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**Notice to readers** (see page 3 of the cover)

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1/2000  
of 17 December 1999  
on common rules for imports of footwear products originating in Vietnam**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The common commercial policy must be based on uniform principles;
- (2) The Commission antifraud services have found evidence that consignments of footwear products were imported into the Community on the basis of fraudulent declarations of Vietnamese origin in the period 1994-1997;
- (3) The European Community and the Government of Vietnam have negotiated a Memorandum of Understanding on the Prevention of Fraud in Trade in Footwear Products (the 'Memorandum') which sets out a double-checking system on the exports to the Community of footwear products falling within Chapter 64 of the Harmonised System/Combined Nomenclature;
- (4) It is necessary to set out common rules for the implementation of the double-checking system in the European Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. This Regulation applies to all products falling within Chapter 64 of the Harmonised System/Combined Nomenclature originating in Vietnam and imported into the European Community.
2. For the purposes of this Regulation, the term 'originating products' and the methods for verifying the origin of those products shall be as defined by the relevant Community rules in force.

*Article 2*

The release for free circulation in the Community of the products referred to in Article 1 shall be subject to the presentation of an import certificate issued by the Member States' authorities referred to in Article 11 in accordance with the procedure set out in this Regulation.

*Article 3*

1. The competent Vietnamese authorities shall issue an export certificate in respect of the products referred to in Article 1.
2. The export certificate shall conform to the specimen appended in the Annex.
3. The original of the export certificate shall be presented by the importer for the purposes of issuing the import certificate referred to in Article 6. The competent authorities of a Member State shall refuse to issue an import certificate for products which are not covered by export certificates issued in accordance with the provisions of this Regulation.

*Article 4*

Exports shall be recorded under the year in which the products covered by the export certificate were shipped.

*Article 5*

1. The forms to be used by the competent authorities of the Member States for issuing the import certificates shall conform to the specimen of the surveillance document set out in Annex I to Council Regulation (EC) No 3285/94 of 22 December 1994 on the common rules for imports <sup>(1)</sup>.
2. The authorities of the Member States shall notify the Commission of the requests for import certificates which they have received.

3. The Commission shall notify to the authorities of the Member States its confirmation that the data contained in the requests for import certificates are in conformity with the data received from the competent Vietnamese authorities.

4. The notifications referred to in paragraphs 2 and 3 shall be communicated electronically within the integrated network setup for the SIGL management of the textile licences, unless for imperative technical reasons it is necessary to use other means of communication temporarily.

*Article 6*

1. The competent authorities of the Member States shall issue an import certificate within a maximum of five working days from the presentation by the importer of the original of the corresponding export certificate. This presentation must

<sup>(1)</sup> OJ L 349, 31.12.1994, p. 53. Regulation as amended by Regulation (EC) No 139/96 (OJ L 21, 27.1.1996, p. 7).

take place not later than 30 June of the year following that in which the goods covered by the certificate were shipped. Import certificates shall be valid throughout the customs territory of the Community.

2. The import certificates shall be valid for six months from the date of their issue, with the possibility of a further extension of three months by the competent authorities of the Member State concerned.

3. The request made by the importer to the competent authorities of the Member States for the purpose of obtaining the import certificate shall contain:

- (a) the names of the importer and full address (including, if any, telephone and fax number, and identification number registered with the competent national authorities), and VAT registration number, if it is a VAT payer;
- (b) name and full address of declarant;
- (c) name and full address of exporter;
- (d) the country of origin of the products and the country of consignment;
- (e) a description of the products as contained in the export certificate;
- (f) the quantity of each shipment;
- (g) date and issue number of the export certificate;
- (h) date and signature of importer.

The competent authorities may, under the conditions fixed by them, allow the submission of requests to be transmitted or printed by electronic means. However, all documents and evidence must be available to the competent authorities of the Member States.

4. Importers shall not be obliged to import the total quantity covered by an import certificate in a single consignment.

#### Article 7

The validity of import certificates issued by the authorities of the Member States shall be subject to the validity of the export certificates issued by the competent Vietnamese authorities on the basis of which the import certificates have been issued.

#### Article 8

Import certificates shall be issued without discrimination to any importer in the Community wherever the place of his establishment may be in the Community.

#### Article 9

1. Import certificate forms and extracts thereof shall be drawn up in duplicate, one copy, marked 'Holder's copy' and bearing the number 1 to be issued to the applicant, and the

other, marked 'Copy for the competent authority' and bearing the number 2, to be kept by the authority issuing the certificate. For administrative purposes the competent authorities may add additional copies to form 2.

2. Forms shall be printed on white paper free of mechanical pulp, dressed for writing and weighing between 55 and 65 grams per square metre. Their size shall be 210 × 297 mm; the type space between the lines shall be 4,24 mm; (one sixth of an inch); the layout of the forms shall be followed precisely. Both sides of copy No 1, which is the certificate itself, shall in addition have a yellow printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

3. Member States shall be responsible for having the forms printed. The forms may also be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each form. Each form shall bear an indication of the printer's name and address or a mark enabling the printer to be identified.

4. At the time of their issue the import certificates or extracts shall be given an issue number determined by the competent authorities of the Member State. The import certificate number shall be notified to the Commission electronically within the integrated network set up under Article 14 of Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries <sup>(1)</sup>.

5. Certificates and extracts shall be completed in the official language, or one of the official languages, of the Member State of issue.

6. The marks of the issuing agencies and debiting authorities shall be applied by means of a stamp. However, an embossing press combined with letters or figures obtained by means of perforation, or printing on the certificate may be substituted for the issuing authority's stamp. The issuing authorities shall use any tamper-proof method to record the quantity allocated in such a way as to make it impossible to insert figures or references (e.g. \*EUR\*1,000\*).

7. If the space set aside for debits on a certificate or extract thereof is insufficient, the competent authorities may attach one or more extension pages bearing boxes matching those on the reverse of copy No 1 and copy No 2 of the certificate or extract. The debiting authorities shall so place their stamp that one half is on the certificate or extract thereof and the other half is on the extension page. If there is more than one extension page, a further stamp shall be placed in like manner across each page and the preceding page.

8. Import certificates and extracts issued, and entries and endorsements made, by the authorities of one Member State shall have the same legal effect in each of the other Member States as documents issued, and entries and endorsements made, by the authorities of such Member States.

<sup>(1)</sup> OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 1072/1999 (OJ L 134, 28.5.1999, p. 1).

9. The competent authorities of the Member States concerned may, where indispensable, require the contents of certificates or extracts to be translated into the official language or one of the official languages of that Member State.

10. The import certificate may be issued by electronic means as long as the customs offices involved have access to this certificate across a computer network.

#### Article 10

In the event of theft, loss or destruction of an export certificate, import certificate or a certificate of origin, the exporter may apply to the competent authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate certificate issued in this way shall bear the endorsement 'duplicata' or 'duplicate' or 'duplicado'.

The duplicate shall bear the date of the original certificate.

#### Article 11

The competent authorities of the Member States referred to in this Regulation shall be those mentioned in Article 2(7) of Regulation (EC) No 520/94 <sup>(1)</sup> and in Article 2 of Commission Regulation (EC) No 738/94 <sup>(2)</sup>.

The list of the competent authorities referred to in the first paragraph has been last published in Annex III to Commission Regulation (EC) No 1369/99 <sup>(3)</sup>.

#### Article 12

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

It shall apply from 1 January 2000 until the end of the period of application of the Memorandum <sup>(4)</sup>.

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

Done at Brussels, 17 December 1999.

For the Council

The President

K. HEMILÄ

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<sup>(1)</sup> Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas, (OJ L 66, 10.03.1994, p. 1). Regulation as amended by Regulation (EC) No 138/96 (OJ L 21, 27.1.1996, p. 6).

<sup>(2)</sup> Commission Regulation (EC) No 738/94 of 30 of March 1994 laying down certain rules for the implementation of Council Regulation (EC) No 520/94 establishing a Community procedure for administering quantitative quotas, (OJ L 87, 31.03.1994, p. 47). Regulation as amended by Commission Regulation (EC) No 983/96 (OJ L 131, 1.6.1996, p. 47).

<sup>(3)</sup> Commission Regulation (EC) No 1369/1999 of 25 June 1999 establishing administrative procedures for the 2000 quantitative quotas for certain products originating in the People's Republic of China, (OJ L 162, 26.06.1999, p. 35).

<sup>(4)</sup> In case the period of application of the Memorandum is extended in accordance with Article 7(2) thereof, a notice will be published by the Commission in the *Official Journal of the European Communities* 'C' series.



## ANNEX

## ANNEX I

|                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                       |                              |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--|
| 1. <b>Goods consigned from</b> (exporter's business name, address, country)                                                                                                                                             | <b>EXPORT CERTIFICATE FOR PRODUCTS UNDER CHAPTER 64 OF HARMONISED SYSTEM</b><br><br>ORIGINAL<br><br><br><b>(Footwear Products)</b>                                                                                                                                    |                              |  |
| 2. <b>Goods consigned to</b> (consignee's name, address, country)                                                                                                                                                       |                                                                                                                                                                                                                                                                       |                              |  |
| 3. <b>Means of transport and route</b> (as far as known)                                                                                                                                                                | 4. <b>Issue Number</b>                                                                                                                                                                                                                                                |                              |  |
|                                                                                                                                                                                                                         | 5. <b>Export year</b>                                                                                                                                                                                                                                                 |                              |  |
| 6. <b>Description of goods</b>                                                                                                                                                                                          | 7. <b>Quantity</b>                                                                                                                                                                                                                                                    | 8. <b>FOB/Contract value</b> |  |
| 9. <b>Certification by the competent authority</b><br>I, the undersigned, certify that the goods described above originate in Vietnam according to the rules of origin laid down by the relevant Community legislation. |                                                                                                                                                                                                                                                                       |                              |  |
| 10. <b>Competent authority</b><br>(name, full address, country)                                                                                                                                                         | At ..... on .....<br><br>.....<br>(signature) <div data-bbox="1251 1935 1422 2107" style="border: 1px dotted black; border-radius: 50%; width: 100px; height: 100px; display: flex; align-items: center; justify-content: center; margin: 20px auto;"> (stamp) </div> |                              |  |

*Appendix A to Annex I***Explanatory note concerning item 4 (issue number) of the Export Certificate**

The issue number shall consist of the following elements:

- 2 letters identifying Vietnam as follows: VN;
  - 2 letters identifying the Member State foreseen as the country of destination as follows,
    - AT = Austria
    - BL = Benelux
    - DE = Germany
    - DK = Denmark
    - EL = Greece
    - ES = Spain
    - FI = Finland
    - FR = France
    - GB = United Kingdom
    - IE = Ireland
    - IT = Italy
    - PT = Portugal
    - SE = Sweden
  - one number indicating the year of issue, for example 9 for 1999;
  - two numbers, from 01 to 99, indicating the issuing office for the export certificate;
  - a number with five digits between 50000 and 99999 allocated to the Member States foreseen as the country of destination.'
-

**COMMISSION REGULATION (EC) No 2/2000**  
**of 3 January 2000**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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 4 January 2000.

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

Done at Brussels, 3 January 2000.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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

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

## ANNEX

**to the Commission Regulation of 3 January 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code                                           | Third country code <sup>(1)</sup> | Standard import value |
|---------------------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                                        | 052                               | 87,4                  |
|                                                   | 204                               | 46,1                  |
|                                                   | 624                               | 155,8                 |
|                                                   | 999                               | 96,4                  |
| 0709 90 70                                        | 052                               | 141,9                 |
|                                                   | 204                               | 60,8                  |
|                                                   | 999                               | 101,3                 |
| 0805 10 10, 0805 10 30, 0805 10 50                | 052                               | 51,6                  |
|                                                   | 204                               | 38,6                  |
|                                                   | 624                               | 47,8                  |
|                                                   | 999                               | 46,0                  |
| 0805 20 10                                        | 052                               | 62,0                  |
|                                                   | 204                               | 54,8                  |
|                                                   | 999                               | 58,4                  |
| 0805 20 30, 0805 20 50,<br>0805 20 70, 0805 20 90 | 052                               | 49,7                  |
|                                                   | 999                               | 49,7                  |
| 0805 30 10                                        | 052                               | 48,0                  |
|                                                   | 600                               | 71,0                  |
|                                                   | 999                               | 59,5                  |
| 0808 10 20, 0808 10 50, 0808 10 90                | 400                               | 75,7                  |
|                                                   | 404                               | 75,5                  |
|                                                   | 999                               | 75,6                  |
| 0808 20 50                                        | 052                               | 150,9                 |
|                                                   | 064                               | 66,0                  |
|                                                   | 400                               | 97,3                  |
|                                                   | 999                               | 104,7                 |

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

**COMMISSION REGULATION (EC) No 3/2000****of 3 January 2000****on the issuing of a standing invitation to tender for the resale on the internal market of 150 000 tonnes of barley held by the Spanish intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999<sup>(2)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93<sup>(3)</sup>, as amended by Regulation (EC) No 39/1999<sup>(4)</sup>, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies;
- (2) In the present market situation, a standing invitation to tender for the resale on the internal market of 150 000 tonnes of barley held by the Spanish intervention agency should be issued;
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Spanish intervention agency shall issue pursuant to Regulation (EEC) No 2131/93 a standing invitation to tender for the

resale on the internal market of 150 000 tonnes of barley held by it.

*Article 2*

1. The final date for the submission of tenders for the first partial invitation to tender shall be 13 January 2000.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 24 February 2000.
3. Tenders must be lodged with the Spanish intervention agency at the following address:

Fondo Español de Garantía Agraria (FEGA)  
C/Beneficencia 8  
E-28004 Madrid  
Telex: 23427 FEGA E  
Fax: (34) 91521 98 32/91522 43 87.

*Article 3*

Not later than Tuesday of the week following the final date for the submission of tenders, the Spanish intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

*Article 4*

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, 3 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 191, 31.7.1993, p. 76.

<sup>(4)</sup> OJ L 5, 9.1.1999, p. 64.

**COMMISSION REGULATION (EC) No 4/2000**  
**of 3 January 2000**  
**on the issuing of a standing invitation to tender for the resale on the internal market of 5 132**  
**tonnes of rye held by the French intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 <sup>(3)</sup>, as amended by Regulation (EC) No 39/1999 <sup>(4)</sup>, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies;
- (2) In the present market situation, a standing invitation to tender for the resale on the internal market of 5 132 tonnes of rye held by the French intervention agency should be issued;
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The French intervention agency shall issue pursuant to Regulation (EEC) No 2131/93 a standing invitation to tender for the resale on the internal market of 5 132 tonnes of rye held by it.

*Article 2*

1. The final date for the submission of tenders for the first partial invitation to tender shall be 11 January 2000.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 29 February 2000.

3. Tenders must be lodged with the French intervention agency at the following address:

Office national interprofessionnel des céréales,  
21, avenue Bosquet  
F-75341 Paris Cedex 07  
(Telex: OFICE 20 04 90F/OFIDM 20 36 62F;  
Fax: 47 05 61 32).

*Article 3*

Not later than Tuesday of the week following the final date for the submission of tenders, the French intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

*Article 4*

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, 3 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 191, 31.7.1993, p. 76.

<sup>(4)</sup> OJ L 5, 9.1.1999, p. 64.

**COMMISSION REGULATION (EC) No 5/2000****of 3 January 2000****on the issuing of a standing invitation to tender for the resale on the internal market of 28 429 tonnes of maize held by the French intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 <sup>(3)</sup>, as amended by Regulation (EC) No 39/1999 <sup>(4)</sup>, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies;
- (2) In the present market situation, a standing invitation to tender for the resale on the internal market of 28 429 tonnes of maize held by the French intervention agency should be issued;
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The French intervention agency shall issue pursuant to Regulation (EEC) No 2131/93 a standing invitation to tender for the

resale on the internal market of 28 429 tonnes of maize held by it.

*Article 2*

1. The final date for the submission of tenders for the first partial invitation to tender shall be 11 January 2000.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 29 February 2000.
3. Tenders must be lodged with the French intervention agency at the following address:  
Office national interprofessionnel des céréales  
21, avenue Bosquet  
F-75341 Paris Cedex 07  
(Telex: OFICE 20 04 90F/OFIDM 20 36 62F;  
Fax: 47 05 61 32).

*Article 3*

Not later than Tuesday of the week following the final date for the submission of tenders, the French intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

*Article 4*

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, 3 January 2000.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 191, 31.7.1993, p. 76.

<sup>(4)</sup> OJ L 5, 9.1.1999, p. 64.

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 17 December 1999

**on the signing, on behalf of the European Community, of the Memorandum of Understanding between the European Community and the Government of Vietnam on the prevention of fraud in trade in footwear products, and authorising its provisional application**

(2000/1/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated, on behalf of the European Community, a Memorandum of Understanding between the European Community and the Government of Vietnam on the prevention of fraud in trade in footwear products;
- (2) The Memorandum of Understanding was initialled on 4 August 1999;
- (3) The Memorandum of Understanding should be signed on behalf of the Community;
- (4) It is necessary to apply the Memorandum of Understanding on a provisional basis from 1 January 2000, pending the completion of the relevant procedures for its formal conclusion, subject to reciprocity,

HAS DECIDED AS FOLLOWS:

*Article 1*

Subject to the conclusion thereof, the Memorandum of Understanding between the European Community and the Govern-

ment of Vietnam on the prevention of fraud in trade in footwear products, shall be signed on behalf of the Community.

*Article 2*

The President of the Council is hereby authorised to designate the persons empowered to sign the Memorandum of Understanding, on behalf of the Community.

The text of the Memorandum of Understanding is attached to this Decision.

*Article 3*

The Memorandum of Understanding shall be applied on a provisional basis from 1 January 2000, subject to reciprocity <sup>(1)</sup>.

Done at Brussels, 17 December 1999.

*For the Council*

*The President*

K. HEMILÄ

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<sup>(1)</sup> The Commission will publish in the *Official Journal of the European Communities*, C Series, the date from which the Memorandum of Understanding will be applied pursuant to this Article.

**MEMORANDUM OF UNDERSTANDING****between the European Community and the Government of Vietnam on the prevention of fraud in trade in footwear products**

THE EUROPEAN COMMUNITY

of the one part, and

THE GOVERNMENT OF VIETNAM

of the other part,

hereinafter referred to as 'the Parties'

DESIRING to promote, with a view to permanent cooperation and in conditions providing for predictability of trade, the orderly and equitable development of trade in footwear products between the European Community (hereinafter the Community) and the Government of Vietnam (hereinafter Vietnam);

RECOGNISING the importance of exports of footwear to the continued development of the economy of Vietnam and the need to ensure that the benefits of unrestricted access to the European Community market and, where applicable, of the EC's Generalised Scheme of Preferences is reserved for footwear originating in Vietnam;

RESOLVED to take appropriate action to prevent fraudulent declarations of origin by third parties which effectively reduce the export potential, employment and added value of Vietnamese footwear producers;

HAVING REGARD to the objectives and provisions of the Cooperation Agreement between the European Community and Vietnam which was signed in Brussels on 17 July 1995,

HAVE AGREED AS FOLLOWS:

*Article 1*

This Memorandum of Understanding shall apply to products falling under chapter 64 of the harmonised system, hereinafter referred to as 'footwear products', exported from Vietnam into the Community.

*Article 2*

Imports into the Community of the products referred to in Article 1 which are of Vietnamese origin in accordance with the rules of origin laid down by the relevant Community legislation and which comply with the terms of this Memorandum of Understanding shall not be subject to quantitative limits.

*Article 3*

In order to combat fraud, the parties have agreed upon the following administrative arrangements.

1. Vietnam shall issue automatically export certificates according to the relevant Vietnamese legislation in respect of exports of the footwear products referred to in Article 1. Such products must be of Vietnamese origin according to the rules of origin laid down by the relevant Community legislation. The format of the export certificates shall conform to that in Annex I, to be filled out in accordance with Appendix A to Annex I. Each export certificate shall be signed in original by a representative appointed by the Government of Vietnam.

2. Vietnam shall supply the Commission of the European Communities with the names and addresses of the authorities competent to issue the export certificates, together with specimens of the stamp impressions and signatures used by them. Vietnam shall inform the Commission of all changes made to the above information.

3. For the products referred to in Article 1 the competent authorities of the European Community shall issue automatically an import certificate for the release of the goods in question for free circulation, upon presentation of the original export certificates issued by the competent Vietnamese authorities. Such import certificates shall be issued within five working days of the submission of the application.

4. Vietnam undertakes to transmit, within six working days from the issuance of each export certificate, the information on products contained by the export certificates referred to above. This shall be carried out by way of an electronic linkage between the competent Vietnamese authorities and the *Système Intégré de Gestion de Licenses* (hereinafter referred to as 'SIGL') as established by the Community.

5. In case of significant and unjustified discrepancies between the information received through the electronic linkage with SIGL and the export certificates submitted to the competent authorities of the European Community, either Party may request consultations under Article 6 of this Memorandum of Understanding in order to identify the reasons for the discrepancies. Should these discrepancies be due to fraudulent transshipment of products not originating in Vietnam the Parties will agree appropriate measures in order to avoid their recurrence.

*Article 4*

The Vietnamese certificate of origin for the purpose of the Communities' Generalised Scheme of Preferences shall be issued by Vietnamese competent governmental authority in accordance with the relevant Community legislation.

*Article 5*

1. With a view to ensuring the effective functioning of this Memorandum of Understanding, the Community and Vietnam agree to cooperate fully in order to prevent, to investigate and to take any necessary legal and/or administrative action against fraud by transshipment, re-routing, false declaration concerning the country or place of origin, falsification of documents, false declaration concerning quantities, description or classification of merchandise and by whatever other means. Accordingly, Vietnam and the Community agree to establish the necessary legal provisions and administrative procedures permitting effective action to be taken against such fraud, which shall include the adoption of legally binding corrective measures against exporters and/or importers involved.

2. Should the Community believe on the basis of information available that fraud has occurred, the Community will consult with Vietnam with a view to reaching a mutually satisfactory solution. These consultations will be held following the procedure laid down in Article 6.

3. In accordance with the relevant Community legislation, when evidence of fraud has been provided, the Community shall have the right to refuse the import of the products in question.

4. Consultations held under this Article shall not prevent free circulation of goods except when evidence of fraud has been provided.

5. The Parties agree to establish a system of administrative cooperation to prevent and to address effectively all problems arising from fraud in accordance with the provisions of this Memorandum of Understanding.

*Article 6*

1. Save where it is otherwise provided, the special consultation procedures referred to in this Memorandum of Understanding shall be governed by the following rules:

- Any request for consultations shall be notified in writing to the other Party.
- The request for consultation shall be followed within 15 days of the notification by a statement setting out the

reasons and circumstances which, in the opinion of the requesting Party, justify the submission of such a request.

- The Parties shall enter into consultations within one month of notification of the request at the latest, with a view to reaching agreement or a mutually acceptable conclusion within one further month at the latest.

2. If necessary, at the request of either of the Parties, consultations shall be held on any problems arising from the application of this Memorandum of Understanding. Any consultations held under this Article shall take place in a spirit of cooperation and with a desire to reconcile the differences between the Parties.

*Article 7*

1. This Memorandum of Understanding shall enter into force on the first day of the month following the day on which both Parties have notified each other that the legal procedures necessary to this end have been completed.

In the meantime, it shall be applied provisionally from 1 January 2000 on condition of reciprocity, unless it enters into force before that date.

2. This Memorandum of Understanding shall apply for a period of two years. Thereafter its application shall be automatically extended for a period of one year, unless either Party notifies in writing the other six months before the expiry of this Memorandum of Understanding that it does not agree to the extension.

3. Either Party may at any time propose to hold consultations in accordance with Article 6 with a view to agreeing amendments to this Memorandum of Understanding.

4. Either Party may, at any time, denounce this Memorandum of Understanding by notifying the other Party in written form. This Memorandum of Understanding shall cease to apply six months after the date of such notification.

5. Annex I and Appendix A to Annex I attached to this Memorandum of Understanding shall form an integral part thereof.

*Article 8*

This Memorandum of Understanding shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Vietnamese language, each of these texts being equally authentic.

*For the European Community*

*For the Government of Vietnam*

## ANNEX I

|                                                                                                                                                                                                                         |                                                                                                                                        |                              |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--|
| 1. <b>Goods consigned from</b> (exporter's business name, address, country)                                                                                                                                             | <b>EXPORT CERTIFICATE FOR PRODUCTS UNDER<br/>CHAPTER 64 OF HARMONISED SYSTEM</b><br><br>ORIGINAL<br><br><br><b>(Footwear Products)</b> |                              |  |
| 2. <b>Goods consigned to</b> (consignee's name, address, country)                                                                                                                                                       |                                                                                                                                        |                              |  |
| 3. <b>Means of transport and route</b> (as far as known)                                                                                                                                                                | 4. <b>Issue Number</b>                                                                                                                 |                              |  |
|                                                                                                                                                                                                                         | 5. <b>Export year</b>                                                                                                                  |                              |  |
| 6. <b>Description of goods</b>                                                                                                                                                                                          | 7. <b>Quantity</b>                                                                                                                     | 8. <b>FOB/Contract value</b> |  |
| 9. <b>Certification by the competent authority</b><br>I, the undersigned, certify that the goods described above originate in Vietnam according to the rules of origin laid down by the relevant Community legislation. |                                                                                                                                        |                              |  |
| 10. <b>Competent authority</b><br>(name, full address, country)                                                                                                                                                         | At ..... on .....<br><br>.....<br>(signature) <div style="text-align: right;"> .....<br/> (stamp) </div>                               |                              |  |

*Appendix A to Annex I***Explanatory note concerning item 4 (issue number) of the Export Certificate**

The issue number shall consist of the following elements:

- 2 letters identifying Vietnam as follows: VN;
  - 2 letters identifying the Member State foreseen as the country of destination as follows,
    - AT = Austria
    - BL = Benelux
    - DE = Germany
    - DK = Denmark
    - EL = Greece
    - ES = Spain
    - FI = Finland
    - FR = France
    - GB = United Kingdom
    - IE = Ireland
    - IT = Italy
    - PT = Portugal
    - SE = Sweden
  - one number indicating the year of issue, for example 9 for 1999;
  - two numbers, from 01 to 99, indicating the issuing office for the export certificate;
  - a number with five digits between 50000 and 99999 allocated to the Member States foreseen as the country of destination.
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# COMMISSION

## COMMISSION DECISION

of 17 December 1999

**amending Council Decision 79/542/EEC drawing up a list of third countries from which the Member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products and repealing Decision 1999/301/EC**

(notified under document number C(1999) 4844)

(Text with EEA relevance)

(2000/2/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat product from third countries <sup>(1)</sup>, as last amended by Directive 97/79/EC <sup>(2)</sup>, and in particular Article 3(1) thereof.

Having regard to Council Directive 96/23/EC of 29 April 1996 concerning measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC <sup>(3)</sup>, and in particular Article 29 thereof,

Whereas:

- (1) Member States can only import fresh meat including offal from third countries or parts of third countries appearing on a list established by the Council on a proposal from the Commission;
- (2) the list of these third countries or parts thereof is contained in Council Decision 79/542/EEC <sup>(4)</sup>, as last amended by Commission Decision 1999/301/EC <sup>(5)</sup>;
- (3) inclusion and retention of a third country on the lists of third countries provided for in Community legislation from which Member States are authorised to import products of animal origin covered by Council Directive 96/23/EC is subject to submission by the third country concerned of a plan setting out the guarantees which it offers as regards the monitoring of the groups of resi-

dues and substances referred to in Annex I of the Directive referred to; this plan must be updated at the request of the Commission, particularly when the checks referred to in Article 29(3) of the abovementioned Directive render it necessary;

- (4) where the requirements of the paragraph above are not complied with, inclusion of a third country on the lists of third countries laid down by Community legislation may be suspended in accordance with the procedure laid down in Article 33 of Council Directive 96/23/EC;
- (5) the application of residue monitoring plans, and the follow up to evidence of the use of unauthorised substances or of residue levels exceeding the Community maximum residue limits, are necessarily to protect public health;
- (6) the United States of America had agreed to take remedial action measures to rectify deficiencies identified the design and implementation of their residue monitoring programme; these measures were communicated to the Commission;
- (7) in the light of the measures notified by the United States of America, the Commission carried out a mission to verify the adequacy and effectiveness of these measures;
- (8) the verification mission carried out by the Commission revealed serious problems as regards the implementation and the enforcement of the residue monitoring programme in place in the United States of America, and demonstrated that the programme does not provide the guarantees concerning the protection of public health against risks from residues as required by the European Community; whereas the United States of America has agreed to take further action to rapidly remedy the deficiencies;

<sup>(1)</sup> OJ L 302, 31.12.1972, p. 28.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 31.

<sup>(3)</sup> OJ L 125, 23.5.1996, p. 10.

<sup>(4)</sup> OJ L 146, 14.6.1979, p. 15.

<sup>(5)</sup> OJ L 117, 5.5.1999, p. 52.

- (9) in circumstances like those described above, the relevant Community legislation and international agreements applicable in this case enable the European Community to suspend imports from the United States of America; whereas a limited period of time should be provided for the United States of America to take the necessary measures and action required to satisfy objectively that the level of sanitary protection applied in the European Community is respected;
- (10) the United States of America should therefore be suspended from the list of third countries from which the Member States are authorised to import meat for human consumption with effect from 15 February 2000; whereas suspension of imports, in the circumstances of the present case, is the only type of measure that is reasonably available to the European Community;
- (11) the measures provided for in this Decision shall be reviewed in the light of guarantees provided by the United States of America on the effective implementation of measures for residue monitoring;
- (12) in the light of this Decision it is necessary to repeal Commission Decision 1999/301/EC amending Decision 87/257/EEC on the list of establishments in the United States of America approved for the purpose of importing fresh meat into the Community and amending Council Decision 79/542/EEC drawing up a list of third countries from which the Member States authorise imports of bovine animals, swine, fresh meat and meat products, as amended by Commission Decision 1999/417/EC <sup>(1)</sup>;
- (13) the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Part I of the Annex to Decision 79/542/EEC is amended as follows:

1. the line

'US | United States of America | s | x | x | x | x | x | x | x | x | x | # | # | # | XR(b)'

is replaced by:

'US | United States of America | s | s | s | s | s | s | x | x | x | x | # | # | # | o'.

2. The text of footnote s is replaced by the following text:

's = suspended for export of fresh meat and meat products for human consumption'.

#### *Article 2*

The Member States shall alter the measures they apply in trade in order to bring them into line with Article 1 of this Decision. They shall immediately inform the Commission thereof.

#### *Article 3*

The provisions of Article 1 shall be reviewed in the light of guarantees provided by the United States of America on the effective implementation of measures for residue monitoring.

#### *Article 4*

Decision 1999/301/EC is hereby repealed.

#### *Article 5*

Article 1 shall apply from 15 February 2000.

<sup>(1)</sup> OJ L 159, 25.6.1999, p. 56.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 17 December 1999.

*For the Commission*

David BYRNE

*Member of the Commission*

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**NOTICE TO READERS**

OJ L 345 of 31 December 1999 closes the L series for 1999.