclusion of egg white;
- (i) products intended for human consumption which contain more than 2 % of eggs or more than 2 % of egg products containing more than 10 % of egg fat;
- (j) rendered fats, as referred to in Directive 92/118/EEC;
- (k) processed animal proteins, as referred to in Directive 92/118/EEC;
- (l) raw material for the manufacture of animal feedingstuffs, as referred to in Council Directive 92/118/EEC;
- (m) compound feedingstuffs and pre-mixtures.

2. The prohibition set out in paragraph 1 shall not apply where the results of analysis demonstrate that the products are not contaminated with dioxins or, that they do not exceed the levels for PCB set out in Annex A.

3. Belgium shall prohibit the placing on the market, the trade and the export to third countries of pigs and live poultry reared from 15 January 1999 or hatching eggs laid by those poultry unless the animals or the hatching eggs come from a homogenous group and the results of analysis on representative samples of these animals or hatching eggs have demonstrated that they are not contaminated with dioxin, or that it does not contain PCBs in excess of the maximum levels set out in Annex A.

4. Belgium shall ensure that all the products referred to in paragraph 1 which do not fulfil the conditions laid down in paragraph 2 are destroyed by means approved by the competent authorities in a manner that ensures that they cannot enter the human food or animal feed chain.

⁽¹⁾ OJ L 175, 10.7.1999, p. 70.

⁽²⁾ OJ L 209, 7.8.1999, p. 42.

⁽³⁾ OJ L 232, 2.9.1999, p. 33.

⁽⁴⁾ OJ L 55, 8.3.1971, p. 23.

⁽⁵⁾ OJ 121, 29.7.1964, p. 2012/64.

⁽⁶⁾ OJ L 368, 31.12.1994, p. 10.

⁽⁷⁾ OJ L 26, 31.1.1977, p. 85.

⁽⁸⁾ OJ L 212, 22.7.1989, p. 87.

5. Belgium shall inform immediately the Commission and the Member States, if appropriate by means of the rapid alert system under Directive 92/59/EEC, and third countries which have received the live animals, hatching eggs referred to in paragraph 3 or products covered by paragraph 4 of this Article.

6. Belgium shall investigate:

- (a) possible remaining stocks of feedingstuffs contaminated by dioxins, and
- (b) possible distribution of feedingstuffs contaminated by dioxins to other farm animals and to other Member States and third countries.

It shall inform without delay the Commission and other Member States and third countries concerned of the results of such investigations.

7. Belgium shall monitor the level of dioxins in Belgian products of animal origin.

For this purpose, Belgium shall submit without delay a monitoring plan to the Commission.

8. Belgium shall keep the Commission and the Member States informed of the results of its investigation into the source of the contamination of feedingstuffs by dioxins.

Article 2

1. For the purpose of intra-Community trade and export to third countries, in addition to the appropriate commercial document or to the official certificate, each consignment of products of Belgian origin listed in Article 1(1) must be accompanied by an official certificate signed by the Belgian competent authority as laid down in Annex B.

2. For the purpose of intra-Community trade and export to third countries, the appropriate health certificate accompanying each consignment of live poultry and hatching eggs derived therefrom, of Belgian origin, must be accompanied by an official declaration signed by the Belgian competent authority as laid down in Annex C.

3. For the purpose of intra-Community trade and export to third countries, the appropriate health certificate accompanying each consignment of pigs of Belgian origin must be accom-

panied by an official declaration signed by the Belgian competent authority as laid down in Annex D.

4. The official certificate and the official declarations referred to in paragraphs 1, 2 and 3 shall be drawn up on the date of loading in the language or languages of the Member State of dispatch and in the official language of the Member State of destination and they shall consist of a single sheet.

Article 3

Member States which have received feedingstuffs suspected of being contaminated with dioxins, live animals or hatching eggs referred to in Article 1(3) and/or products of Belgian origin referred to in Article 1(4), shall immediately:

- (a) carry out an investigation into the distribution of those feedingstuffs and into possible remaining stocks;
- (b) trace and place restrictions on those animals and hatching eggs and products arising therefrom;
- (c) trace back all products derived from animals fed with those feedingstuffs, and products listed in Article 1(1) destined for human or animal consumption which contain those products;
- (d) trace back all products of Belgian origin to which this Decision applies, and products listed in Article 1(1) which are destined for human or animal consumption containing those products of Belgian origin;
- (e) ensure that the products referred to in points (a) to (d) are destroyed by a means approved by the competent authority in a manner that ensures that they cannot enter the human food or animal feed chain, unless it can be proved they are not contaminated with dioxins or, that they do not exceed the levels for PCB set out in Annex A;
- (f) inform immediately the Commission and the Member States, if appropriate by means of the rapid alert system under Directive 92/59/EEC, and third countries concerned of the findings of their investigation and of any actions taken;
- (g) monitor the level of dioxins in products of animal origin.

For this purpose, the Member States concerned shall without delay submit a monitoring plan to the Commission.

Article 4

On request of a Member State or of a third country which has received products referred to in Article 1(1) or live animals or hatching eggs referred to in Article 1(3), Belgium shall, where it has such information, provide a declaration in accordance with the model set out at Annex E.

Article 5

1. By way of derogation from Article 3(e) of this Decision, in accordance with Article 7 of Directive 89/662/EEC, Member States may return products of Belgian origin to which Article 1(1) of this Decision applies to Belgium in cases where, following the application of Article 4 of this Decision, analyses of the products for dioxins or PCBs have not been carried out.

2. Paragraph 1 shall apply only if the following conditions are fulfilled:

- (a) Belgium must have authorised in writing the return of the product indicating the exact address of the establishment to which the products must be returned;
- (b) the product must be accompanied by an official certificate as laid down in Annex F and by a copy of the commercial document or the health certificate which accompanied the product from Belgium to the Member State concerned;
- (c) the products must be transported in containers or vehicles sealed by the competent authority of the Member State concerned in such a manner that the seals will be broken whenever the container or the vehicle is opened;
- (d) the products must be conveyed directly to the establishment referred to in point (a);
- (e) Member States which return products to Belgium must inform by fax the competent authority in charge of the establishment referred to in point (a) of the place of origin and of the place of destination of the returned product giving the details laid down in the Annex to Commission Decision 91/637/EC⁽¹⁾. The words 'Product returned in accordance with Article 5 of Decision 1999/640/EC' must be contained in the fax;
- (f) Belgium must send confirmation by fax of the arrival of each consignment to the competent authority of the Member State which returned the product;
- (g) Belgium must ensure that the returned product is placed under restriction until its destruction by a means approved by the competent authority in a manner that ensures that it cannot enter the human food or animal feed chain or until the results of analysis demonstrate that the product is not contaminated with dioxins or, that it does not exceed the levels for PCB set out in Annex A;

3. Belgium shall keep full records demonstrating compliance with paragraph 2.

Article 6

Belgium shall ensure that the products of Belgian origin which are reimported into Belgium from third countries in accordance with the conditions laid down in Article 15 of Directive 97/78/EC, are placed under restriction until their destruction by a means approved by the competent authority in a manner that ensures that they cannot enter the human food or animal feed chain, or until the results of analysis demonstrate that the products are not contaminated with dioxins or, that they do not exceed the levels for PCB set out in Annex A to this Decision.

Belgium shall keep full records demonstrating compliance with this Article.

Article 7

Commission inspections may be carried out in order to verify the implementation of this Decision.

Article 8

Member States shall adopt the necessary measures to bring their trade rules into conformity with this Decision. They shall immediately inform the Commission thereof.

Article 9

This Decision may be reviewed in the light of the results of Commission inspections and of information received by Member States.

Article 10

Decision 1999/449/EC and Decision 1999/551/EC are repealed.

Article 11

This Decision is addressed to the Member States.

Done at Brussels, 23 September 1999.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 343, 13.12.1991, p. 46.

ANNEX A

Maximum levels for PCB for certain products listed in Article 1(1)

Products	Maximum level PCB ⁽¹⁾
Eggs, egg products, fresh poultrymeat and derived products	200 ng/g fat
Fresh pig meat and derived products	200 ng/g fat ⁽²⁾

⁽¹⁾ Sum of the following PCBs (IUCPA): 28, 52, 101, 118, 138, 153, 180.

⁽²⁾ Provisional level.

ANNEX B

HEALTH CERTIFICATE

for products intended for human or animal consumption of Belgian origin derived from poultry and pigs listed in Article 1(1) of Decision 1999/640/EC

Country of destination

Reference No of this health certificate.....

Responsible Ministry ⁽¹⁾

- Ministère des affaires sociales, de la santé publique et de l'environnement/Ministerie van Sociale Zaken, Volksgezondheid en Leefmilieu
- Ministère des classes moyennes et de l'agriculture/Ministerie van Middenstand en Landbouw

Certifying department

I. Identification of the products ⁽¹⁾

- fresh meat, as defined by Council Directive 64/433/EEC,
- fresh poultrymeat, as defined by Council Directive 71/118/EEC,
- mechanically recovered meat,
- minced meat and meat preparations, as defined by Council Directive 94/65/EC,
- meat products and other products of animal origin as defined by Council Directive 77/99/EEC, with the exclusion of stomachs, bladders and intestines, cleaned, salted or dried, and/or heated,
- products intended for human consumption which contain other products of porcine or poultry origin as defined by Directive 77/99/EEC, which contain more than 2 % of animal fat,
- eggs,
- egg products, as defined by Council Directive 89/437/EEC, with the exclusion of egg white,
- products intended for human consumption which contain more than 2 % of eggs or more than 2 % of egg products containing more than 10 % of egg fat,
- rendered fats, as referred to in Council Directive 92/118/EEC,
- processed animal proteins, as referred to in Directive 92/118/EEC,
- raw material for the manufacture of animal feedingstuffs, as referred to in Directive 92/118/EEC,
- compound feedingstuffs and pre-mixtures.

The product was derived from: poultry/pigs ⁽¹⁾

Nature of packaging

Number of cuts or packages

Net weight

II. Origin of the products

Address and veterinary approval or registration No of the approved or registered establishment

.....

⁽¹⁾ Delete as appropriate.

III. Destination of the products

The product will be sent from
(place of loading)

to
(country and place of destination)

By the following means of transport

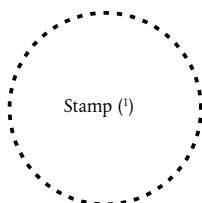
Name and address of consignor

Name and address of consignee

IV. Attestation

I, the undersigned official competent authority, declare that I am aware of the provisions laid down in Decision 1999/640/EC and certify that the product described above is in compliance with Decision 1999/640/EC and, in particular, that the result of analysis demonstrate that the product is not contaminated with dioxins or, that it does not exceed the levels for certain PCBs set out in Annex A to Decision 1999/640/EC.

Done at, on
(place) (date)



.....
(signature of the official competent authority) (1)

.....
(name in capital letters, qualification and title)

(1) The signature and the stamp must be in a colour different to that of the printing.

ANNEX C

OFFICIAL DECLARATION

for poultry and hatching eggs referred to in Article 1(3) of Decision 1999/640/EC

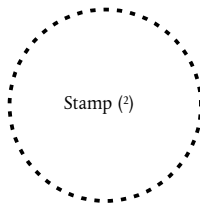
Health certificate No

DECLARATION

No of the declaration

I, the undersigned official veterinarian, declare that I am aware of the provisions laid down in Decision 1999/640/EC and certify that the animals/hatching eggs ⁽¹⁾ accompanied by the attached health certificate are in compliance with Decision 1999/640/EC and, in particular, that the animals come from a homogeneous group for which the results of analysis on representative samples on these animals/hatching eggs ⁽¹⁾ have demonstrated that they are not contaminated with dioxin, or that they do not exceed the levels of PCBs set out in Annex A.

Done at on
(place) (date)



.....
(Signature of the official veterinarian of Ministère des classes moyennes
et de l'agriculture/Ministerie van Middenstand en Landbouw) ⁽²⁾

.....
(name in capital letters, qualification and title)

.....
⁽¹⁾ Delete as appropriate.

⁽²⁾ The signature and the stamp must be in a colour different to that of the printing.

ANNEX D

OFFICIAL DECLARATION

for pigs referred to in Article 1(3) of Decision 1999/640/EC

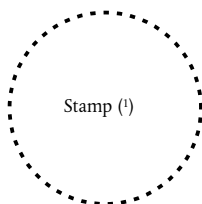
Health certificate No

DECLARATION

No of the declaration

I, the undersigned official veterinarian, declare that I am aware of the provisions laid down in Decision 1999/640/EC and certify that the pigs accompanied by the attached health certificate are in compliance with Decision 1999/640/EC and, in particular, that the animals come from a homogeneous group for which the results of analysis on representative samples of these animals have demonstrated that they are not contaminated with dioxin, or that they do not exceed the levels of PCBs set out in Annex A.

Done at on
(place) (date)



.....
(Signature of the official veterinarian of Ministère des classes moyennes
et de l'agriculture/Ministerie van Middenstand en Landbouw) (!)

.....
(name in capital letters, qualification and title)

.....
(!) The signature and the stamp must be in a colour different to that of the printing.

ANNEX E

OFFICIAL DECLARATION

for live animals, hatching eggs and products of Belgian origin covered by Article 1(1) and Article 1(3) which were dispatched from Belgium after 15 January 1999

Responsible Ministry ⁽¹⁾:

- Ministère des affaires sociales, de la santé publique et de l'environnement/Ministerie van Sociale Zaken, Volksgezondheid en Leefmilieu
- Ministère des classes moyennes et de l'agriculture/Ministerie van Middenstand en Landbouw

Certifying department

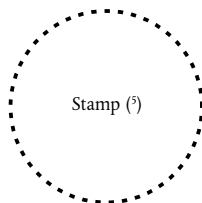
DECLARATION

No of the declaration

I, the undersigned official competent authority, declare that I am aware of the provisions laid down in Decision 1999/640/EC and certify that ⁽¹⁾:

- the poultry/pigs/hatching eggs ⁽¹⁾ which were sent from Belgium to ⁽²⁾ on ⁽³⁾ and which were accompanied by the attached health certificate are in compliance with Decision 1999/640/EC and, in particular, that the animals/hatching eggs ⁽¹⁾ come from a homogeneous group for which the results of analysis on representative samples of these animals have demonstrated that they are not contaminated with dioxin, or that they do not exceed the levels of PCBs set out in Annex A,
- the following product ⁽⁴⁾ which was sent from Belgium to ⁽²⁾ on ⁽³⁾ and which was accompanied by the attached commercial document/health certificate ⁽¹⁾ is in compliance with Decision 1999/640/EC and, in particular, that the product comes from a homogeneous batch for which the results of analysis on representative samples of this product have demonstrated that they are not contaminated with dioxin, or that they do not exceed the levels of PCBs set out in Annex A.

Done at on
(place) (date)



.....
(signature of the official competent authority) ⁽⁵⁾

.....
(name in capital letters, qualification and title)

⁽¹⁾ Delete as appropriate.

⁽²⁾ Place of destination.

⁽³⁾ Date of dispatching.

⁽⁴⁾ Description of the product.

⁽⁵⁾ The signature and the stamp must be in a colour different to that of the printing.

ANNEX F

HEALTH CERTIFICATE

for products of Belgian origin covered by Decision 1999/640/EC intended to be returned to Belgium from Member States

Country of destination: **BELGIUM**

Reference No of this health certificate

Responsible Ministry

Certifying department

I. Identification of the product ⁽¹⁾:

- fresh meat, as defined by Council Directive 64/433/EEC,
- fresh poultrymeat, as defined by Council Directive 71/118/EEC,
- mechanically recovered meat,
- minced meat and meat preparations, as defined by Council Directive 94/65/EC,
- meat products and other products of animal origin as defined by Council Directive 77/99/EEC, with the exclusion of stomachs, bladders and intestines, cleaned, salted or dried, and/or heated,
- products intended for human consumption which contain other products of porcine or poultry origin as defined by Directive 77/99/EEC, which contain more than 2 % of animal fat,
- eggs,
- egg products, as defined by Council Directive 89/437/EEC, with the exclusion of egg white,
- products intended for human consumption which contain more than 2 % of eggs or more than 2 % of egg products containing more than 10 % of egg fat,
- rendered fats, as referred to in Directive 92/118/EEC,
- processed animal proteins, as referred to in Directive 92/118/EEC,
- raw material for the manufacture of animal feedingstuffs, as referred to in Directive 92/118/EEC,
- compound feedingstuffs and pre-mixtures.

The product was derived from: poultry/pigs ⁽¹⁾

Nature of packaging

Number of cuts or packages

Net weight

II. Origin of the products

Address and veterinary approval or registration No of the Belgian approved or registered establishment ⁽²⁾:

.....

⁽¹⁾ Delete as appropriate.

⁽²⁾ If applicable.

III. Destination of the products

The product will be sent from
(address of the place of loading)

to
(address of the place of destination)

By the following means of transport

No of the official seal

Name and address of consignor

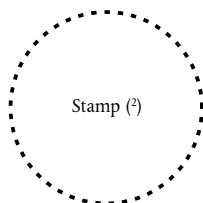
Name and address of consignee

IV. Attestation

I, the undersigned official competent authority, certify:

- (a) that a declaration has been received from the consignee/holder/retailer ⁽¹⁾ of the product described above stating that the product was consigned from Belgium accompanied by the commercial document/certificate ⁽¹⁾ No a copy of which is attached to the present certificate;
- (b) that the product is being returned to Belgium in conformity with Article 5 of Decision 1999/640/EC, and, in particular:
 - the product has not been analysed for dioxins or PCBs,
 - and
 - in all other respects the product still retains the same sanitary status which it had on arrival.

Done at on
(place) (date)



.....
(signature of the official competent authority) ⁽²⁾

.....
(name in capital letters, qualification and title)

⁽¹⁾ Delete as appropriate.

⁽²⁾ The signature and the stamp must be in a colour different to that of the printing.