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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2106/1999
of 4 October 1999
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 October 1999.

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

Done at Brussels, 4 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 4 October 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	52,5
	999	52,5
0707 00 05	628	125,1
	999	125,1
0709 90 70	052	63,0
	999	63,0
0805 30 10	052	60,8
	388	71,8
	512	61,0
	524	61,5
	528	66,1
0806 10 10	999	64,2
	052	103,2
	064	55,0
	400	230,2
	999	129,5
0808 10 20, 0808 10 50, 0808 10 90	064	37,9
	388	52,6
	400	56,6
	800	185,5
	804	59,0
0808 20 50	999	78,3
	052	86,2
	064	61,3
	388	181,1
	999	109,5

⁽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 2107/1999
of 4 October 1999**

supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designations of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1068/97 ⁽²⁾, and in particular Article 6(3) and (4) thereof,

Whereas:

- (1) Under Article 5 of Regulation (EEC) No 2081/92, Ireland, Spain and Italy have sent the Commission applications for the registration of names as designations of origin or geographical indications;
- (2) In accordance with Article 6(1) of that Regulation, the applications have been found to meet all the requirements laid down therein and in particular to contain all the information required in accordance with Article 4 thereof;
- (3) Several statements of objection have been received by the Commission under Article 7 of that Regulation in respect of the name 'Imokilly Regato', following its publication in the *Official Journal of the European Communities* ⁽³⁾. Clarification has been received of the points raised in the objections and the Member States concerned find this satisfactory. No statements of objec-

tion have been submitted under that Article in respect of the other names following their publication in the *Official Journal of the European Communities* ⁽⁴⁾;

- (4) The names should therefore be entered in the 'Register of protected designations of origin and protected geographical indications' and hence be protected throughout the Community as protected designations of origin or protected geographical indications;
- (5) The Annex to this Regulation supplements the Annex to Commission Regulation (EC) No 2400/96 ⁽⁵⁾, as last amended by Regulation (EC) No 1645/1999 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The names in the Annex hereto are added to the Annex to Regulation (EC) No 2400/96 and entered as protected designations of origin (PDO) or protected geographical indications (PGI) in the 'Register of protected designations of origin and protected geographical indications' provided for in Article 6(3) of Regulation (EEC) No 2081/92.

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, 4 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 1.

⁽²⁾ OJ L 156, 13.6.1997, p. 10.

⁽³⁾ OJ C 343, 11.11.1998, p. 5.

⁽⁴⁾ OJ C 343, 11.11.1998, p. 3; OJ C 405, 24.12.1998, p. 7; OJ C 4, 7.1.1999, p. 5.

⁽⁵⁾ OJ L 327, 18.12.1996, p. 11.

⁽⁶⁾ OJ L 195, 28.7.1999, p. 7.

ANNEX

PRODUCTS LISTED IN ANNEX I TO THE EC TREATY, INTENDED FOR HUMAN CONSUMPTION**Fresh meat**

SPAIN

Lechazo de Castilla y León (PGI)

Cheeses

IRELAND

Imokilly Regato (PDO)

Oils and fats*Olive oil*

SPAIN

Priego de Córdoba (PDO)

Sierra Mágina (PDO)

ITALY

Lamezia (PDO)

Fish, molluscs, fresh crustaceans and...-based products

IRELAND

Clare Island Salmon (PGI)

COMMISSION REGULATION (EC) No 2108/1999
of 4 October 1999
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) the import duties in the cereals sector are fixed by Commission Regulation (EC) No 1961/1999 ⁽⁵⁾, as amended by Regulation (EC) No 2043/1999 ⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 October 1999.

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

Done at Brussels, 4 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 315, 25.11.1998, p. 7.

⁽⁵⁾ OJ L 244, 16.9.1999, p. 4.

⁽⁶⁾ OJ L 253, 28.9.1999, p. 7.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	32,38	22,38
	medium quality ⁽¹⁾	42,38	32,38
1001 90 91	Common wheat seed	41,47	31,47
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	41,47	31,47
	medium quality	73,69	63,69
	low quality	81,13	71,13
1002 00 00	Rye	79,55	69,55
1003 00 10	Barley, seed	79,55	69,55
1003 00 90	Barley, other ⁽³⁾	79,55	69,55
1005 10 90	Maize seed other than hybrid	96,75	86,75
1005 90 00	Maize other than seed ⁽³⁾	96,75	86,75
1007 00 90	Grain sorghum other than hybrids for sowing	79,55	69,55

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

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 30 September to 1 October 1999)

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	117,94	99,96	97,27	79,57	136,46 (**)	126,46 (**)	89,29 (**)
Gulf premium (EUR/t)	—	6,83	2,22	4,30	—	—	—
Great Lakes premium (EUR/t)	9,43	—	—	—	—	—	—

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

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 14,26 EUR/t; Great Lakes — Rotterdam: 25,90 EUR/t.

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

**COMMISSION REGULATION (EC) No 2109/1999
of 4 October 1999**

**fixing, for September 1999, the specific exchange rate for the amount of the reimbursement of
storage costs in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽³⁾, as last amended by Regulation (EC) No 1642/1999 ⁽⁴⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Article 1(2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the month of storage; that specific rate must be fixed each month for the previous month; however, in the case of the reimbursable amounts applying from 1 January 1999, as a result of

the introduction of the agrimonetary arrangements for the euro from that date, the fixing of the conversion rate should be limited to the specific exchange rates prevailing between the euro and the national currencies of the Member States that have not adopted the single currency;

- (2) Application of these provisions will lead to the fixing, for September 1999, of the specific exchange rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for converting the amount of the reimbursement of the storage costs referred to in Article 8 of Regulation (EC) No 2038/1999 into national currency for September 1999 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 October 1999.

It shall apply with effect from 1 September 1999.

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

Done at Brussels, 4 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 349, 24.12.1998, p. 1.

⁽³⁾ OJ L 159, 1.7.1993, p. 94.

⁽⁴⁾ OJ L 195, 28.7.1999, p. 3.

ANNEX

to the Commission Regulation of 4 October 1999 fixing, for September 1999, the exchange rate for the amount of the reimbursement of storage costs in the sugar sector

Specific exchange rate		
EUR 1 =	7,43394	Danish kroner
	326,867	Greek drachma
	8,63480	Swedish kroner
	0,647337	Pound sterling

COMMISSION REGULATION (EC) No 2110/1999**of 4 October 1999****fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas:

pursuant to Article 2 (2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods; pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/

97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States; those prices should be fixed immediately so the customs duties applicable can be determined; whereas, to that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 5 October 1999.

It shall apply from 6 to 19 October 1999.

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

Done at Brussels, 4 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

(EUR/100 pieces)

Period from 6 to 19 October 1999				
Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	12,31	12,31	27,16	13,48
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	8,99	9,04
Morocco	—	—	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COUNCIL REGULATION (EC) No 2111/1999**of 4 October 1999****prohibiting the sale and supply of petroleum and certain petroleum products to certain parts of the Federal Republic of Yugoslavia (FRY) and repealing Regulation (EC) No 900/1999**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Common Position 1999/604/CFSP of 3 September 1999, amending Common Position 1999/273/CFSP concerning a ban on the supply and sale of petroleum and petroleum products to the Federal Republic of Yugoslavia (FRY), and Common Position 1999/318/CFSP concerning additional restrictive measures against the Federal Republic of Yugoslavia ⁽¹⁾

Having regard to the proposal from the Commission,

Whereas:

- (1) The Government of the Federal Republic of Yugoslavia ("FRY") has continued to violate United Nations Security Council Resolutions and to pursue extreme and criminally irresponsible policies, including repression against its own citizens, which constitute serious violations of human rights and international humanitarian law, and Common Position 1999/273/CFSP ⁽²⁾ provided that the supply and sale of petroleum and petroleum products to the FRY should be prohibited; however, Council Common Position 1999/604/CFSP provides that that prohibition should not apply to the sale and supply of such products to the Province of Kosovo and the Republic of Montenegro;
- (2) The prohibition of selling, supplying or exporting petroleum and petroleum products to the FRY falls within the scope of the Treaty establishing the European Community;
- (3) Therefore, and particularly with a view to avoiding distortion of competition, Community legislation is necessary for the implementation of this prohibition as far as the territory of the Community is concerned; for the purposes of this Regulation such territory is deemed to encompass the territories of the Member States to which the Treaty establishing the European Community is applicable, under the conditions laid down in that Treaty;
- (4) To that end the Council adopted on 29 April 1999 a Regulation (EC) No 900/1999 prohibiting the sale and supply of petroleum and certain petroleum products to the Federal Republic of Yugoslavia (FRY) ⁽³⁾

- (5) The developments with regard to the FRY permit a partial lifting of the embargo imposed by Regulation (EC) No 900/1999;
- (6) Such partial lifting should not prejudice the remaining applicability of Regulation (EC) No 900/1999 with regard to the FRY;
- (7) For reasons of transparency and simplicity, the provisions of Regulation (EC) No 900/1999 should be incorporated in this Regulation, and that Regulation should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

It shall be prohibited, knowingly and intentionally, to:

- (a) sell, supply or export, directly or indirectly, petroleum and petroleum products listed in Annex I, whether or not originating in the Community, to any person or body in the FRY or to any person or body for the purpose of any business carried on in, or operated from, the territory of the FRY;
- (b) ship products referred to in point (a) to the territory of the FRY;
- (c) participate in related activities the object or the effect of which is to promote the transactions or activities referred to in points (a) and (b).

Article 2

1. Notwithstanding the provisions of Article 1, the competent authorities may authorise:

- (a) the sale, supply, export or shipment of products listed in Annex I for the use of diplomatic and consular missions of the Member States in the FRY as well as for the use of an international military peace-keeping presence;
- (b) on a case-by-case basis and subject to the consultation procedure set out in paragraph 2, the sale, supply or export of the products listed in Annex I if conclusive evidence is given to these authorities that the sale, supply or export serves strictly humanitarian purposes.

2. The competent authorities of a Member State which intend to authorise a sale, supply or export in accordance with paragraph 1(b) shall notify to the competent authorities of the other Member States and to the Commission the grounds on which they intend to authorise the sale, supply or export concerned.

⁽¹⁾ OJ L 236, 7.9.1999, p. 1.

⁽²⁾ OJ L 108, 27.4.1999, p. 1.

⁽³⁾ OJ L 114, 1.5.1999, p. 7.

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

The Member State which intends to authorise the sale, supply or export shall take a decision with regard to this authorisation only when no objections have been raised or after the consultations on the conclusive evidence have taken place at the meeting convened by the Commission. In case of an authorisation, the Member State concerned shall notify to the other Member States and the Commission the grounds on which its decision to authorise has been taken.

Article 3

1. Notwithstanding the provisions of Article 1, the competent authorities may authorise the sale, supply or export, directly or indirectly, of petroleum and petroleum products listed in Annex I to any person or body for the purpose of any business carried on in, or operated from, the territory of the Federal Republic of Yugoslavia, and the shipment to the territory of the Federal Republic of Yugoslavia, provided that conclusive evidence is presented to these authorities that:

- (a) the petroleum and petroleum products sold, supplied or exported are shipped from the Community to the Republic of Montenegro or the Province of Kosovo without transiting through other parts of the Republic of Serbia; and
- (b) the petroleum and petroleum products shall not leave the territory of the Republic of Montenegro or the Province of Kosovo for any destination elsewhere in the Republic of Serbia.

Any authorisation should be made in accordance with the model set out in Annex II.

2. A declaration by the relevant bodies designated by the Special Representative of the United Nations Secretary General for the Province of Kosovo or by the competent authorities of the Republic of Montenegro listed in Annex III, in accordance with the model set out in Annex IV, shall be conclusive evidence for the purpose of any authorisation pursuant to paragraph 1.

3. With regard to each territory concerned and until such time as the names and addresses of its relevant body or competent authority to be listed in Annex III will have been published in the *Official Journal of the European Communities*, a competent authority of a Member State shall not grant a prior authorisation before it has requested the competent authorities of the other Member States and the Commission to give their comments on the evidence presented, which, if any, shall be given within a period of five working days after sending the request. After these five days and on the basis of the comments

received or any other information obtained in the meantime, the competent authority concerned shall take a decision in respect of the granting of an authorisation, and notify the Commission and the other Member States of this decision.

Article 4

Article 1 shall not apply as regards sales, supplies, exports or shipments to the forces in which the Member States participate, operating in the FRY.

Article 5

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

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed shall be those determined by the Member States in accordance with Article 5 of Council Regulation (EC) No 926/98 of 27 April 1998 concerning the reduction of certain economic relations with the Federal Republic of Yugoslavia ⁽¹⁾.

Article 6

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

Member States shall notify the competent authorities of other Member States and the Commission of any authorisations for sale, supply, or export or shipment granted in accordance with Article 3(1).

Article 7

The Commission shall establish the list of competent authorities referred to in Articles 2 and 3(1) on the basis of relevant information provided by the Member States. The Commission shall publish this list and any changes to it in the *Official Journal of the European Communities*.

The Commission shall establish and, if necessary, amend the list of competent authorities of the Republic of Montenegro referred to in Article 3(2).

The Commission shall establish and, if necessary, amend the list of relevant bodies designated by the Special Representative of the United Nations Secretary-General for the Province of Kosovo referred to in Article 3(2).

The Commission shall amend if necessary the models of prior authorisation and prior final destination declaration referred to Article 3(1) and (2). The Commission shall publish any changes to this list and these models in the *Official Journal of the European Communities*.

Article 8

Regulation (EC) No 900/1999 is hereby repealed and replaced by the provisions of this Regulation. Any reference to Articles of that Regulation shall be construed as reference to the corresponding Article of this Regulation.

⁽¹⁾ OJ L 130, 1.5.1998, p. 1.

Article 9

This Regulation shall apply within the territory of the Community, including its air space and on board any aircraft or any vessel under the jurisdiction of a Member State and to any person elsewhere who is a national of a Member State and

any body which is incorporated or constituted under the law of a Member State.

Article 10

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

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

Done at Luxembourg, 4 October 1999.

For the Council

The President

K. HÄKÄMIES

ANNEX I

Petroleum and petroleum products referred to in Article 1

CN code	Product description
2709	Petroleum oils and oils obtained from bituminous minerals, crude
2710	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations
2711	Petroleum gases and other gaseous hydrocarbons
2712 10	Petroleum jelly
2712 20 00	Paraffin wax containing by weight less than 0,75 % of oil
ex 2712 90	'Slack wax', 'scale wax'
2713	Petroleum coke, petroleum birumen and other residues of petroleum oils or of oils obtained from bituminous minerals
2714	Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphalties and asphaltic rocks
2715 00 00	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cutbacks)
2901	Acyclic hydrocarbons
2902 11 00	Cyclohexane
2902 20	Benzene
2902 30	Toluene
2902 41 00	o-Xylene
2902 42 00	m-Xylene
2902 43 00	p-Xylene
2902 44	Mixed xylene isomers
2902 50 00	Styrene
2902 60 00	Ethylbenzene
2902 70 00	Cumene
2905 11 00	Methanol (methyl alcohol)
3403 19 10	Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti-corrosion preparations and mould release preparations, based on lubricants) containing 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals but not as the basic constituent
3811 21 00	Additives for lubricating oils containing petroleum oils or oils obtained from bituminous minerals
3824 90 10	Petroleum sulphonates, excluding petroleum sulphonated of alkali metals, of ammonium or of ethanolamines; thiophenated sulphonic acids oils obtained from bituminous minerals, and their salts
ex 3824 90 95	Other products derived from petroleum and petroleum products

ANNEX II

Model of authorisation document of EC competent authorities referred to in Article 3(1)

EUROPEAN COMMUNITY

PRIOR AUTHORISATION

1. APPLICANT (name, full address, country)	ORIGINAL		
	2. No Date Period of validity		
3. END-USER/FINAL DESTINATION (name, full address, country/territory)	4. COUNTRY OF EXPORT (Code) ⁽¹⁾		
	5. TERRITORY OF DESTINATION AND ROUTE OF SHIPMENT		
6. PLACE AND DATE OF SHIPMENT — MEANS OF TRANSPORT	7. NUMBER OF DECLARATION OF END USER/FINAL DESTINATION		
NOTE This authorisation does not discharge the exporter from fulfilling any other conditions applicable in the export of the goods concerned.	8. SUPPLEMENTARY DETAILS		
9. MARKS AND NUMBER — NUMBER AND KIND OF PACKAGES — DESCRIPTION OF GOODS AND THEIR USE	10. CN CODE	11. QUANTITY ⁽²⁾	12. VALUE ⁽³⁾
13. CERTIFICATION BY THE COMPETENT AUTHORITY OF THE EUROPEAN COMMUNITIES Certified that the sale, supply, export or shipment to the FRY of products described above has been authorised Place and Date Signature			
14. COMPETENT AUTHORITY (name, full address, country) Stamp			

⁽¹⁾ As listed in Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22).⁽²⁾ Show net weight (kg) and also quantity in the unit prescribed for category where other than net weight.⁽³⁾ In the currency of the sale contract.

ANNEX III

List of relevant bodies in the Province of Kosovo and competent authorities of the Republic of Montenegro, referred to in Article 3(2)

[...]

p.m.

ANNEX IV

Model of prior final destination declaration of the relevant bodies of the Province of Kosovo or the competent authorities of the Republic of Montenegro referred to in Article 3(2)

PRIOR FINAL DESTINATION DECLARATION

1. APPLICANT (name, full address, country)	ORIGINAL		
	2. No Date Period of validity		
3. END-USER/FINAL DESTINATION (name, full address, country/territory) ⁽¹⁾	4. COUNTRY OF EXPORT (Code) ⁽²⁾		
	5. TERRITORY OF DESTINATION AND ROUTE OF SHIPMENT PROVINCE OF KOSOVO/REPUBLIC OF MONTENEGRO KOSOVO/REPUBLIC OF MONTENEGRO ⁽³⁾		
6. SUPPLY DETAILS			
7. MARKS AND NUMBER — NUMBER AND KIND OF PACKAGES — DESCRIPTION OF GOODS AND THEIR USE	8. CN CODE	9. QUANTITY ⁽⁴⁾	10. VALUE ⁽⁵⁾
11. CERTIFICATION BY THE RELEVANT BODY OF THE PROVINCE OF KOSOVO OR THE COMPETENT AUTHORITY OF THE REPUBLIC OF MONTENEGRO ⁽³⁾ The said goods are subject to official control as regards their end-user/final destination. The certificate ceases to be valid unless presented to the competent foreign authorities within three months from the date of issue. Certificates which have not been used must be returned to the competent authority. Diversion (re-exportation) to another country only possible with the authorisation of the competent licensing authority. I, the undersigned, certify that the end-user/final destination of the goods described above is in the territory of Province of Kosovo/Republic of Montenegro ⁽³⁾ Place and Date Signature			
12. COMPETENT AUTHORITY (name, full address, country)	13. Stamp		

⁽¹⁾ If there are more than 10 end-users or final destinations, the applicant shall indicate these end-users or final destinations in an Annex to this Declaration.

⁽²⁾ As listed in Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22).

⁽³⁾ Indicate which of both territories/authorities.

⁽⁴⁾ Show net weight (kg) and also quantity in the unit prescribed for category where other than net weight.

⁽⁵⁾ In the currency of the sale contract.

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION No 2/1999 OF THE EU-CZECH ASSOCIATION COUNCIL
of 30 July 1999**

adopting the terms and conditions for the participation of the Czech Republic 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)

(1999/653/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 Czech Republic of the other part (hereinafter referred to as 'the Europe Agreement'),

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

(1) Whereas, pursuant to Article 1 of the said Additional Protocol, the Czech Republic 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 (1998-2002) ⁽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 the Czech Republic in the activities referred to in Article 1 thereof are to be decided by the Association Council,

HAS DECIDED AS FOLLOWS:

Article 1

The Czech Republic 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.

Article 2

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

⁽¹⁾ OJ L 26, 1.2.1999, p. 1.

⁽²⁾ OJ L 26, 1.2.1999, p. 34.

Article 3

This Decision shall take effect on the first day of the month following 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 THE CZECH REPUBLIC IN THE SPECIFIC PROGRAMMES OF THE FIFTH FRAMEWORK PROGRAMME AND OF THE FIFTH EURATOM FRAMEWORK PROGRAMME

1. Research entities established in the Czech Republic may participate in all the specific programmes of the Fifth Framework Programme and of the Fifth Euratom Framework Programme. Scientists or research entities of the Czech Republic 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 the Czech Republic 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 the Czech Republic 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 the Czech Republic 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 the Czech Republic to the sum of the gross domestic product of the Member States of the European Union and that of the Czech Republic.

3. Research entities established in the Czech Republic 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 the Czech Republic 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 the Czech Republic shall be obtained by establishing the ratio between the gross domestic product of the Czech Republic, at market prices, and the sum of gross domestic products, at market prices, of the Member States of the European Union and the Czech Republic. 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 the Czech Republic 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 the Czech Republic are set out in Annex III hereto.

6. Without prejudice to paragraph 3, research entities established in the Czech Republic 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 the Czech Republic.

For research entities of the Czech Republic, 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 the Czech Republic.

Experts of the Czech Republic 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 research entity of the Czech Republic 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, research entities of the Czech Republic 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 authorities of the Czech Republic 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 the Czech Republic will make every effort, within the framework of the existing provisions, to facilitate the free movement and residence of research workers participating, in the Czech Republic 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 imposition by the Czech Republic of indirect taxes, customs duties, prohibitions and restrictions on imports and exports in respect of goods and services intended for use under such activities.

8. Representatives of the Czech Republic 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 representatives of the Czech Republic at the time of voting. The Czech Republic 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 the Czech Republic may terminate activities under this Decision at any time upon twelve 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. The Czech Republic shall be notified of the exact content of the revised programmes within one week of their adoption by the Community. The Community and the Czech Republic 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 the Czech Republic.

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 the Czech Republic (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 business-confidential 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 THE CZECH REPUBLIC REFERRED TO IN PARAGRAPH 5 OF ANNEX I

1. The Commission of the European Communities shall communicate to the Czech Republic, 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 the Czech Republic 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 the Czech Republic, in the statement of expenditure corresponding to the Czech Republic'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 the Czech Republic corresponding to its contribution under this Decision. These calls for funds shall provide, respectively, for the payment:
 - of six-twelfths of the contribution of the Czech Republic 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 the contribution of the Czech Republic within 30 days, calculated on the basis of the amount set out in the statement of revenue of the budget.

The contribution of the Czech Republic shall be expressed and paid in euros.

The Czech Republic 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 thirty days after the scheduled payment dates mentioned in this paragraph.

Travel costs incurred by representatives and experts of the Czech Republic 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. The financial contribution of the Czech Republic 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 the Czech Republic, 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 the Czech Republic 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 the Czech Republic for information, according to the format of the Commission's revenue and expenditure account.

Joint Declaration by the Czech Republic and the Community

The Czech Republic 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 Czech Republic 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 Czech Republic and the Community to that effect will take place.

DECISION No 2/99 OF THE ASSOCIATION COUNCIL
between the European Communities and their Member States, of the one part, and the Republic of
Tunisia, of the other part,
of 3 September 1999
setting up a working party on social matters

(1999/654/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part ⁽¹⁾,

Whereas Article 73 of the Agreement provides that a working party be set up to evaluate the implementation of Chapters I, II and III of Title VI of the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

In accordance with Article 73 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, there shall be established a working party on social affairs which shall be responsible for undertaking a continuous and regular evaluation of the implementation of Chapters I, II and III of Title VI of the Agreement.

Article 2

The working party shall be responsible for:

1. ensuring compliance with the principle of non-discrimination on the basis of nationality between workers of Tunisian nationality and workers who are nationals of each Member State as regards working conditions, remuneration and dismissal and social security (within the meaning of the Agreement);
2. implementing the social security provisions laid down in Articles 65 to 68 of the Agreement;
3. dialogue in social matters in accordance with Article 69 of the Agreement;
4. cooperation on social matters referred to in Article 71 of the Agreement.

Article 3

The working party shall be convened by its chair with the parties' mutual consent. It shall meet alternately in Brussels and Tunisia.

Article 4

The working party shall be chaired in turn by a representative of the party acting as President of the Association Council.

Article 5

1. The chair shall draw up the provisional agenda for each meeting. It shall be sent with the convening notice to the members of the working party no later than 20 days before the beginning of the meeting.

2. The provisional agenda shall include the items in respect of which the chair has received from any of the working party's members, not later than 25 days before the date of the meeting, a request for inclusion on the agenda together with any relevant document.

3. The agenda shall be adopted by the working party at the beginning of each meeting. Any item other than those on the provisional agenda may be placed on the agenda if the Community and its Member States, of the one part, and Tunisia, of the other part, so agree.

Article 6

The Working Party shall comprise officials of the Member States of the European Communities, Tunisia and the Commission of the European Communities, assisted by officials of the General Secretariat of the Council of the European Union.

An official of the General Secretariat of the Council of the European Union and an official of the Tunisian Government shall jointly provide the working party with secretarial services.

If both parties agree that the presence or participation of particular experts is required in order to obtain specialised information, the working party may invite such experts for such purposes as it shall define.

Article 7

The working party shall report after each of its meetings to the Association Council and may submit to it drafts or proposals for decisions and/or recommendations.

Article 8

This Decision shall enter force on the day of its adoption.

Done at Luxembourg, 3 September 1999.

For the Association Council

The President

Ch. NEFFATI

⁽¹⁾ OJ L 97, 30.3.1998, p. 1.

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 26 August 1999

amending the Decision of the European Central Bank of 7 July 1998 (ECB/1998/6) on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (ECB/1999/2)

(1999/655/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community (hereinafter referred to as the 'Treaty') and in particular to Article 106(1) thereof and to Article 16 of the Statute of the European System of Central Banks and of the European Central Bank,

- (1) Whereas it is appropriate to amend the principles according to which the commercial reproduction of the designs of banknotes will be permitted;
- (2) Whereas the references to Articles of the Treaty shall be brought into line with the new numbering introduced by the Treaty of Amsterdam; whereas the wording of the preamble, the final provision and the closing formula of the Decision of the European Central Bank of 7 July 1998 (ECB/1998/6) on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes shall be brought into line with current procedures,

HAS DECIDED AS FOLLOWS:

Article 1

Amendment to Article 2(2)

Article 2(2) of the Decision of the European Central Bank of 7 July 1998 (ECB/1998/6) on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes shall read as follows:

'The reproduction of all or part of a banknote specified in Article 1 of this Decision is authorised without recourse to a specific procedure in the following cases:

- (a) for photographs, drawings, paintings, films, and generally for any type of image in which the focus is not the banknotes or reproductions themselves and which do not provide a close-up view of the banknote designs;
- (b) for reproductions which are more than 125 % or less than 75 % of both the length and the width of the respective banknote as specified in Article 1 of this Decision, irrespective of the material used for the reproduction.'

Article 2

Final provisions

1. A consolidated version of the Decision of the European Central Bank of 7 July 1998 (ECB/1998/6), as amended by the Decision of the European Central Bank of 26 August 1999 (ECB/1999/2), is attached.
2. This Decision shall be published in the *Official Journal of the European Communities*.

Done at Frankfurt am Main on 26 August 1999.

The President of the ECB
Willem F. DUISENBERG

ANNEX

DECISION OF THE EUROPEAN CENTRAL BANK

of 7 July 1998

on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (ECB/1998/6) as amended by the Decision of the European Central Bank of 26 August 1999 (ECB/1999/2)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community (hereinafter referred to as the 'Treaty') and in particular to Article 106(1) thereof and to Article 16 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute'),

Having regard to Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro ⁽¹⁾ and in particular to Articles 10 and 16 thereof,

(1) Whereas the provisions of Article 106(1) of the Treaty, Article 16 of the Statute and Article 10 of Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro require more precise details on the denominations and specifications of the euro banknotes; whereas such details may be provided by means of a Decision of the Governing Council of the European Central Bank, published for general information in the *Official Journal of the European Communities*;

(2) Whereas Council Regulation (EC) No 975/98 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation ⁽²⁾ stipulates that the denominations of the euro coins will range from 1 cent to EUR 2; whereas the denominations of the euro banknotes should take into account the denominations of the euro coins;

(3) Whereas the present Decision takes into account the preparatory work carried out by the European Monetary Institute (hereinafter referred to as the 'EMI') and, in particular with regard to the banknote designs, the results of a Europe-wide competition between banknote designers; whereas such preparatory work included consultations with European associations of several categories of banknote users in order to take into account their specific visual and technical requirements and to facilitate the recognition and acceptance of the new banknote denominations and specifications by users; whereas the European Central Bank (hereinafter referred to as the 'ECB') is the recipient of the copyright on the designs of the euro banknotes, originally held by the EMI;

(4) Whereas it is necessary to establish some common guiding principles according to which the commercial reproduction of the designs of banknotes will be permitted; whereas the ECB shall have recourse to the national central banks (hereinafter referred to as the 'NCBs') of participating Member States for ad hoc authorisation to reproduce banknote designs; whereas, as a general policy; reproduction of the banknote designs to which this Decision refers shall be authorised, *inter alia*, for educational purposes;

(5) Whereas a common regime under which the NCBs of participating Member States are prepared to exchange mutilated or damaged euro banknotes needs to be established; whereas the

need to establish a common regime also applies to the final withdrawal of banknotes when these are to be replaced by new banknotes; whereas the publication of announcements in the *Official Journal of the European Communities* may be accompanied by other means of publication that may facilitate due acknowledgement by the general public,

HAS DECIDED AS FOLLOWS:

Article 1

Denominations and specifications

1. The first series of euro banknotes will include seven denominations in the range of EUR 5 to EUR 500, depicting the theme 'Ages and styles of Europe', with the following basic specifications.

Face value (EUR)	Dimensions	Dominant colour	Design
5	120 × 62 mm	Grey	Classical
10	127 × 67 mm	Red	Romanesque
20	133 × 72 mm	Blue	Gothic
50	140 × 77 mm	Orange	Renaissance
100	147 × 82 mm	Green	Baroque and Rococo
200	153 × 82 mm	Yellow-Brown	Iron and glass architecture
500	160 × 82 mm	Purple	Modern 20th century architecture

2. The seven denominations in the euro banknote series bear the representation of gateways and windows on the recto and bridges on the verso. All seven denominations are typical of the different European artistic periods referred to above. Other elements of the designs include: the symbol of the European Union; the name of the currency in the Roman and Greek alphabets; the initials of the European Central Bank in their official language variants; the symbol © to indicate the copyright protection; and the signature of the President of the ECB.

Article 2

Reproduction

1. The copyright on the banknotes specified in Article 1 of this Decision belongs to the ECB.

⁽¹⁾ OJ L 139, 11.5.1998, p. 1 and following.

⁽²⁾ OJ L 139, 11.5.1998, p. 6 and following.

2. The reproduction of all or part of a banknote specified in Article 1 of this Decision is authorised without recourse to a specific procedure in the following cases:

- (a) for photographs, drawings, paintings, films, and generally for any type of image in which the focus is not the banknotes or reproductions themselves, and which do not provide a close-up view of the banknote designs;
- (b) for reproductions which are more than 125 % or less than 75 % of both the length and the width of the respective banknote as specified in Article 1 of this Decision, irrespective of the material used for the reproduction.

3. Any other reproduction of all or part of a banknote has to be authorised by (i) the NCB of the participating Member State in which the applicant is located, under delegation from and in accordance with the policies of the ECB, or (ii) the ECB, for applicants located outside the participating Member States.

4. General authorisation of reproductions under the above rules may be cancelled in the event of a conflict with the unalienable moral rights of the author of the banknote designs.

Article 3

Exchange of mutilated or damaged banknotes

1. NCBs of participating Member States shall, on request, exchange mutilated or damaged legal tender euro banknotes in the following cases:

- (a) when more than 50 % of the banknote is presented;
- (b) when 50 % or less of the banknote is presented if the applicant proves that the missing parts have been destroyed.

2. The exchange of mutilated or damaged banknotes shall require:

- (a) identification of the applicant in cases of doubt as to the applicant's legal title to the banknotes and the authenticity of the banknotes;
- (b) on reasonable suspicion that a criminal offence has been committed or that the banknote has been intentionally mutilated or damaged, written explanations with regard to the cause of the mutilation or damage and what has become of the missing parts of the banknote;

- (c) written explanations of the kind of stain, contamination or impregnation when inkstained, contaminated or impregnated banknotes are presented;
- (d) a written statement on the cause and kind of neutralisation when banknotes are submitted by credit institutions if they have been discoloured by activated anti-theft devices;
- (e) payment by the applicant of the fee that the ECB may establish in cases of labourintensive analysis by NCBs.

Article 4

Withdrawal of banknotes

The withdrawal of a euro banknote type or series will be regulated by a Decision of the Governing Council published for general information in the *Official Journal of the European Communities* and other media. This Decision will cover, as a minimum, the following points:

- the euro banknote type or series to be withdrawn from circulation,
- the duration of the exchange period,
- the date on which the euro banknote type or series will lose its legal tender status,
- the treatment of the euro banknotes presented once the withdrawal period is over and/or they have lost their legal tender status.

Article 5

Final provision

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

Done at Frankfurt am Main on 7 July 1998.

The President of the ECB

Willem F. Duisenberg

GUIDELINE OF THE EUROPEAN CENTRAL BANK**of 26 August 1998****on certain provisions regarding euro banknotes, as amended on 26 August 1999****(ECB/1999/3)****(1999/656/EC)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

HAS ADOPTED THIS GUIDELINE:

Having regard to the Treaty establishing the European Community, (hereinafter referred to as the 'Treaty') and in particular to Article 106(1) thereof,

Article 1**Enforcement of copyright**

Having regard to Articles 12.1, 14.3 and 16 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute'),

Having regard to ECB Decision ECB/1998/6 of 7 July 1998 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes ⁽¹⁾ as amended by ECB Decision of 26 August 1999 (ECB/1999/2) ⁽²⁾,

(1) Whereas the copyright on the designs of the euro banknotes was received by the European Central Bank (ECB) from the European Monetary Institute (EMI); whereas such copyright needs to be administered and enforced, *inter alia*, in all participating Member States according to the individual national legal systems, and this situation warrants entrusting such functions to the national central banks (NCBs);

(2) Whereas, in order to enhance the protection of euro banknotes against counterfeiting, it appears advisable to establish a Counterfeit Analysis Centre (CAC), in which the resources of the NCBs of the participating Member States and of the ECB could be pooled, and which would require the establishment of certain rules within the European System of Central Banks (ESCB);

(3) Whereas, in order to widen the acknowledgement by the general public of any decision taken by the ECB to withdraw types or series of banknotes, in addition to the official publication of that decision by the ECB in the *Official Journal of the European Communities*, it is deemed to be appropriate to make announcements in the national media and for this task to be entrusted to the NCBs;

(4) Whereas, in accordance with Articles 12.1 and 14.3 of the Statute, ECB Guidelines form an integral part of Community law,

1. The NCBs shall take all necessary and feasible measures, according to their national legal systems, to ensure that there is no breach of the copyright of the euro banknote designs held by the ECB.

2. Whenever an NCB becomes aware of unauthorised reproduction of euro banknotes having occurred on its national territory, it shall take immediate action to ensure that such reproduction ceases and that any copies produced in this manner are withdrawn, and shall inform the ECB without delay.

3. The Executive Board of the ECB may issue instructions on whether or not the situation requires the initiation of civil or criminal proceedings against the person responsible for the reproduction. For the conduct of legal proceedings, the ECB shall have recourse to the NCBs: it shall instruct them accordingly and provide them with the necessary powers of attorney. All legal costs shall be borne by the ECB.

4. The NCBs shall inform the ECB of any specific authorisation to reproduce the euro banknote designs granted under ECB Decision ECB/1998/6.

Article 2**Exchange of mutilated or damaged banknotes**

1. The NCBs shall duly implement ECB Decision ECB/1998/6.

2. When implementing ECB Decision ECB/1998/6, and subject to any legal constraints, NCBs shall destroy any mutilated banknotes or the pieces thereof after a period of six months, unless there are legal grounds for them to be preserved or returned to the applicant.

3. The NCBs shall appoint a single organ or body to adopt decisions on the exchange of mutilated or damaged banknotes for the cases foreseen in Article 3(1)(b) of ECB Decision ECB/1998/6, and shall inform the ECB accordingly.

⁽¹⁾ OJ L 8, 14.1.1999, p. 36.

⁽²⁾ See page 29 of this Official Journal.

*Article 3***Counterfeit Analysis Centre and counterfeit currency database**

1. The Counterfeit Analysis Centre (CAC) and the counterfeit currency database (CCD) of the ESCB will be established by and run under the aegis of the ECB. The establishment of the CAC is intended to centralise the technical analysis of and data relating to the counterfeiting of euro banknotes issued by the ECB and the NCBs. All relevant technical and statistical data concerning the counterfeiting of euro banknotes shall be centrally stored in the CCD.

2. The location of the CAC and the CCD shall be Frankfurt am Main. The Governing Council shall appoint the head of the CAC, approve its budget and organise its staffing and resources.

3. Subject to legal constraints, the NCBs shall provide the CAC with originals of new types of counterfeit euro banknotes in their possession, for the purposes of technical investigation and central classification. The preliminary assessment of whether a specific counterfeit belongs to a classified type or to a new category shall be carried out by the NCBs.

4. All the technical data within the CCD shall be available to the ECB and to the NCBs of participating Member States. The CAC shall cooperate with the police forces of the participating Member States, with Europol and with the European Commission, as appropriate, regarding their respective areas of expertise. The individual staff members of the CAC may appear in

judicial proceedings to offer technical expertise in cases of counterfeiting, if requested. Any contacts established by the CAC with individual national authorities shall be effected together with the relevant NCB.

*Article 4***Withdrawal of banknotes**

The NCBs shall announce the withdrawal of a euro banknote type or series decided by the Governing Council in national newspapers at their own cost, following any instructions that may be issued by the Executive Board.

*Article 5***Final provisions**

This Guideline is addressed to the national central banks of participating Member States and shall have immediate effect.

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

Done at Frankfurt am Main on 26 August 1999.

*On behalf of the Governing Council of the
ECB*

Willem F. DUISENBERG