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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 899/98
of 28 April 1998
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 2375/96 ⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EC) No 150/95 ⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 April 1998.

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

Done at Brussels, 28 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 28 April 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	212	115,9
	624	188,3
	999	152,1
0709 90 70	052	75,5
	999	75,5
0805 10 10, 0805 10 30, 0805 10 50	052	39,4
	204	36,7
	212	59,8
	400	58,2
	600	38,7
	624	44,7
	999	46,3
0805 30 10	388	66,8
	600	83,0
	999	74,9
0808 10 20, 0808 10 50, 0808 10 90	060	43,0
	388	86,0
	400	91,4
	404	96,8
	508	96,6
	512	76,0
	524	79,3
	528	77,3
	616	97,8
	720	146,0
	804	109,8
	999	90,9
0808 20 50	388	71,8
	512	63,3
	528	71,2
	999	68,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22. 11. 1997, p. 19). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 900/98
of 28 April 1998
determining the percentage of quantities covered by applications for export
licences for poultrymeat which may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1372/95 of 16 June 1995 laying down detailed rules for implementing the system of export licences in the poultrymeat sector ⁽¹⁾, as last amended by Regulation (EC) No 2370/96 ⁽²⁾, and in particular Article 3(4) thereof,

Whereas Regulation (EC) No 1372/95 provides for specific measures where applications for export licences concern quantities and/or expenditure which exceed the normal trade patterns or where there is a risk that they will be exceeded, taking account of the limit referred to in Article 8(11) of Council Regulation (EEC) No 2777/75 ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾, and/or the corresponding expenditure during the period in question;

Whereas there is a risk that the issue of licences for the quantities applied for from 20 to 24 April 1998 lead to an

overrun in the quantities of the products concerned normally disposed of by way of trade,

HAS ADOPTED THIS REGULATION:

Article 1

No further action shall be taken in respect of applications pending for export licences for poultrymeat:

1. for applications from 20 to 24 April 1998, 100 % of the quantities applied for in the case of categories 1, 3 and 4 referred to in Annex I to the abovementioned Regulation shall be accepted;
2. for applications from 20 to 24 April 1998, 44,83 % of the quantities applied for in the case of category 6a and 24,11 % in the case of category 6b referred to in Annex I to the abovementioned Regulation shall be accepted.

Article 2

This Regulation shall enter into force on 29 April 1998.

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

Done at Brussels, 28 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 133, 17. 6. 1995, p. 26.

⁽²⁾ OJ L 323, 13. 12. 1996, p. 12.

⁽³⁾ OJ L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ L 305, 19. 12. 1995, p. 49.

COMMISSION REGULATION (EC) No 901/98
of 28 April 1998
amending Regulation (EEC) No 3611/84 fixing the conversion factors for frozen
squid
(Text with EEA relevance)

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

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products⁽¹⁾, as last amended by Regulation (EC) No 3318/94⁽²⁾, and in particular Articles 16(5) and 22(6) thereof,

Whereas Commission Regulation (EEC) No 3611/84⁽³⁾, as last amended by Regulation (EEC) No 2235/89⁽⁴⁾, fixed the conversion factors for frozen squid;

Whereas changes in the market and the guide prices mean that the conversion factors for frozen squid of the species *Loligo* spp. should be amended so that they can be applied to the reference price scheme and to the scheme referred to in Article 16(1) of Regulation (EEC) No 3759/92;

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

HAS ADOPTED THIS REGULATION:

Article 1

For frozen squid of the species *Loligo* spp., point (a) of the Annex to Regulation (EEC) No 3611/84 shall be replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 28 April 1998.

For the Commission
Emma BONINO
Member of the Commission

⁽¹⁾ OJ L 388, 31. 12. 1992, p. 1.

⁽²⁾ OJ L 350, 31. 12. 1994, p. 15.

⁽³⁾ OJ L 333, 21. 12. 1984, p. 41.

⁽⁴⁾ OJ L 215, 26. 7. 1989, p. 9.

ANNEX

Species	CN code	Presentation	Conversion factor
(a) Squid <i>Loligo</i> spp.:			
<i>Loligo patagonica</i>	ex 0307 49 35	Whole, not cleaned	1,00
		Cleaned	1,20
<i>Loligo vulgaris</i>	0307 49 31	Whole, not cleaned	2,50
		Cleaned	2,90
<i>Loligo pealei</i>	0307 49 33	Whole, not cleaned	1,75
		Cleaned	2,00
<i>Loligo opalescens</i>	ex 0307 49 38	Whole, not cleaned	1,00
		Cleaned	1,20
Other species of the genus <i>Loligo</i>	ex 0307 49 38	Whole, not cleaned	1,30
		Cleaned	1,50'

COMMISSION REGULATION (EC) No 902/98
of 28 April 1998
amending Regulation (EC) No 2573/97 fixing the reference prices for fishery
products for the 1998 fishing year
(Text with EEA relevance)

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

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products⁽¹⁾, as last amended by Regulation (EC) No 3318/94⁽²⁾, and in particular the first subparagraph of Article 22(6) and Article 23(5) thereof,

Whereas Article 22(1) of Regulation (EEC) No 3759/92 provides, *inter alia*, for the annual fixing of reference prices by category of products, to be valid throughout the Community in respect of products listed in Annexes I, II, III, IV(B) and V to that Regulation, subject to the consultation procedures for certain products within the framework of the General Agreement on Tariffs and Trade (GATT); whereas the said prices have been adopted by the Commission in Regulation (EC) No 2573/97⁽³⁾;

Whereas the adjustment factors for frozen squid of the genus *Loligo* spp. which apply under the reference price system were amended by Commission Regulation (EC) No 901/98⁽⁴⁾ to take account of market and guide price movements; whereas these amendments mean an adjustment of the prices concerned;

Whereas, to meet the needs of the market, separate reference prices should be set for salted cod of the species *Gadus macrocephalus*; whereas the relevant presentations of salted cod should also be amended to take account of market conditions for these products;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2573/97 is amended as follows:

The reference prices for the 1998 marketing year for various products appearing in Annexes II, IV(B) and V to Regulation (EEC) No 3759/92 are fixed as indicated in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 1 May 1998.

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

Done at Brussels, 28 April 1998.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ L 388, 31. 12. 1992, p. 1.

⁽²⁾ OJ L 350, 31. 12. 1994, p. 15.

⁽³⁾ OJ L 350, 20. 12. 1997, p. 46.

⁽⁴⁾ See page 4 of this Official Journal.

ANNEX

2. Reference prices for the products listed in Annex II to Regulation (EEC) No 3759/92

CN code	Description	Reference prices (ECU/tonne)
C. Frozen products falling within CN code 0307:		
	Squid of the genus <i>Loligo</i> spp.	
0307 49 35	— <i>Loligo patagonica</i> :	
	whole, not cleaned	898
	cleaned	1 078
0307 49 31	— <i>Loligo vulgaris</i> :	
	whole, not cleaned	2 246
	cleaned	2 605
0307 49 33	— <i>Loligo pealei</i> :	
	whole, not cleaned	1 572
	cleaned	1 797
ex 0307 49 38	— <i>Loligo opalescens</i> :	
	whole, not cleaned	898
	cleaned	1 078
ex 0307 49 38	— Other species:	
	whole, not cleaned	1 168
	cleaned	1 348

5. Reference prices for the products listed in Annexes IV(B) and V to Regulation (EEC) No 3759/92

Frozen and salted products falling within CN code 0303 and 0304:

Species	Presentation	Reference prices (ECU/tonne)
8. Cod (<i>Gadus morhua</i> and <i>Gadus ogac</i>) and fish of the species <i>Boreogadus saida</i> ex 0305 62 00, 0305 69 10	Salted fish, not dried nor smoked, and fish in brine	
	< 1,1 kg	2 612
	≥ 1,1 kg < 2,1 kg	2 869
	≥ 2,1 kg	3 313
Cod (<i>Gadus macrocephalus</i>) ex 0305 62 00	< 1,33 kg	1 785
	≥ 1,33 kg < 2,7 kg	2 107
	≥ 2,7 kg	2 633

COMMISSION REGULATION (EC) No 903/98

of 28 April 1998

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector⁽¹⁾, as last amended by Commission Regulation (EEC) No 551/98⁽²⁾, and in particular Articles 3(2) and 4(2) thereof,

Whereas Article 3(2) of Regulation (EEC) No 3950/92 provides that the guaranteed total quantities for Austria and Finland may be increased up to a maximum of 180 000 tonnes and 200 000 tonnes respectively in order to provide quota for Austrian and Finnish 'SLOM' producers; whereas pursuant to Article 6 of Commission Regulation (EC) No 671/95⁽³⁾, as amended by Regulation (EC) No 1390/95⁽⁴⁾, Austria and Finland have notified the quantities concerned for the 1997/98 marketing year; whereas the guaranteed total quantities should therefore be increased accordingly through the procedure laid down in Article 30 of Council Regulation (EEC) 804/68⁽⁵⁾, as last amended by Regulation (EC) No 1587/96⁽⁶⁾;

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

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

Whereas pursuant to Article 8 third indent of Commission Regulation (EEC) No 536/93⁽⁷⁾, as last amended by Regulation (EC) No 2186/96⁽⁸⁾, Belgium, Denmark, Germany, Spain, France, Ireland, the Netherlands, Austria

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Member State	Deliveries	Direct sales
Belgium	3 125 099	185 332
Denmark	4 454 649	699
Germany ⁽¹⁾	27 767 500	97 316
Greece	629 817	696
Spain	5 452 064	114 886
France	23 772 759	463 039
Ireland	5 235 902	9 862
Italy	9 698 399	231 661
Luxembourg	268 098	951
Netherlands	10 988 594	86 098
Austria	2 383 182	366 195
Portugal	1 835 461	37 000
Finland	2 388 183	10 000
Sweden	3 300 000	3 000
United Kingdom	14 354 321	235 726

⁽¹⁾ Of which 6 243 080 tonnes for deliveries by producers in the new *Länder* and 10 287 tonnes for direct sales in the new *Länder*.

⁽¹⁾ OJ L 405, 31. 12. 1992, p. 1.

⁽²⁾ OJ L 73, 12. 3. 1998, p. 1.

⁽³⁾ OJ L 70, 30. 3. 1995, p. 2.

⁽⁴⁾ OJ L 135, 21. 6. 1995, p. 4.

⁽⁵⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽⁶⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽⁷⁾ OJ L 57, 10. 3. 1993, p. 12.

⁽⁸⁾ OJ L 292, 15. 11. 1996, p. 6.

Article 2

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

It shall apply with effect from 1 April 1997.

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

Done at Brussels, 28 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 7 April 1998

concerning the conclusion of a framework agreement on cooperation between the European Economic Community and the Cartagena Agreement and its member countries, namely the Republic of Bolivia, the Republic of Colombia, the Republic of Ecuador, the Republic of Peru and the Republic of Venezuela

(98/278/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 113 and 130y, in conjunction with Article 228(2), first sentence and (3) first subparagraph thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas the Community, for the attainment of its aims in the sphere of external economic relations, should approve the framework agreement on cooperation between the European Economic Community and the Cartagena Agreement and its member countries, namely the Republic of Bolivia, the Republic of Colombia, the Republic of Ecuador, the Republic of Peru and the Republic of Venezuela,

HAS DECIDED AS FOLLOWS:

Article 1

The framework agreement on cooperation between the European Economic Community and the Cartagena Agreement and its member countries, namely the Republic of Bolivia, the Republic of Colombia, the Republic

of Ecuador, the Republic of Peru and the Republic of Venezuela is hereby approved on behalf of the Community.

The text of the agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 37 of the agreement.

Article 3

The Commission, assisted by representatives of the Member States, shall represent the Community in the joint committee set up by Article 32 of the agreement.

Article 4

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

Done at Luxembourg, 7 April 1998.

For the Council

The President

D. BLUNKETT

⁽¹⁾ OJ C 25, 28. 1. 1993, p. 31.

⁽²⁾ OJ C 234, 30. 8. 1993 and
OJ C 80, 16. 3. 1998.

FRAMEWORK AGREEMENT ON COOPERATION

between the European Economic Community and the Cartagena Agreement and its member countries, namely the Republic of Bolivia, the Republic of Colombia, the Republic of Ecuador, the Republic of Peru and the Republic of Venezuela

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part,

THE COMMISSION OF THE CARTAGENA AGREEMENT AND THE GOVERNMENTS OF THE REPUBLIC OF BOLIVIA, OF THE REPUBLIC OF COLOMBIA, OF THE REPUBLIC OF ECUADOR, OF THE REPUBLIC OF PERU AND OF THE REPUBLIC OF VENEZUELA,

of the other part,

CONSIDERING the traditional links of friendship between the countries of the European Community (hereinafter referred to as 'the Community') and the Cartagena Agreement and its Member States (hereinafter referred to as 'the Andean Pact');

REAFFIRMING their commitment to the principles of the United Nations Charter, to democratic values and to respect for human rights;

MINDFUL of their mutual interest in the establishment of cooperation in a number of sectors, and in particular those of economic cooperation, trade cooperation and development cooperation;

RECOGNISING the fundamental objective of the Agreement, which is to consolidate, deepen and diversify relations between the two Parties;

REAFFIRMING their mutual wish to encourage the development of regional organisations aimed at promoting economic growth and social progress;

RECOGNISING that the Cartagena Agreement is a subregional integration organisation and that the two Parties attach special importance to the promotion of the Andean integration process;

RECALLING the Joint Declaration issued by the Parties on 5 May 1980, the Cooperation Agreement signed in 1983, the Rome Declaration of 20 December 1990, the final communiqué adopted in Luxembourg on 27 April 1991 by the Community and its Member States and the countries of the Rio Group and the final communiqué adopted by the ministerial conference held in Santiago on 29 May 1992;

RECOGNISING the positive repercussions of the modernisation and economic reform process, and of the liberalisation of trade in the Andean countries;

RECOGNISING the importance attached by the Community to the development of trade and economic cooperation with developing countries, and mindful of its guidelines and resolutions concerning cooperation with Asian and Latin American developing countries;

RECOGNISING that the Andean Pact is made up of developing countries at different stages of development and that they include, in particular, one landlocked country and a number of particularly depressed regions;

CONVINCED of the importance of the principles of the GATT and of free international trade, and of respect for intellectual property rights and freedom of investment;

RECOGNISING the importance of international cooperation to assist countries affected by drug-related problems, and, in this context, the importance of the decision adopted by the Community on 29 October 1990 concerning the Special Cooperation Programme;

RECOGNISING the special importance attached by both Parties to increased protection for the environment;

RECOGNISING the need to promote social rights and in particular the rights of the most disadvantaged,

HAVE DECIDED to conclude this Agreement and to this end have designated as their plenipotentiaries:

FOR THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Niels Helveg PETERSEN,
Minister for Foreign Affairs of Denmark,
President-in-Office of the Council of the European Communities

Manuel MARÍN,
Vice-President of the Commission of the European Communities

FOR THE COMMISSION OF THE CARTAGENA AGREEMENT:

Miguel RODRIGUEZ MENDOZA,
President of the Commission of the Cartagena Agreement

FOR THE GOVERNMENT OF THE REPUBLIC OF BOLIVIA:

Ronald MacLEAN ABAROA,
Minister for Foreign Affairs and Worship

FOR THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA:

Noemi SANIN DE RUBIO,
Minister for Foreign Affairs

FOR THE GOVERNMENT OF THE REPUBLIC OF ECUADOR:

Diego PAREDES PENA,
Minister for Foreign Affairs

FOR THE GOVERNMENT OF THE REPUBLIC OF PERU:

Dr Oscar de la PUENTE RAYDADA,
Prime Minister and Minister for Foreign Affairs

FOR THE GOVERNMENT OF THE REPUBLIC OF VENEZUELA:

Fernando OCHOA ANTICH,
Minister for Foreign Affairs

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

*Article 1***Democratic basis for cooperation**

Cooperation ties between the Community and the Andean Pact, and this Agreement in its entirety, shall be based on respect for democratic principles and human rights which guide the domestic and international policies of both the Community and the Andean Pact and which constitute an essential component of this Agreement.

*Article 2***Intensification of cooperation**

1. The Contracting Parties hereby undertake to impart renewed vigour to relations between them. To achieve this essential objective, they have resolved to promote in particular the development of cooperation relating to trade, investment, finance and technology, taking account of the Andean countries' special status as developing countries, and to promote the intensification and consolidation of the process of integration in the Andean subregion.

2. To achieve the aims of this Agreement, the Parties acknowledge the value of consulting each other on international issues of mutual interest.

*Article 3***Economic cooperation**

1. The Contracting Parties, taking into account their mutual interest and medium- and long-term economic objectives, undertake to establish between themselves economic cooperation of the widest possible scope, from which no field of activity is excluded in principle. The aims of such cooperation shall be in particular to:

- (a) strengthen and diversify generally their economic links;
- (b) contribute to the sustainable development of both Parties' economies and standards of living;
- (c) encourage the expansion of trade with a view to promoting diversification and the opening-up of new markets;

- (d) encourage the flow of investment and the transfer of technology and reinforce investment protection;
- (e) establish conditions to raise the level of employment and improve human productivity in the work sector;
- (f) encourage measures promoting rural development and the improvement of urban living conditions;
- (g) stimulate scientific and technological progress, encourage transfers of technology and improve technological skills;
- (h) support the movement towards regional integration;
- (i) exchange information on statistics and methodology.

2. To this end and without excluding any area of activity from the outset, the Contracting Parties shall, in their mutual interest and with regard to their respective powers and capacities, determine by common agreement the spheres to be covered by economic cooperation. Cooperation shall centre particularly on the following:

- (a) industry;
- (b) agro-industry and the mining sector;
- (c) agriculture and fisheries;
- (d) energy planning and efficient use of energy;
- (e) protection of the environment and sustainable management of natural resources;
- (f) technology transfers;
- (g) science and technology;
- (h) intellectual property, including industrial property;
- (i) standards and quality criteria;
- (j) services, including financial services, tourism, transport, telecommunications and information technology;
- (k) information on monetary matters;
- (l) technical, health and plant health regulations;
- (m) consolidation of economic cooperation bodies;
- (n) regional development and frontier integration.

3. In the interests of attaining the objectives of economic cooperation, the Contracting Parties shall, each in accordance with its law, endeavour to promote activities including the following:

- (a) increasing contacts between the two Parties by organising conferences, seminars, trade and industry missions and business weeks (meetings of busi-

nessmen), general, specialised and subcontracting fairs, and exploratory missions designed to boost trade and investment flows;

- (b) joint participation of Community companies in fairs and exhibitions held in Andean Pact countries, and *vice versa*;
- (c) provision of technical assistance, notably by seconding consultants and carrying out specific studies;
- (d) research projects and the exchange of scientists;
- (e) promoting joint ventures, licensing agreements, transfers of technical know-how, subcontracting, and other activities;
- (f) exchanging appropriate information, especially as regards access to existing or future databases;
- (g) setting up business networks, particularly in the industrial sector.

Article 4

Most-favoured-nation treatment

The Contracting Parties hereby grant each other most-favoured-nation treatment in trade, in accordance with the General Agreement on Tariffs and Trade (GATT).

Both Parties reaffirm their will to conduct trade with each other in accordance with that Agreement.

Article 5

Trade cooperation development

1. The Contracting Parties undertake to develop and diversify trade to the highest possible degree, taking into account their respective economic situations and facilitating trade transactions between them as far as possible.

2. To that end, the Contracting Parties shall endeavour to find ways and methods of reducing and eliminating the obstacles hindering the development of trade, especially non-tariff and para-tariff barriers, taking account of work accomplished in this respect by international organisations.

3. The Contracting Parties shall, where appropriate, assess the possibility of setting up mutual consultation procedures.

Article 6

Means of achieving cooperation in trade

In the interests of bringing about more active cooperation in trade, the Contracting Parties shall take measures aimed at:

- promoting meetings, exchanges and contacts between entrepreneurs of each of the Parties, with the aim of identifying goods suitable for sale on the market of the other Party,
- facilitating cooperation between their respective customs services, in particular as regards vocational training, the simplification of procedures and the detection of customs offences,
- encouraging and providing support for trade-promotion activities such as seminars, symposia, fairs and trade and industrial exhibitions, trade visits, reciprocal visits, business weeks and other activities,
- providing support for their own organisations and firms, to enable them to engage in activities which are of benefit to both sides,
- taking into consideration each other's interests with regard to market access for commodities, semi-finished and manufactured goods and with regard to the stabilisation of world commodity markets, in accordance with the aims agreed within the appropriate international organisations,
- examining ways and means of facilitating trade and eliminating barriers to trade, taking into consideration the work carried out by international organisations.

Article 7

Temporary admission of goods

The Contracting Parties undertake to grant each other tax and duty exemption for temporary import of goods, in accordance with their respective laws and taking account, wherever possible, of existing international agreements in this field.

Article 8

Industrial cooperation

1. The Contracting Parties shall promote the expansion and diversification of the Andean countries' production base in the industrial and service sectors, directing their

cooperation activities at small and medium-sized enterprises in particular and encouraging steps to facilitate access for those enterprises to sources of capital, markets and appropriate technology, and also fostering joint ventures.

2. To that end, within the limits of their responsibilities, the Parties shall encourage projects and operations promoting:

- the consolidation and extension of the networks established for the purposes of cooperation,
- increased use of the financial instrument 'EC Investment Partners' (ECIP) by, *inter alia*, greater use of Andean Pact financial institutions,
- cooperation between economic agents, such as joint ventures, subcontracting, transfers of technology, licensing, applied research and franchising,
- the setting-up of an EC-Andean Pact business council and other bodies conducive to the expansion of ties between them.

Article 9

Investment

1. The Contracting Parties agree:

- to promote, so far as their powers, rules and regulations and respective policies permit, an increase in mutually beneficial investment,
- to improve the climate for such investment by seeking, in particular, agreements on investment promotion and protection between the Community's Member States and the Andean Pact countries based on the principles of non-discrimination and reciprocity.

2. In pursuit of these objectives, the Contracting Parties shall endeavour to stimulate investment promotion, *inter alia*, by means of:

- seminars, exhibitions and visits by company directors,
- training businessmen with a view to setting up investment projects,
- technical assistance necessary for joint investment,
- measures under the ECIP programme.

3. Cooperation in this field may involve public, private, national or multilateral bodies, including regional financial institutions such as 'Corporación Andina de Fomento' (CAF) and 'Fondo Latinoamericano de Reservas' (FLAR).

*Article 10***Cooperation between financial institutions**

The Contracting Parties shall endeavour to foster, according to their needs and within the framework of their respective programmes and legislation, cooperation between financial institutions in the form of:

- exchanges of information and experience in fields of mutual interest. This cooperation may take the form of, *inter alia*, the organisation of seminars, conferences and workshops,
- exchanges of experts,
- the provision of technical assistance activities,
- exchanges of information in the fields of statistics and methodology.

*Article 11***Scientific and technological cooperation**

1. In accordance with their mutual interest and the aims of their policies on science, the Contracting Parties undertake to develop cooperation in science and technology aimed in particular at:

- encouraging exchanges of Community and Andean Pact scientists,
- establishing permanent links between their scientific and technological communities,
- promoting mutually beneficial transfers of technology,
- encouraging ties between research centres on both sides with a view to finding joint solutions to problems affecting both Parties,
- implementing measures with a view to achieving the goals of both Parties' research programmes,
- building up research capacities and stimulating technological innovation,
- creating opportunities for economic, industrial and trade cooperation,
- promoting relations between academic and research institutions and the manufacturing sectors of both Parties,
- facilitating exchanges of information and reciprocal access to information networks.

2. The extent of cooperation shall be determined by the desires of the Parties, which shall jointly select priority areas.

These shall include:

- advanced scientific and technological research,
- development and management of science and technology policies,
- protection and improvement of the environment,
- rational use of natural resources,
- integration and regional cooperation in science and technology,
- biotechnology,
- new materials.

3. In order to achieve their chosen objectives, the Contracting Parties shall encourage and foster measures including:

- the execution of joint research projects involving research centres and other qualified institutions on both sides,
- advanced training for scientists, in particular through research projects at the other Contracting Party's research centres,
- exchanges of scientific information, in particular through the joint organisation of seminars, workshops, working meetings and conferences attended by top-level scientists from both Contracting Parties,
- distribution of scientific and technological information and know-how.

*Article 12***Cooperation on standards**

Without prejudice to their international obligations, within the scope of their responsibilities, and in accordance with their laws, the Contracting Parties shall take steps to reduce differences in respect of weights and measures, standardisation and certification by promoting the use of compatible systems of standards and certification. To that end, they shall encourage the following in particular:

- establishing links between experts in order to facilitate exchanges of information and studies on weights and measures, standards, quality control and quality promotion and certification, and to promote the development of technical assistance in this field,
- fostering exchanges and contact between bodies and institutions specialising in these fields,
- carrying out measures aimed at achieving mutual recognition of systems and quality certification,
- holding consultations in the fields concerned.

*Article 13***Technological development and intellectual and industrial property**

1. For the purpose of achieving effective collaboration between Andean Pact countries' and Community enterprises in the fields of the transfer of technology, licensing, joint investment and venture capital financing, the Contracting Parties, with due respect for intellectual and industrial property rights, undertake:

- to identify the branches or sectors of industry on which cooperation will centre and the means to promote industrial cooperation having an advanced technological bias,
- to cooperate in encouraging the mobilisation of financial resources to support joint projects between Andean Pact and Community enterprises, the aim of which is to apply new findings in technology to industry,
- to support the training of qualified technological and research personnel,
- to promote innovation by means of an exchange of information on the programmes each side is conducting for that purpose, periodic exchanges of experience derived from the running of innovation programmes and by means of exchange schemes between Andean Pact and Community institutions for officials of both Parties responsible for promoting innovation.

2. The Contracting Parties undertake to ensure, so far as their laws, regulations and policies allow, that suitable and effective protection is provided for intellectual and industrial property rights, including geographical designations and appellations of origin, reinforcing this protection where desirable. They also undertake, wherever possible and so far as their laws, regulations and policies allow, to facilitate access to the databases and databanks in this field.

*Article 14***Cooperation in the mining sector**

The Contracting Parties agree to promote cooperation in mining, chiefly through the implementation of operations aimed at:

- encouraging the involvement of enterprises of both Parties in exploration, mining and marketing of their mineral resources,

- setting up activities to encourage small and medium-sized enterprises operating in the mining sector,
- exchanging experience and technology relating to mining prospecting, exploration and mineral exploitation, and performing joint research to increase the opportunities for technological development.

*Article 15***Cooperation in the energy sector**

The Contracting Parties recognise the importance of the energy sector to economic and social development and are prepared to step up their cooperation in this field, notably as regards planning, conservation and the efficient use of energy, and the development of new, commercially viable energy sources. This improved cooperation will also take environmental implications into consideration.

To these ends, the Contracting Parties agree to promote:

- the conduct of joint studies and research, particularly as regards energy forecasts and assessments,
- on-going contacts between energy planners,
- the implementation of joint programmes and projects in this field.

*Article 16***Cooperation on transport**

Recognising the importance of transport to economic development and the intensification of trade, the Contracting Parties shall adopt the necessary measures to implement cooperation in respect of all types of transport.

Cooperation shall centre on the following:

- exchanges of information on the parties' respective transport policies and on subjects of common interest,
- economic, legal and technical training programmes aimed at economic operators and those in charge of public-sector departments,
- technical assistance, particularly in connection with infrastructure modernisation programmes.

*Article 17***Cooperation in the field of information technology and telecommunications**

1. The Contracting Parties recognise that information technology and telecommunications are vital to economic and social development and declare themselves prepared to promote cooperation in the fields of common interest, particularly in respect of the following:

- standardisation, conformity testing and certification,
- earth and space-based telecommunications such as transmission networks, satellites, fibre optics, Integrated Digital Network (ISDN), data transmission, rural and mobile telephone systems,
- electronics and microelectronics,
- information and automation,
- high-definition television,
- research and development in new information technologies and telecommunications,
- promotion of investment and joint investment.

2. Such cooperation shall take place in particular through:

- collaboration between experts,
- expert assessments, studies and exchanges of information,
- training of scientists and technicians,
- formulation and implementation of specific projects of mutual benefit,
- promotion of joint projects relating to research and development, the establishment of information networks and databanks, facilitation of access to existing databanks and information networks.

Article 18

Cooperation on tourism

Within the bounds of their laws, the Contracting Parties shall contribute to cooperation on tourism in the Andean Pact countries, which is to be achieved through specific measures including:

- exchanges of information and forward studies,
- assistance in statistics and data processing,
- training,
- organisation of events,
- the promotion of investment and joint investment in order to expand tourist travel.

Article 19

Cooperation on the environment

In instituting cooperation on environmental matters, the Contracting Parties affirm their will to contribute to sustainable development; they will endeavour to reconcile the need for economic and social development with the

need for due protection of nature and will devote particular attention in their cooperation to the most disadvantaged sections of the population, to the urban environment and to the protection of ecosystems such as tropical forests.

To those ends, the Parties shall endeavour to work together on measures targeting in particular:

- the creation and improvement of public and private-sector environmental structures,
- public information and awareness,
- the implementation of studies and projects and the provision of technical assistance,
- the organization of meetings, seminars, etc.,
- exchanges of information and experience,
- research projects on disasters and their prevention,
- the development and alternative economic use of protected areas,
- industrial cooperation applied to the environment.

Article 20

Cooperation in the biological diversity sector

The Contracting Parties shall endeavour to establish cooperation, particularly in the field of biotechnology, aimed at preserving biological diversity. Cooperation should be based on three criteria, namely: socio-economic utility, ecological conservation and the interests of native peoples.

Article 21

Development cooperation

With a view to increasing the effectiveness of cooperation in the areas referred to below, the Parties shall seek to establish a multiannual programme. Furthermore, the Parties recognize that the desire to see development better managed involves, on the one hand, giving priority to the poorest sections of the population and the most deprived regions, and, on the other, entails ensuring that environmental issues are closely integrated into the development process.

Article 22

Cooperation on agriculture, forestry and in rural areas

The Contracting Parties shall establish cooperation in the areas of agriculture, forestry, agro-industry, agri-foodstuffs and tropical products.

To these ends, in a spirit of cooperation and goodwill and taking into account the laws of both Parties on such issues, the Contracting Parties shall examine:

- opportunities for developing trade in agricultural, forestry, agro-industrial and tropical products,
- measures governing human and plant health and the environment, and any obstacles there might be to trade in this field.

The Contracting Parties shall endeavour to promote cooperation on:

- the development of agriculture,
- the protection and sustainable development of forestry resources,
- the agricultural and rural environments,
- training of human resources in the field of rural development,
- contact between the Parties' agricultural producers, in the interests of facilitating trade operations and investment,
- agronomical research,
- agricultural statistics.

Article 23

Cooperation on health

The Contracting Parties agree to cooperate to improve public health, concentrating on the needs of the most disadvantaged sections of the population.

To these ends, they shall seek to develop joint research, technology transfers, exchanges of experience and technical assistance, in particular with regard to:

- the management and administration of the services concerned,
- the development of vocational training programmes,
- the improvement of sanitary conditions (with particular regard to combating cholera) and well-being in urban and rural areas,
- the prevention and treatment of acquired immunodeficiency syndrome (AIDS).

Article 24

Cooperation on social development

1. The Contracting Parties shall establish cooperation to further social development in the Andean Pact, with

the particular aim of improving the living conditions of the poorest sections of the Andean Pact countries' population.

2. Measures and programmes to attain these aims shall include support, essentially in the form of technical assistance, in the following fields:

- social services administration,
- vocational training and job-creation,
- the improvement of living conditions and hygiene in urban and rural areas,
- preventive healthcare,
- protection of children,
- education and assistance programmes for young people,
- the role of women.

Article 25

Cooperation in combating drug abuse

Within the scope of their powers, the Contracting Parties undertake to coordinate and step up their efforts to prevent and reduce the production, distribution and consumption of illegal drugs.

This cooperation, relying upon the bodies competent in this area, shall include the following:

- projects for the benefit of Andean Pact nationals, providing training, education, treatment and rehabilitation for addicts,
- research programmes,
- cooperation measures and projects designed to encourage alternative opportunities, including alternative crops,
- exchanges of all relevant information, including information concerning measures relating to money-laundering,
- monitoring trade in precursor and essential chemical products,
- drug-abuse prevention programmes.

The Contracting Parties may by mutual agreement extend their cooperation to other areas.

Article 26

Regional integration and cooperation

The Contracting Parties shall take steps to encourage the regional integration of the Andean countries.

Priority shall be given in particular to:

- providing technical assistance in connection with the technical and practical aspects of integration,
- the promotion of subregional, regional and international trade,
- the development of regional environmental cooperation,
- upgrading regional institutions and supporting the implementation of joint policies and activities,
- encouraging the development of regional communications.

Article 27

Cooperation in the public administration area

The Contracting Parties shall cooperate in administrative matters in institutional organization and in the administration of justice at national, regional and municipal levels.

To these ends, they shall take steps aimed at:

- encouraging exchanges of information and training courses for national, regional and municipal officials and employees;
- increasing government efficiency.

Article 28

Cooperation in information, communication and culture

The Contracting Parties agree to take action jointly in the fields of information and communication in order to:

- promote understanding of the nature and aims of the European Community and of the Andean Pact,
- encourage Community and Andean Pact Member States to strengthen their cultural ties.

In particular, these measures shall take the form of:

- appropriate exchanges of information on issues of common interest in the fields of culture and information,
- promoting cultural events and exchanges,
- preparatory studies and technical assistance for the preservation of the cultural heritage.

Article 29

Cooperation on fisheries

The Contracting Parties acknowledge the importance of achieving a convergence in their interest in the field of fisheries. They shall endeavour to intensify and develop cooperation in this regard by:

- drawing up and implementing special programmes,
- encouraging the private sector to participate in developing this sector.

Article 30

Cooperation in training

Wherever it is clear that improved training would strengthen cooperation, appropriate action may be taken in areas of mutual interest, taking account of new technologies in the field.

Such cooperation may take the form of:

- steps to improve the training of technicians and professionals,
- measures with a significant knock-on effect, training for instructors and technical executives who are already in positions of responsibility in public and private-sector enterprises, government, the public-service sector and economic administration,
- specific programmes for exchanges of consultants, know-how and technology between training institutions in the European and Andean countries, with particular emphasis on the technical, scientific and vocational sectors,
- literacy programmes linked to health and social development projects.

Article 31

Resources for undertaking cooperation

1. The Contracting Parties undertake to make available, within the limits of their abilities and through their own channels, the resources appropriate for the attainment of the objectives of the cooperation for by this Agreement, including financial resources. In this connection, multiannual programming will be carried out and priorities determined, whenever possible, taking account of needs and of the Andean Pact countries' level of development.

2. In order to facilitate the cooperation specified in this Agreement, the Andean Pact countries shall:

- grant Community experts the guarantees and facilities they require to carry out their tasks,

- exempt goods and services to be imported for the purposes of EC/Andean Pact cooperation projects from taxes, duties and other contributions.

These principles will be made explicit in subsequent arrangements, in line with national legislation.

Article 32

Joint committee

1. The Contracting Parties agree to retain the Joint Committee established pursuant to the 1983 Cooperation Agreement; likewise, they agree to retain the Subcommittee on Science and Technology, the Subcommittee on Industrial Cooperation and the Subcommittee on Trade Cooperation.

2. The Joint Committee shall:

- see to the proper functioning of this Agreement,
- coordinate activities, projects and specific operations in relation to the aims of this Agreement and propose the means necessary for their implementation,
- study the development of trade and cooperation between the Parties,
- make any recommendations required to promote the expansion of trade and intensify and diversify co-operation,
- seek appropriate methods of forestalling problems which might arise in areas covered by this Agreement.

3. The agenda for Joint Committee meetings shall be set by mutual agreement. The Committee shall itself establish provisions concerning the frequency and venue of its meetings, chairmanship, the possible establishment of subcommittees additional to those already in existence, and other issues.

Article 33

Other agreements

1. Without prejudice to the provisions of the Treaties establishing the European Communities, neither this Agreement nor any action taken under it shall in any way affect the powers of the Member of the Communities to undertake bilateral activities with the Andean Pact countries in the field of economic cooperation or, where appropriate, to conclude new economic cooperation agreements with the Andean Pact countries.

2. Without prejudice to the provisions of the previous paragraph concerning economic co-operation, the provisions of this Agreement shall replace the provisions of the agreements concluded between the Member States of the Communities and the Andean Pact countries where such

provisions are either incompatible with, or identical to, the provisions of this Agreement.

Article 34

European Coal and Steel Community

A separate protocol shall be concluded between the European Coal and Steel Community and its Member States, on the one hand, and the Cartagena Agreement and its Member States on the other hand.

Article 35

Territorial application

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other, to the territories covered by the Cartagena Agreement.

Article 36

Annex

The Annex shall form an integral part of this Agreement.

Article 37

Entry into force and tacit renewal

This Agreement shall enter into force on the first day of the month following the date on which the Contracting Parties have notified each other of the completion of the procedures necessary for this purpose. It shall be concluded for a period of five years. It shall be renewed tacitly on a yearly basis unless one of the Contracting Parties denounces it to the other Party in writing six months before the date of expiry.

Article 38

Authentic texts

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each text being equally authentic.

Article 39

Future developments

1. The Contracting Parties may by mutual consent develop and improve this Agreement with a view to enhancing the levels of cooperation and to supplementing it by means of agreements on specific sectors or activities.

2. With regard to the implementation of this Agreement, either of the Contracting Parties may put forward suggestions for widening the scope of cooperation, taking into account the experience gained in its application.

En fe de lo cual, los plenipotenciarios abajo firmantes suscriben el presente Protocolo.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne protokol.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Protokoll gesetzt.

Εἰς πίστωση τῶν ἀνωτέρω, οἱ υπογεγραμμένοι πληρεξούσιοι ἔθεσαν τὶς υπογραφές τους στο παρὸν πρωτόκολλο.

In witness whereof the undersigned Plenipotentiaries have signed this Protocol.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent protocole.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente protocollo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit protocol hebben gesteld.

Em fé do que, os plenipotenciários abaixo-assinados apuseram as suas assinaturas no final do presente protocolo.

Hecho en Copenhague, el veintitrés de abril de mil novecientos noventa y tres.

Udfærdiget i København, den treogtyvende april nitten hundrede og treoghalvfems.

Geschehen zu Kopenhagen am dreiundzwanzigsten April neunzehnhundertdreiundneunzig.

Έγινε στην Κοπεγχάγη, στις είκοσι τρεις Απριλίου χίλια εννιακόσια ενενήντα τρία.

Done at Copenhagen on the twenty-third day of April in the year one thousand nine hundred and ninety-three.

Fait à Copenhague, le vingt-trois avril mil neuf cent quatre-vingt-treize.

Fatto a Copenaghen, addì ventitré aprile millenovecentonovantatré

Gedaan te Kopenhagen, de drieëntwintigste april negentienhonderd drieënnegentig.

Feito em Copenhaga, em vinte e três de Abril de mil novecentos e noventa e três.

Por el Consejo de las Comunidades Europeas

For Rådet for De Europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

Για το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων

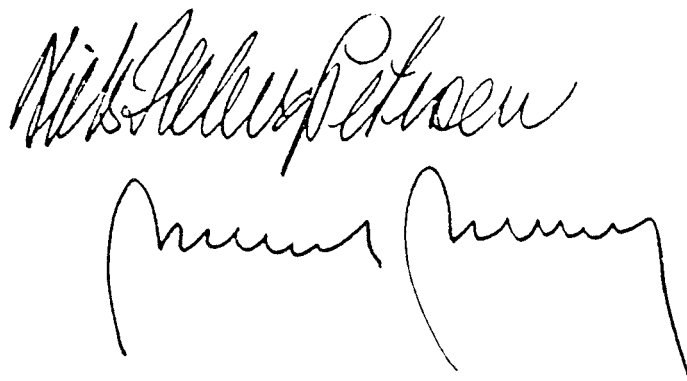
For the Council of the European Communities

Pour le Conseil des Communautés européennes

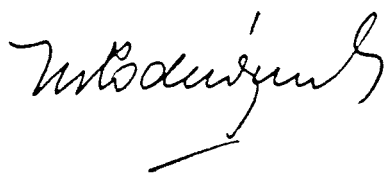
Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

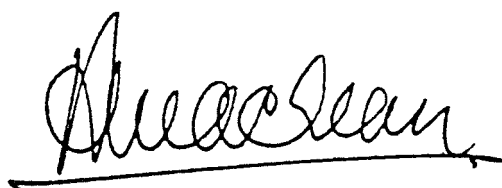
Pelo Conselho das Comunidades Europeias

A handwritten signature in black ink, appearing to read 'Niklas B. Petersen', followed by a large, stylized flourish or second signature.

Por la Comisión del Acuerdo de Cartagena

A handwritten signature in black ink, appearing to read 'T. B. ...', with a horizontal line drawn underneath.

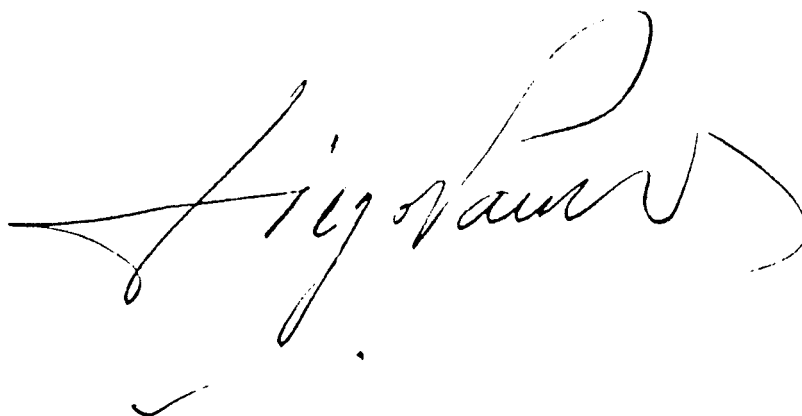
Por el Gobierno de la República de Bolivia

A handwritten signature in black ink, appearing to read 'H. ...', with a horizontal line drawn underneath.

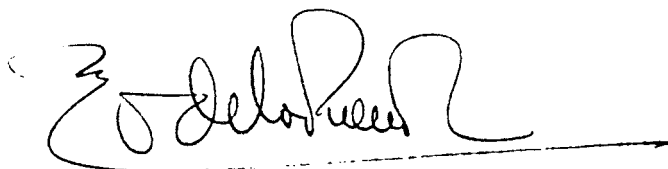
Por el Gobierno de la República de Colombia



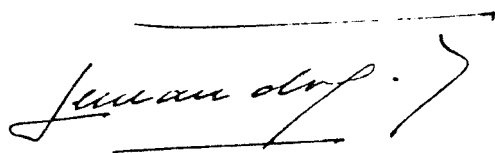
Por el Gobierno de la República del Ecuador



Por el Gobierno de la República del Perú



Por el Gobierno de la República de Venezuela



ANNEX

EXCHANGE OF LETTERS
ON SHIPPING*Letter No 1*

Brussels,

Sir,

We should be obliged if you would confirm the following:

When the Agreement on cooperation between the European Community and the Cartagena Agreement and its Member States was signed, the Parties undertook to address in the appropriate manner issues relating to the operation of shipping, particularly where the development of trade might be hindered. In this respect, mutually satisfactory solutions on shipping will be sought, subject to observance of the principle of free and fair competition on a commercial basis.

It has likewise been agreed that such issues should also be discussed by the Joint Committee.

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

*On behalf of the Council
of the European Communities*

Letter No 2

Brussels,

Sir,

I have the honour to acknowledge receipt of your letter of today's date and confirm the following:

'When the Agreement on cooperation between the European Community and the Cartagena Agreement and its Member States was signed, the Parties undertook to address in the appropriate manner issues relating to the operation of shipping, particularly where the development of trade might be hindered. In this respect, mutually satisfactory solutions on shipping will be sought, subject to the observance of the principle of free and fair competition on a commercial basis.

It has likewise been agreed that such issues should also be discussed by the Joint Committee.'

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

*For the Cartagena Agreement
and its Member States*

Information concerning the entry into force of the framework Agreement on Co-operation between the European Economic Community and the Cartagena Agreement and its member countries, namely the Republic of Bolivia, the Republic of Colombia, the Republic of Ecuador, the Republic of Peru and the Republic of Venezuela

Since the exchange of the instruments of notification of the completion of the procedures necessary for the entry into force of the above Agreement, signed in Copenhagen on 23 April 1993, took place on 23 April 1998, this Agreement will, pursuant to Article 37 thereof, enter into force on 1 May 1998.

COMMISSION

COMMISSION DECISION

of 5 December 1997

on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards non load-bearing permanent shuttering kits/systems based on hollow blocks or panels of insulating materials and, sometimes, concrete

(Text with EEA relevance)

(98/279/EC)

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

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products ⁽¹⁾, as amended by Directive 93/68/EEC ⁽²⁾, and in particular Article 13(4) thereof,

Whereas the Commission is required to select, as between the two procedures under Article 13(3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4), the intervention of an approved certification body is therefore required;

Whereas Article 13(4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

Whereas the two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

Whereas the procedure referred to in point (a) of Article 13(3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second

and third possibilities of point (ii) of section 2 of Annex III, and the procedure referred to in point (b) of Article 13(3) corresponds to the systems set out in point (i) of section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of section 2 of Annex III;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Construction,

HAS ADOPTED THIS DECISION:

Article 1

The products set out in Annex I shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

Article 2

The procedure for attesting conformity as set out in Annex II shall be indicated in mandates for European technical specifications.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 5 December 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 40, 11. 2. 1989, p. 12.

⁽²⁾ OJ L 220, 30. 8. 1993, p. 1.

ANNEX I

Non load-bearing permanent shuttering kits/systems, to be filled with normal concrete and, where relevant, with reinforcement, based on either blocks made of an insulating material (or a combination of an insulating material and other materials) or panels made of an insulating material (or a combination of an insulating material and other materials), consisting of shuttering leaves linked by spacers, in either case materials of any reaction to fire class, to be used for the construction of external and internal walls subject to fire regulations, in buildings.

Non load-bearing permanent shuttering kits/systems, to be filled with normal concrete and, where relevant, with reinforcement, based on either hollow blocks made of an insulating material (or a combination of an insulating material and other materials) or panels made of an insulating material (or a combination of an insulating material and other materials), consisting of shuttering leaves linked by spacers in either case materials of any reaction to fire class, to be used for the construction of external and internal walls not subject to fire regulations, in buildings.

ANNEX II

PRODUCT FAMILY

NON LOAD BEARING PERMANENT SHUTTERING: KITS/SYSTEMS BASED ON HOLLOW BLOCKS OR PANELS OF INSULATING MATERIALS AND, SOMETIMES, CONCRETE (1/1)**Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, EOTA is requested to specify the following system(s) of attestation of conformity in the relevant guideline for European technical approval:

Product(s)	Intended use(s)	Level(s) or class(es) (reaction to fire)	Attestation of conformity system(s)
Non load-bearing permanent shuttering kits/systems , to be filled with normal concrete and, where relevant, with reinforcement, based on either: — hollow blocks made of an insulating material (or a combination of an insulating material and other materials); or — panels made of an insulating material (or a combination of an insulating material and other materials), consisting of shuttering leaves linked by spacers.	for the construction of external and internal walls subject to fire regulations, in buildings.	A (*), B (*), C (*)	1
		A (**), B (**), C (**) A (***) D, E, F	2 +
	for the construction of external and internal walls not subject to fire regulations, in buildings	any	2 +

System 1: See Annex III Section 2 point (i), of Directive 89/106/EEC, without audit-testing of samples.

System 2+: See Annex III Section 2 point (ii) of Directive 89/106/EEC, first possibility, including certification of the factory production control by an approved body on the basis of initial inspection of factory and of factory production control as well as of continuous surveillance, assessment and approval of factory production control

(*) Products made with materials for which the reaction to fire performance is susceptible to change during the production process.

(**) Products made with materials for which the reaction to fire performance is not susceptible to change during the production process.

(***) Products made with materials of class A that according to the Decision 96/603/EC do not require to be tested for reaction to fire.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2.1 of the CPD and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

COMMISSION DECISION

of 8 April 1998

**amending the boundaries of the mountain areas in France within the meaning of
Council Regulation (EC) No 950/97**

(Only the French text is authentic)

(98/280/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 950/97 of 20 May 1997 on improving the efficiency of agricultural structures⁽¹⁾, and in particular Article 21(3) thereof,Whereas Council Directive 75/271/EEC⁽²⁾, as last amended by Commission Decision 97/158/EC⁽³⁾, concerning the Community list of less-favoured farming areas within the meaning of Regulation (EC) No 950/97 (France), lists the areas in France defined as mountain areas within the meaning of Article 23 of Regulation (EC) No 950/97 and the specific criteria which resulted in their being so defined;

Whereas the French Government notified the Commission, in accordance with Article 21(3) of Regulation (EC) No 950/97, of new areas likely to be included on the Community list of mountain areas and provided information on their characteristics; whereas, furthermore, the special aid scheme existing in the mountain areas will be extended to the new areas;

Whereas, as the above notification indicates, some areas meet criteria and indices in Council Directive 76/401/EEC⁽⁴⁾ used to identify the areas covered by Article 23 of Regulation (EC) No 950/97; whereas the areas in question must therefore be included in the Community

list of mountain areas within the meaning of Article 23 of Regulation (EC) No 950/97;

Whereas these amendments do not increase the utilised agricultural area of the less-favoured areas in France by more than 1,5 % because the areas are already classed as less-favoured pursuant to Article 24 of Regulation (EC) No 950/97;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS DECISION:

Article 1

The Community list of mountain areas in France in the Annex to Directive 75/271/EEC is supplemented by the list in the Annex to this Decision.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 8 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 142, 2. 6. 1997, p. 1.⁽²⁾ OJ L 128, 19. 5. 1975, p. 33.⁽³⁾ OJ L 60, 1. 3. 1997, p. 64.⁽⁴⁾ OJ L 108, 26. 4. 1976, p. 22.

ANNEX

Mountain areas pursuant to Article 23 of Regulation (EC) No 950/97

Region	Department	Canton	Municipality	Total area (ha)	UAA (ha)
AQUITAINE	Pyrénées-Atlantiques	Hasparren	— Saint-Martin-d'Arberoue	1 469	1 033
		Hendaye	— Biriattou	1 104	150
		Iholdy	— Iholdy	2 163	1 371
		Labastide-Clairence	— Ayherre	2 765	1 383
			— Isturits	1 360	478
			— Labastide-Clairence	2 339	1 439
		Lasseube	— Aubertin — Lasseubetat	1 716 706	694 459
		Saint-Palais	— Orègue	3 643	1 876

COMMISSION DECISION

of 17 April 1998

authorising the Member States to permit temporarily the marketing of seed of sheep's fescue (*Festuca ovina* L.) not satisfying the requirements of Council Directive 66/401/EEC

(98/281/EC)

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

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽¹⁾, as last amended by the Directive 96/72/EC⁽²⁾, and in particular Article 17 thereof,

Having regard to the request submitted by Sweden,

Whereas in Sweden the production of seed of certain varieties of the category 'certified seed' of sheep's fescue (*Festuca ovina* L.) satisfying the requirements of the said Directive in relation to minimum germination capacity has been insufficient in 1997 and is therefore not adequate to meet that country's needs; whereas those varieties have proven to be suitable under the climatic conditions in the northern part of the applicant country, to have good wintering capacity and to be resistant to winter damage;

Whereas it is not possible to cover this demand satisfactorily with seed from other Member States, or from third countries, satisfying all the requirements laid down in the said Directive;

Whereas Sweden should therefore be authorised to permit for a period expiring on 30 April 1998 the marketing of seed of the abovementioned species subject to less stringent requirements;

Whereas, moreover, other Member States which are able to supply Sweden with such seed not satisfying the requirements of the said Directive should be authorised to permit the marketing of such seed;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

Sweden is authorised to permit, for a period expiring on 30 April 1998, the marketing in its territory of a maximum of 1,4 tonnes of seed of the category 'certified

seed' of the varieties of sheep's fescue (*Festuca ovina* L.) listed below which do not satisfy the requirements laid down in Annex II to Directive 66/401/EEC with regard to minimum germination capacity, provided that the germination capacity is at least 65 % of pure seed and the official label bears the endorsement 'minimum germination capacity 65 %':

- (i) Barfina;
- (ii) Barreppo;
- (iii) Biljart;
- (iv) Valda;
- (v) Waldina.

Article 2

Member States other than the applicant Member State are also authorised to permit, on the terms set out in Article 1 and for the purposes intended by the applicant Member State, the marketing in their territory of the seed authorised to be marketed under this Decision.

Article 3

Member States shall immediately notify the Commission and the other Member States of the various quantities of seed labelled and permitted to be marketed in their territory pursuant to this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 17 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ L 304, 27. 11. 1996, p. 10.

COMMISSION RECOMMENDATION

of 21 April 1998

on the ways in which the Member States and the signatory States to the Agreement on the European Economic Area should protect intellectual property in connection with the development and manufacture of flavouring substances referred to in Regulation (EC) No 2232/96 of the European Parliament and of the Council

(Text with EEA relevance)

(98/282/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the second indent of Article 155 thereof,

Whereas pursuant to Article 3(1) of Regulation (EC) No 2232/96 of the European Parliament and of the Council of 28 October 1996 laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs⁽¹⁾, the Member States⁽²⁾ must notify the Commission of the list of flavouring substances which may be used in or on foodstuffs marketed on their territory; whereas these flavouring substances and the technical data relating to them are initially communicated to the competent authorities of the Member States by their manufacturer; whereas under the first subparagraph of Article 3(2) and Article 4(1) of Regulation (EC) No 2232/96 this information may be entered in a register and in an evaluation programme made public; whereas, moreover, a number of persons should have access to this information throughout the Community procedure set up by the Regulation;

Whereas, however, the circulation of some of this information should be restricted; whereas the development of certain new flavouring substances and the manufacture of certain existing flavouring substances calls for heavy investment by manufacturers in research and production; whereas flavouring substances which are not inventions cannot be patented; whereas the development and manufacture of such flavouring substances nonetheless amount to trade secrets which have to be protected against acts of counterfeiting and unfair competition;

Whereas the Community legislature has taken account of this fact by requiring in the second subparagraph of Article 3(2) of Regulation (EC) No 2232/96 that these flavouring substances be 'designated in such a way as to protect the intellectual property rights of their manufacturer'; whereas this need to protect intellectual property is also referred to in recital 14 of the preamble to that Regulation; whereas this requirement applies not only to

flavouring substances notified pursuant to Article 3(1) of the Regulation but also in the future to new flavouring substances as referred to in Article 5(2) thereof; whereas this requirement applies at all stages of the Community procedure set up by the Regulation;

Whereas intellectual property can be protected through the confidentiality of the technical data concerning the flavouring substances in question; whereas it is necessary to define the ways in which such confidential data should be protected by the Member States; whereas these ways can be defined by way of a Commission recommendation addressed to the Member States; whereas the ways in which confidential data is to be protected by the Commission are described in the communication of 21 April 1998⁽³⁾;

Whereas the bodies representing the manufacturers of flavouring substances consider it sufficient to protect confidential data for a period of five years;

Whereas the Member States have been consulted on this recommendation within the framework of the Standing Committee on Foodstuffs,

HEREBY FORMULATES THIS RECOMMENDATION:

1. Protection of the confidential data concerning a flavouring substance should be provided at the express request of the manufacturer of the flavouring substance in question, or his representative, made to the competent authorities of the Member State on whose territory the flavouring substance may be used. The Member State should examine each case to see whether or not such protection should be provided.
2. This confidential information may cover:
 - the nature of the flavouring substances, their origin and the manufacturing process involved,
 - the conditions as to the use of the flavouring substances, including the names of the foodstuffs in or on which they may be used,

⁽¹⁾ OJ L 299, 23. 11. 1996, p. 1.

⁽²⁾ In this recommendation, reference to the Member States also covers the signatories to the EEA Agreement.

⁽³⁾ OJ C 131, 29. 4. 1998, p. 3.

- all the information which is not generally known to persons belonging to the circles normally dealing with the type of information in question or which is not easily accessible to them and has a commercial value.
3. Where the Member State notifies to the Commission a list of flavouring substances which may be used on its territory, it should clearly indicate which substances on that list and/or which data have to be protected.
 4. The need to protect confidential data extends to all stages of the procedure set up by Regulation (EC) No 2232/96, and particularly in the following three areas: the possession of information, its dissemination and its processing. It is for the administrations concerned to provide such protection at their own level in each of these areas by the appropriate means (security of the premises where such data is held, security of document transmission, identification of copies made by whatever means and of the persons for whom those copies are intended, confidentiality of translations, etc.).
 5. At all stages of the procedure, the confidential data should be accessible only to those persons in charge or directly involved in the administrative, technical or scientific processing of the dossier, namely the officials, other employees and experts of the competent authorities of each Member State required to have a knowledge of dossiers from that Member State and

possibly of dossiers from other Member States through meetings or exchanges of information. Such persons are bound by the obligation of professional secrecy under their national law or Article 214 of the EC Treaty. The confidential data should also be accessible to officials and other employees of the Member States responsible for the official control of foodstuffs and bound by the obligation of professional secrecy under their national law or Article 12 of Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs⁽¹⁾. Any other person having access to the confidential data but not bound by the obligation of professional secrecy under national or Community law should be required to sign a declaration of confidentiality.

6. Confidential data relating to flavouring substances should be protected for a period of five years from the date of receipt by the Commission of the list notified by the Member State and containing the flavouring substance in question or of any dossier concerning a new flavouring substance.

Done at Brussels, 21 April 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 186, 30. 6. 1989, p. 23.

CORRIGENDA

Corrigendum to Council Directive 94/65/EC of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations

(Official Journal of the European Communities L 368 of 31 December 1994)

On page 10, sixth recital, fourth and fifth lines:

for: '... for minced meat and preparations which may be traded;'

read: '... for minced meat and meat preparations which may be traded;'

On page 12 in Article 3(1)(g)(i), first subparagraph, third indent:

for: '... of Part IV of Annex IV,'

read: '... of Part IV of Annex IV to Directive 64/433/EEC,'

and in the second subparagraph, third line:

for: '... veterinary certification must be provided ...',

read: '... a health certificate must be provided ...';

and in Article 3(1)(g)(ii), first and second lines:

for: '... in accordance with Chapter III of Annex I, ...',

read: '... in accordance with Annex III, ...'.

On page 13 in Article 4(1)(a):

for: '... referred to in Article 2(b);'

read: '... referred to in Article 2(2)(b);'.

On page 14 in Article 5(1)(d):

for: '(iii) deep-frozen ...',

read: '(ii) deep-frozen ...';

in Article 5(5), first subparagraph, last line:

for: '... Annex A to Directive 64/433/EEC,'

read: '... Annex I to Directive 64/433/EEC,';

in Article 6(1), fourth and fifth lines:

for: '... placing on the market of minced meat to be sold ...',

read: '... placing on the market of meat preparations to be sold ...';

in Article 6(1)(a):

for: '... referred to in Article 2(b);',

read: '... referred to in Article 2(2)(b);'

in Article 6(1)(b):

for: '... referred to in Annex III,'

read: '... referred to in Chapter III of Annex I,'.

On page 17 in Article 13(I), fourth line:

for: '... and preparations satisfying ...',

read: '... and meat preparations satisfying ...'.

On page 18 in Article 13(I)(B)(1)(c), seventh line:

for: '... and these preparations ...',

read: '... and these meat preparations ...'.

On page 19 in Article 17(1):

for: '1. The following paragraph 3 shall be added to Article 5 of Directive 71/118/EEC:

"3. Member States ...",

read: '1. The following paragraph 5 shall be added to Article 5 of Directive 71/118/EEC:

"5. Member States ...".

On page 25 in Annex II, Point II, footnote (a):

for: ^(a) M=acceptability threshold, above which results are no longer considered satisfactory where M equals 10 m where the count is made in a solid medium and M equals 30 M where the count is made in a liquid medium.',

read: ^(a) M=acceptability threshold, above which results are no longer considered satisfactory where M equals 10 m where the count is made in a solid medium and M equals 30 m where the count is made in a liquid medium.'
