

PROTOCOL

to amend the agreement to establish a science and technology centre in Ukraine

CANADA, SWEDEN, UKRAINE AND THE UNITED STATES OF AMERICA,

Acting in accordance with Article XV(B) of the Agreement to establish a science and technology centre in Ukraine signed on 25 October 1993 at Kiev (the 1993 Agreement),

HAVE AGREED AS FOLLOWS:

Article I

Article XII (A) of the 1993 Agreement is hereby amended to read:

'Personnel of the parties who are present in Ukraine in connection with the Centre or its projects and activities shall be accorded by the Government of Ukraine status equivalent to that accorded to administrative and technical staff under the Vienna Convention on Diplomatic Relations of 18 April 1961.'

Article II

Article XIII of the 1993 Agreement is hereby amended to read:

'Any State, or the European Communities, desiring to become a party to this Agreement, shall notify the Governing Board through the executive director. The Governing Board shall provide such a State, or the European Communities, with certified copies of this agreement through the executive director. On approval by the Governing Board, that State, or the European Communities, shall be permitted to accede to this Agreement. In the event that a State or States of the former Soviet Union accede to this Agreement, that State or those States shall comply with the obligations undertaken by the Government of Ukraine in Articles VIII, IX(C) and X to XII.'

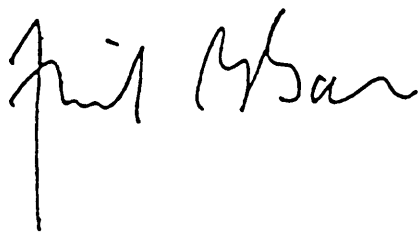
Article III

- A. This Protocol shall be provisionally applied on signature by all parties to the 1993 Agreement.
- B. Each signatory shall notify the others through diplomatic channels that it has completed all internal procedures necessary to be bound by this Protocol.
- C. This Protocol shall enter into force on the date of the last notification described in paragraph (B).


In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Kyiv, on 7 July 1997, in a single original, in the English, French and Ukrainian languages, each text being equally authentic.

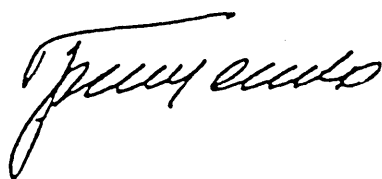
FOR CANADA:



FOR THE KINGDOM OF SWEDEN:



FOR UKRAINE:



FOR THE UNITED STATES OF AMERICA:



**Declaration by the representatives of the Community on the deposit of the Instrument
of Accession with the science and technology centre in Ukraine**

The Community declares that the Centre shall have the legal personality and enjoy the most extensive legal capacity accorded to legal persons under laws applicable in the Community, and, in particular, may contract, acquire and dispose of movable and immovable property and be a party to legal proceedings.

COMMISSION REGULATION (EC) No 1767/98
of 11 August 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 1498/98 ⁽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 12 August 1998.

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

Done at Brussels, 11 August 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 11 August 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
0709 90 70	052	29,4
	999	29,4
0805 30 10	382	60,2
	388	64,5
	524	67,0
	528	56,8
	999	62,1
0806 10 10	052	96,6
	400	235,2
	600	70,5
	624	157,4
	999	139,9
0808 10 20, 0808 10 50, 0808 10 90	388	62,5
	400	78,0
	508	111,7
	512	56,4
	524	63,1
	528	60,1
	800	171,8
	804	112,2
0808 20 50	999	89,5
	052	90,3
	388	80,5
	528	106,0
0809 30 10, 0809 30 90	999	92,3
	052	61,5
	999	61,5
0809 40 05	064	69,2
	066	80,0
	999	74,6

⁽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 1768/98
of 11 August 1998
on the issue of import licences for garlic originating in China

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

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, as amended by Commission Regulation (EC) No 2520/97⁽²⁾,

Having regard to Council Regulation (EC) No 1137/98 of 29 May 1998 concerning a protective measure applicable to imports of garlic from China⁽³⁾, and in particular Article 1(3) thereof,

Whereas pursuant to Commission Regulation (EEC) No 1859/93⁽⁴⁾, as amended by Regulation (EC) No 1662/94⁽⁵⁾, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;

Whereas Article 1(1) of Regulation (EC) No 1137/98, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 1 June 1998 to 31 May 1999;

Whereas, given the criteria laid down in Article 1(2) of that Regulation and the import licences already issued, the quantity applied for on 7 August 1998 is in excess of

the maximum monthly quantity given in the Annex to that Regulation for the month of August 1998; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to applications lodged after 7 August 1998 and before 4 September 1998 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for on 7 August 1998 pursuant to Article 1 of Regulation (EEC) No 1859/93 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 1,77266 % of the quantity applied for, having regard to the information available to the Commission on 10 August 1998.

For the abovementioned products applications for import licences lodged after 7 August 1998 and before 4 September 1998 shall be refused.

Article 2

This Regulation shall enter into force on 12 August 1998.

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

Done at Brussels, 11 August 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.

⁽³⁾ OJ L 157, 30. 5. 1998, p. 107.

⁽⁴⁾ OJ L 170, 13. 7. 1993, p. 10.

⁽⁵⁾ OJ L 176, 9. 7. 1994, p. 1.

COUNCIL DIRECTIVE 98/59/EC

of 20 July 1998

on the approximation of the laws of the Member States relating to collective redundancies

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

(1) Whereas for reasons of clarity and rationality Council Directive 75/129/EEC of 17 February 1975 on the approximation of the laws of the Member States relating to collective redundancies ⁽³⁾ should be consolidated;

(2) Whereas it is important that greater protection should be afforded to workers in the event of collective redundancies while taking into account the need for balanced economic and social development within the Community;

(3) Whereas, despite increasing convergence, differences still remain between the provisions in force in the Member States concerning the practical arrangements and procedures for such redundancies and the measures designed to alleviate the consequences of redundancy for workers;

(4) Whereas these differences can have a direct effect on the functioning of the internal market;

(5) Whereas the Council resolution of 21 January 1974 concerning a social action programme ⁽⁴⁾ made provision for a directive on the approximation of Member States' legislation on collective redundancies;

(6) Whereas the Community Charter of the fundamental social rights of workers, adopted at the European Council meeting held in Strasbourg on 9 December 1989 by the Heads of State or Government of 11 Member States, states, *inter alia*, in point 7, first paragraph, first sentence, and second paragraph; in point 17, first paragraph; and in point 18, third indent:

7. The completion of the internal market must lead to an improvement in the living and working conditions of workers in the European Community (...).

The improvement must cover, where necessary, the development of certain aspects of employment regulations such as procedures for collective redundancies and those regarding bankruptcies.

(...)

17. Information, consultation and participation for workers must be developed along appropriate lines, taking account of the practices in force in the various Member States.

(...)

18. Such information, consultation and participation must be implemented in due time, particularly in the following cases:

(—...)

(—...)

— in cases of collective redundancy procedures;

(—...);

(7) Whereas this approximation must therefore be promoted while the improvement is being maintained within the meaning of Article 117 of the Treaty;

(8) Whereas, in order to calculate the number of redundancies provided for in the definition of collective redundancies within the meaning of this Directive, other forms of termination of employment contracts on the initiative of the employer should be equated to redundancies, provided that there are at least five redundancies;

(9) Whereas it should be stipulated that this Directive applies in principle also to collective redundancies resulting where the establishment's activities are terminated as a result of a judicial decision;

(10) Whereas the Member States should be given the option of stipulating that workers' representatives may call on experts on grounds of the technical

⁽¹⁾ OJ C 210, 6. 7. 1998.

⁽²⁾ OJ C 158, 26. 5. 1997, p. 11.

⁽³⁾ OJ L 48, 22. 2. 1975, p. 29. Directive as amended by Directive 92/56/EEC (OJ L 245, 26. 8. 1992, p. 3).

⁽⁴⁾ OJ C 13, 12. 2. 1974, p. 1.

complexity of the matters which are likely to be the subject of the informing and consulting;

- (11) Whereas it is necessary to ensure that employers' obligations as regards information, consultation and notification apply independently of whether the decision on collective redundancies emanates from the employer or from an undertaking which controls that employer;
- (12) Whereas Member States should ensure that workers' representatives and/or workers have at their disposal administrative and/or judicial procedures in order to ensure that the obligations laid down in this Directive are fulfilled;
- (13) Whereas this Directive must not affect the obligations of the Member States concerning the deadlines for transposition of the Directives set out in Annex I, Part B,

HAS ADOPTED THIS DIRECTIVE:

SECTION I

Definitions and scope

Article 1

- 1. For the purposes of this Directive:
 - (a) 'collective redundancies' means dismissals effected by an employer for one or more reasons not related to the individual workers concerned where, according to the choice of the Member States, the number of redundancies is:
 - (i) either, over a period of 30 days:
 - at least 10 in establishments normally employing more than 20 and less than 100 workers,
 - at least 10 % of the number of workers in establishments normally employing at least 100 but less than 300 workers,
 - at least 30 in establishments normally employing 300 workers or more,
 - (ii) or, over a period of 90 days, at least 20, whatever the number of workers normally employed in the establishments in question;
 - (b) 'workers' representatives' means the workers' representatives provided for by the laws or practices of the Member States.

For the purpose of calculating the number of redundancies provided for in the first subparagraph of point (a), terminations of an employment contract which occur on

the employer's initiative for one or more reasons not related to the individual workers concerned shall be assimilated to redundancies, provided that there are at least five redundancies.

2. This Directive shall not apply to:

- (a) collective redundancies effected under contracts of employment concluded for limited periods of time or for specific tasks except where such redundancies take place prior to the date of expiry or the completion of such contracts;
- (b) workers employed by public administrative bodies or by establishments governed by public law (or, in Member States where this concept is unknown, by equivalent bodies);
- (c) the crews of seagoing vessels.

SECTION II

Information and consultation

Article 2

- 1. Where an employer is contemplating collective redundancies, he shall begin consultations with the workers' representatives in good time with a view to reaching an agreement.
- 2. These consultations shall, at least, cover ways and means of avoiding collective redundancies or reducing the number of workers affected, and of mitigating the consequences by recourse to accompanying social measures aimed, *inter alia*, at aid for redeploying or retraining workers made redundant.

Member States may provide that the workers' representatives may call on the services of experts in accordance with national legislation and/or practice.

- 3. To enable workers' representatives to make constructive proposals, the employers shall in good time during the course of the consultations:

- (a) supply them with all relevant information and
- (b) in any event notify them in writing of:
 - (i) the reasons for the projected redundancies;
 - (ii) the number of categories of workers to be made redundant;
 - (iii) the number and categories of workers normally employed;
 - (iv) the period over which the projected redundancies are to be effected;

(v) the criteria proposed for the selection of the workers to be made redundant in so far as national legislation and/or practice confers the power therefor upon the employer;

(vi) the method for calculating any redundancy payments other than those arising out of national legislation and/or practice.

The employer shall forward to the competent public authority a copy of, at least, the elements of the written communication which are provided for in the first subparagraph, point (b), subpoints (i) to (v).

4. The obligations laid down in paragraphs 1, 2 and 3 shall apply irrespective of whether the decision regarding collective redundancies is being taken by the employer or by an undertaking controlling the employer.

In considering alleged breaches of the information, consultation and notification requirements laid down by this Directive, account shall not be taken of any defence on the part of the employer on the ground that the necessary information has not been provided to the employer by the undertaking which took the decision leading to collective redundancies.

SECTION III

Procedure for collective redundancies

Article 3

1. Employers shall notify the competent public authority in writing of any projected collective redundancies.

However, Member States may provide that in the case of planned collective redundancies arising from termination of the establishment's activities as a result of a judicial decision, the employer shall be obliged to notify the competent public authority in writing only if the latter so requests.

This notification shall contain all relevant information concerning the projected collective redundancies and the consultations with workers' representatives provided for in Article 2, and particularly the reasons for the redundancies, the number of workers to be made redundant, the number of workers normally employed and the period over which the redundancies are to be effected.

2. Employers shall forward to the workers' representatives a copy of the notification provided for in paragraph 1.

The workers' representatives may send any comments they may have to the competent public authority.

Article 4

1. Projected collective redundancies notified to the competent public authority shall take effect not earlier than 30 days after the notification referred to in Article 3(1) without prejudice to any provisions governing individual rights with regard to notice of dismissal.

Member States may grant the competent public authority the power to reduce the period provided for in the preceding subparagraph.

2. The period provided for in paragraph 1 shall be used by the competent public authority to seek solutions to the problems raised by the projected collective redundancies.

3. Where the initial period provided for in paragraph 1 is shorter than 60 days, Member States may grant the competent public authority the power to extend the initial period to 60 days following notification where the problems raised by the projected collective redundancies are not likely to be solved within the initial period.

Member States may grant the competent public authority wider powers of extension.

The employer must be informed of the extension and the grounds for it before expiry of the initial period provided for in paragraph 1.

4. Member States need not apply this Article to collective redundancies arising from termination of the establishment's activities where this is the result of a judicial decision.

SECTION IV

Final provisions

Article 5

This Directive shall not affect the right of Member States to apply or to introduce laws, regulations or administrative provisions which are more favourable to workers or to promote or to allow the application of collective agreements more favourable to workers.

Article 6

Member States shall ensure that judicial and/or administrative procedures for the enforcement of obligations under this Directive are available to the workers' representatives and/or workers.

Article 7

Member States shall forward to the Commission the text of any fundamental provisions of national law already adopted or being adopted in the area governed by this Directive.

Article 8

1. The Directives listed in Annex I, Part A, are hereby repealed without prejudice to the obligations of the Member States concerning the deadlines for transposition of the said Directive set out in Annex I, Part B.

2. References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.

Article 9

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Article 10

This Directive is addressed to the Member States.

Done at Brussels, 20 July 1998.

For the Council

The President

W. MOLTERER

ANNEX I

PART A

Repealed Directives

(referred to by Article 8)

Council Directive 75/129/EEC and its following amendment:

Council Directive 92/56/EEC.

PART B

Deadlines for transposition into national law

(referred to by Article 8)

Directive	Deadline for transposition
75/129/EEC (OJ L 48, 22.2.1975, p. 29)	19 February 1977
92/56/EEC (OJ L 245, 26.8.1992, p. 3)	24 June 1994

ANNEX II

CORRELATION TABLE

Directive 75/129/EEC	This Directive
Article 1(1), first subparagraph, point (a), first indent, point 1	Article 1(1), first subparagraph, point (a)(i), first indent
Article 1(1), first subparagraph, point (a), first indent, point 2	Article 1(1), first subparagraph, point (a)(i), second indent
Article 1(1), first subparagraph, point (a), first indent, point 3	Article 1(1), first subparagraph, point (a)(i), third indent
Article 1(1), first subparagraph, point (a), second indent	Article 1(1), first subparagraph, point (a)(ii)
Article 1(1), first subparagraph, point (b)	Article 1(1), first subparagraph, point (b)
Article 1(1), second subparagraph	Article 1(1), second subparagraph
Article 1(2)	Article 1(2)
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
Article 5a	Article 6
Article 6(1)	—
Article 6(2)	Article 7
Article 7	—
—	Article 8
—	Article 9
—	Article 10
—	Annex I
—	Annex II

II

(Acts whose publication is not obligatory)

COUNCIL

RULES OF PROCEDURE OF THE COOPERATION COUNCIL

between the European Communities and their Member States, of the one part,
and the Republic of Moldova, of the other part
of 14 July 1998

(98/499/EC)

THE COOPERATION COUNCIL,

Having regard to the Agreement on Partnership and Cooperation between the European Communities and their Member States of the one part, and the Republic of Moldova, of the other part, signed in Brussels on 28 November 1994 ⁽¹⁾, hereinafter referred to as 'the Agreement' and in particular Articles 82 and 86 thereof,

Having regard to the Protocol to the Agreement, signed in Brussels on 15 May 1997,

Whereas that Agreement entered into force on 1 July 1998,

HAS ESTABLISHED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Presidency

The Cooperation Council shall be presided over alternately for periods of 12 months by a member of the Council of the European Union, on behalf of the Communities and its Member States, and a member of the Government of the Republic of Moldova. However, the first period of the Presidency shall begin on the date of the first Council meeting and end on 31 December of the same year. The party which holds the Presidency chairs the meeting of the Cooperation Council.

Article 2

Secretariat

An official of the General Secretariat of the Council of the European Union and an official appointed by the Republic of Moldova shall act jointly as secretaries of the Cooperation Council.

Article 3

Meetings

The Cooperation Council shall meet regularly at ministerial level once a year. At the request of either party, special sessions of the Council may be held if the parties so agree.

Unless otherwise agreed by the parties, each session of the Cooperation Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both parties.

The meetings of the Cooperation Council are jointly convened by the secretaries of the Cooperation Council.

Article 4

Representation

The members of the Cooperation Council as defined in Article 83 of the Agreement may be represented if they are prevented from attending.

The representative should be a designated minister, the Head of Mission to the European Communities or the Permanent Representation to the European Union or a senior official.

⁽¹⁾ OJ L 181, 24. 6. 1998, p. 1.

In all other cases, a member wishing to be represented shall notify the chairman of the name of his representative before the meeting at which he is to be so represented.

The representative of a member of the Cooperation Council shall exercise all the rights of that member.

Article 5

Delegations

The members of the Cooperation Council may be accompanied by officials.

Before each meeting, the chairman of the Cooperation Council shall be informed of the intended composition and of the head of the delegation of each party.

The Cooperation Council may invite non-members to attend its meetings in order to provide information on particular subjects.

Article 6

Documents

When the deliberations of the Cooperation Council are based on written supporting documents, such documents shall be numbered and circulated as documents of the Cooperation Council by the two secretaries.

Article 7

Correspondence

All correspondence addressed to the Cooperation Council or to the chairman of the Council shall be forwarded to both secretaries of the Cooperation Council.

The two secretaries shall ensure that correspondence is forwarded to the chairman of the Cooperation Council and, where appropriate, circulated as documents referred to in Article 6 to other members of the Cooperation Council. Correspondence circulated shall be sent to the General Secretariat of the Commission, the Permanent Representations of the EU Member States and the Mission of the Republic of Moldova to the European Communities.

Correspondence from the chairman of the Cooperation Council shall be sent to the recipients by the respective secretary and, where appropriate, circulated as documents referred to in Article 6 to the other members of the Cooperation Council at the addresses indicated in the preceding paragraph.

Article 8

Agenda for the meetings

A provisional agenda for each meeting shall be agreed jointly by the two secretaries. It shall be forwarded by the

corresponding secretary to the addressees referred to in Article 7 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which a request for inclusion in the agenda has been received by either of the two secretaries not later than 21 days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the secretaries not later than the date of dispatch of the provisional agenda.

The agenda shall be adopted by the Cooperation Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two parties so agree.

In agreement with the parties, the time limits specified in paragraph 1 may be shortened in order to take account of the requirements of a particular case.

Article 9

Minutes

Draft minutes of each meeting shall be drawn up as soon as possible jointly by the two secretaries.

The minutes shall, as a general rule, indicate in respect of each item on the agenda

- the documentation submitted to the Cooperation Council,
- statements, the entry of which has been requested by a member of the Cooperation Council,
- the recommendations made, the statements agreed on and the conclusions adopted on specific items.

The minutes shall also include a list of members of the Cooperation Council or their representatives who participated at the meeting as well as any non-member invited to attend the meeting according to Article 5.

The draft minutes shall be submitted to the Cooperation Council for approval not later than three months after each meeting. The draft minutes can be agreed in writing by both parties. When approved, two authentic copies of the minutes shall be signed by the two secretaries and be filed by the parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 7.

Article 10

Recommendations

The Cooperation Council shall make its recommendations by common agreement between the parties.

During the intersessional period, the Cooperation Council may make recommendations by written procedure if both parties so agree. A written procedure consists of an exchange of notes between the two secretaries, acting in agreement with the parties.

The recommendations of the Cooperation Council within the meaning of Article 82 of the Agreement shall be entitled 'recommendation', followed by a serial number, by the date of their adoption and by a description of their subject.

The recommendations of the Cooperation Council shall be authenticated by the two secretaries and two authentic copies signed by heads of delegation of the two parties.

Recommendations shall be forwarded to each of the addressees referred to in Article 7 as documents of the Cooperation Council.

Article 11

Publicity

Unless otherwise decided, the meetings of the Cooperation Council shall not be public.

Each party may decide on the publication of the recommendations of the Cooperation Council in its respective official publication.

Article 12

Languages

The official languages of the Cooperation Council shall be the official languages of the parties.

The Cooperation Council shall normally base its deliberations on documentation prepared in these languages.

Article 13

Expenses

The European Communities and the Republic of Moldova shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Council, both with regard to staff, travel and subsistence

expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpretation at meetings, translation and reproduction of documents shall be borne by the European Communities, with the exception of expenditure in connection with interpretation or translation from one of the languages of the European Communities into Moldovan which shall be borne by the Republic of Moldova.

Other expenditure relating to the material organisation of meetings shall be borne by the party which hosts the meetings.

Article 14

Committee

The Cooperation Committee is hereby established in accordance with Article 84 of the Agreement in order to assist the Cooperation Council in carrying out its duties. It shall be composed of representatives of the Commission of the European Communities and of representatives of the members of the Council of the European Union on the one hand, and of representatives of the Government of the Republic of Moldova on the other, normally at senior civil servant level.

The Cooperation Committee shall prepare the meetings and the deliberations of the Cooperation Council, monitor the implementation of the recommendations of the Cooperation Council where appropriate and, in general, ensure continuity of the Partnership and the proper functioning of the Agreement. It shall consider any matter referred to it by the Cooperation Council as well as any other matter which may arise in the course of the day-to-day implementation of the Agreement. It shall submit any proposals or recommendations for adoption to the Cooperation Council.

Consultations referred to in Articles 17 and 48 as well as in Annex II of the Agreement shall take place within the Committee. The consultations may continue in the Cooperation Council if the parties agree.

The rules of procedure of the Cooperation Committee are attached as an Annex to the present rules of procedure.

ANNEX

RULES OF PROCEDURE OF THE COOPERATION COMMITTEE

**between the European Communities and their Member States, of the one part,
and the Republic of Moldova, on the other part**

*Article 1***Presidency**

The Cooperation Committee shall be presided over alternately for periods of 12 months by a representative of the Commission of the European Communities, on behalf of the Communities and their Member States, and a representative of the Government of the Republic of Moldova. The first period of the Presidency shall begin on the date of the first Cooperation Council meeting and end on 31 December of the same year. For that period and thereafter for each 12 month period, the Cooperation Committee shall be chaired by the party which holds the Presidency of the Cooperation Council.

*Article 2***Meetings**

The Cooperation Committee shall meet once a year and when circumstances require with the agreement of the parties.

Each meeting of the Cooperation Committee shall be held at a time and place agreed by the parties.

The meetings of the Cooperation Committee are jointly convened by both secretaries.

*Article 3***Delegations**

Before each meeting, the chairman of the Cooperation Committee shall be informed of the intended composition and the head of the delegation of each party.

*Article 4***Secretariat**

An official of the Commission of the European Communities and an official of the Government of the Republic of Moldova shall act jointly as secretaries of the Cooperation Committee.

All correspondence to and from the chairman of the Cooperation Committee provided for in this Annex shall be forwarded to the secretaries of the Cooperation Committee and to the secretaries and the chairman of the Cooperation Council and where appropriate, to the members of the Cooperation Committee.

*Article 5***Publicity**

Unless otherwise decided, the meetings of the Cooperation Committee shall not be public.

*Article 6***Agenda for the meetings**

A provisional agenda for each meeting shall be drawn up by the secretaries of the Cooperation Committee. It shall be forwarded to the chairman and secretaries of the Cooperation Council as well as to the members of the Cooperation Committee not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the chairman has received a request for inclusion in the agenda not later than 21 days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the secretaries not later than the date of dispatch of the provisional agenda.

The agenda shall be adopted by the Cooperation Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two parties so agree.

In agreement with the parties the time limits specified in paragraph 1 may be shortened in order to take account of the requirements of a particular case.

The Cooperation Committee may ask experts to attend its meetings in order to provide information on particular subjects.

*Article 7***Minutes**

Minutes shall be taken for each meeting and shall be based on the conclusions arrived at by the Cooperation Committee.

On adoption by the Cooperation Committee, the minutes shall be signed by the chairman and by the secretaries and filed by each of the parties. A copy of the minutes shall be forwarded to the chairman and secretaries of the Cooperation Council and to the members of the Cooperation Committee.

*Article 8***Recommendations**

The Cooperation Committee shall not make recommendations except in the specific cases where it is empowered by the Cooperation Council under Article 84(2) of the Agreement. In such cases, these acts shall be entitled 'recommendation', followed by a serial number, by the date of their adoption and by description of their subject. Recommendations shall be made by common agreement between the parties.

Recommendations of the Cooperation Committee shall be forwarded to the chairman and secretaries of the Cooperation Council and to members of the Cooperation Committee. Each party may decide on the publication of the recommendations of the Cooperation Committee in its respective official publication.

The recommendations of the Cooperation Committee shall be signed by the chairman and the secretaries.

*Article 9***Expenses**

The European Communities and the Republic of Moldova shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation

Committee and of its sub-committees, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Communities, with the exception of expenditure in connection with interpretation or translation from one of the languages of the European Communities into Moldovan which shall be borne by the Republic of Moldova.

Other expenditure relating to the material organisation of meetings shall be borne by the party which hosts the meetings.

*Article 10***Sub-committees**

The Cooperation Committee may establish sub-committees and define their terms of reference. They shall be considered to work under the authority of the Cooperation Committee, to which they shall report after each one of their meetings. Sub-committees shall not make recommendations.

The Cooperation Committee may modify the terms of reference of any sub-committee or set up further sub-committees to assist it in carrying out its duties.

COMMISSION

COMMISSION DECISION

of 20 May 1998

on the establishment of Sectoral Dialogue Committees promoting the Dialogue
between the social partners at European level

(notified under document number C(1998) 2334)

(Text with EEA relevance)

(98/500/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas Article 118b of the Treaty states that the Commission is to endeavour to develop the dialogue between management and labour at European level which could, if the two sides consider it desirable, lead to relations based on agreement;

Whereas point 12 of the Community Charter of the Fundamental Social Rights of Workers states that employers or employers' organizations, on the one hand, and workers' organizations, on the other, should have the right to negotiate and conclude collective agreements under the conditions laid down by national legislation and practice. The dialogue between the two sides of industry at European level which is to be developed, may, if the parties deem it desirable, result in contractual relations in particular at inter-occupational and sectoral level;

Whereas the Commission in response to the Communication of 18 September 1996 concerning the development of the social dialogue at Community level⁽¹⁾ received a strong support from all involved parties in its suggestion to strengthen the sectoral social dialogue;

Whereas the European Parliament, in its Resolution of 18 July 1997⁽²⁾, responding to that Commission Communication, called for a specific importance to be attached to the sectoral social dialogue since the impact of regulation and/or deregulation on employment in the economic sectors can best be assessed within the sectoral dialogue;

Whereas the Economic and Social Committee in its opinion of 29 January 1997⁽³⁾, responding to that Commission Communication, stated that the sectoral dialogue must be effective, efficient and well-directed;

Whereas the situation in the various Member States clearly demonstrates the need for the two sides of industry to participate actively in discussions on the improvement of living and working conditions in their sector; whereas a sectoral dialogue committee attached to the Commission is the most appropriate means of ensuring such participation, by creating at Community level a representative forum for the socio-economic interests involved;

Whereas the Commission should endeavour to ensure that the membership and the activities of the Sectoral Dialogue Committees contribute to the promotion of equality between women and men;

Whereas the existing Joint Committees should be replaced by the Sectoral Dialogue Committees; whereas the Decisions establishing those Committees should therefore be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

Sectoral Dialogue Committees (hereinafter referred to as 'the Committees') are hereby established in those sectors where the social partners make a joint request to take part in a dialogue at European level, and where the organisations representing both sides of industry fulfil the following criteria:

- (a) they shall relate to specific sectors or categories and be organised at European level;
- (b) they shall consist of organisations which are themselves an integral and recognized part of Member States' social partner structures and have the capacity to negotiate agreements, and which are representative of several Member States;

⁽¹⁾ COM(96) 448 final.

⁽²⁾ OJ C 286, 22. 9. 1997, p. 338.

⁽³⁾ OJ C 89, 19. 3. 1997, p. 27.

- (c) they shall have adequate structures to ensure their effective participation in the work of the Committees.

Article 2

Each Committee shall, for the sector of activity for which it is established,

- (a) be consulted on developments at Community level having social implications, and
- (b) develop and promote the social dialogue at sectoral level.

Article 3

The representatives of the two sides of industry taking part in the meetings of each Committee shall number a maximum of 40 in all, with an equal number of representatives of the employers' and workers' delegations.

Article 4

The Commission shall invite the representatives to participate in the meetings of the Committees on a proposal from the social partner organisations which have made the request set out in Article 1.

Article 5

1. Each Committee shall, together with the Commission, establish its own rules of procedure.
2. The Committees shall be chaired by a representative of the employers' or employees' delegations or, at their joint request, by a representative of the Commission.
3. The Committees shall meet at least once a year. A maximum of 30 representatives drawn from the two sides of industry taking part in a meeting of a Committee shall receive subsistence allowance and travelling expenses.
4. The Commission shall regularly review, in consultation with the social partners, the functioning of the Sectoral Committee and the pursuit of their activities in the different sectors.

Article 6

If the Commission has informed a Committee that a subject discussed relates to a matter of a confidential nature, members of the Committee shall be bound, without prejudice to the provisions of Article 214 of the Treaty, not to disclose any information acquired at the meetings of the Committee or its secretariat.

Article 7

1. The Sectoral Dialogue Committees shall replace the existing Joint Committees, namely:

- (a) Joint Committee on Maritime Transport established by Commission Decision 87/467/EEC ⁽¹⁾;
- (b) Joint Committee on Civil Aviation established by Commission Decision 90/449/EEC ⁽²⁾;
- (c) Joint Committee on Inland Navigation established by Commission Decision 80/991/EEC ⁽³⁾;
- (d) Joint Committee on Road Transport established by Commission Decision 85/516/EEC ⁽⁴⁾;
- (e) Joint Committee on Railways established by Commission Decision 85/13/EEC ⁽⁵⁾;
- (f) Joint Committee on Telecommunications Services established by Commission Decision 90/450/EEC ⁽⁶⁾;
- (g) Joint Committee on Social Problems of Agricultural Workers established by Commission Decision 74/442/EEC ⁽⁷⁾;
- (h) Joint Committee on Social Problems in Sea Fishing established by Commission Decision 74/441/EEC ⁽⁸⁾;
- (i) Joint Committee on Postal Services established by Commission Decision 94/595/EC ⁽⁹⁾.

However, the Committees established by those decisions shall remain in office until the Sectoral Committees established by this Decision take office, but in any event no later than 31 December 1998.

2. Subject to Article 1, the Sectoral Dialogue Committee shall also replace other informal working groups through which the Commission has heretofore promoted the social dialogue in certain sectors not covered by a Commission decision establishing a Joint Committee.

3. The Decisions referred to in points (a) to (i) of paragraph 1 are repealed with effect from 1 January 1999.

Done at Brussels, 20 May 1998.

For the Commission

Pádraig FLYNN

Member of the Commission

⁽¹⁾ OJ L 253, 4. 9. 1987, p. 20.

⁽²⁾ OJ L 230, 24. 8. 1990, p. 22.

⁽³⁾ OJ L 297, 6. 11. 1980, p. 28.

⁽⁴⁾ OJ L 317, 28. 11. 1985, p. 33.

⁽⁵⁾ OJ L 8, 10. 1. 1985, p. 26.

⁽⁶⁾ OJ L 230, 24. 8. 1990, p. 25.

⁽⁷⁾ OJ L 243, 5. 9. 1974, p. 22.

⁽⁸⁾ OJ L 243, 5. 9. 1974, p. 19.

⁽⁹⁾ OJ L 225, 31. 8. 1994, p. 31.

COMMISSION DECISION

of 24 July 1998

concerning certain specific transactions identified within the work on the protocol of the Excessive Deficit Procedure, for the application of Article 1 of Council Directive 89/130/EEC, Euratom on the harmonisation of the compilation of gross national product at market prices

(notified under document number C(1998) 2204)

(Text with EEA relevance)

(98/501/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Directive 89/130/EEC, Euratom of 13 February 1989 on the harmonisation of the compilation of gross national product at market prices ⁽¹⁾ and, in particular, Article 1 thereof,

Whereas the definition of gross domestic product at market prices provided for in Article 2 of Council Regulation (EC) No 3605/93 of 22 November 1993 on the application of the protocol on the Excessive Deficit Procedure ⁽²⁾ as annexed to the Treaty establishing the European Community refers to the definition of Article 2 of Directive 89/130/EEC, Euratom;

Whereas, for the verification of the statistical data which it has to present under the protocol on the Excessive Deficit Procedure, the Commission is informed about and must assess certain specific transactions which have an impact on GDP or GNP;

Whereas, in order to apply Articles 2 and 6 of Regulation (EC) 3605/93 on the application of the protocol on the Excessive Deficit Procedure, it is therefore necessary to clarify and to complete certain rules of the ESA second edition concerning the aforementioned specific transactions, under the framework on the definition on GNPmp provided for in Article 1 of Directive 89/130/EEC, Euratom;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 6 of Directive 89/130/EEC, Euratom,

HAS ADOPTED THIS DECISION:

Article 1

In order to apply Article 1 of Directive 89/130/EEC, Euratom, the specific transactions which have an impact on GDP or GNP, and which have been identified before 31 December 1997, and the accounting methods which the Member States shall apply to these transactions under ESA second edition, are listed in the Annex.

Article 2

Member States shall revise their GDP and GNP estimates for the years 1994 onwards in order to take account of the accounting methods stated in Article 1.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 24 July 1998.

For the Commission

Yves-Thibault DE SILGUY

Member of the Commission

⁽¹⁾ OJ L 49, 21. 2. 1989, p. 26.

⁽²⁾ OJ L 332, 31. 12. 1993, p. 7.

ANNEX

I. The treatment of interest in the case of deep discounted bonds and zero coupon bonds**1. 'Conventional' bonds**

ESA 79 (paragraph 706) indicates the treatment of the difference between the issue price and the nominal value for bonds that can be qualified as 'conventional' (those for which this difference is small):

- for short term bonds, the difference between the issue price and the nominal value is to be regarded as interest recorded at the issuance of the bonds; this difference has therefore an impact on government deficit,
- for medium and long term bonds, the difference between the issue price and the nominal value is not to be regarded as interest but as holdings gains and losses; this difference has therefore no impact on government deficit.

It is then necessary to set up the following distinctions:

- distinction between short term and medium-long term: this is set out at point 2 below,
- distinction between bonds for which the difference between the issue price and the nominal value is considered as small (conventional bonds) and bonds for which this difference is large (non-conventional bonds); this is the case of bonds with a deep discount or a large premium. Point 3 below deals with bonds issued with a deep discount.

2. The distinction between short-term and medium and long-term

Bills and short-term bonds are those with a maturity of up to and including 12 months.

This will ensure among EU countries perfect comparability of treatment for conventional bonds issued close to the nominal value and this is consistent with ESA 79; thus for short-term bonds the recording of interest payments cannot be shifted from one year to another.

3. Deep-discounted bonds

Deep-discounted bonds are bonds issued below the nominal value, bearing interest at a rate below the market rate.

Deep-discounted bonds shall be defined as those whose nominal coupon is less than 50 % of the corresponding yield to maturity (calculated on the basis of the issue price).

For these deep-discounted bonds, the difference between the issue price and the nominal value is to be regarded as interest, and this interest is to be accounted for at the time of redemption of the bond. This is consistent with the decision taken over the treatment of zero-coupon bonds.

4. Zero coupon bonds

The difference between the issue price and redemption price of a zero coupon bond shall be treated as interest, to be recorded as interest paid at the maturity of the bond.

II. The treatment of interest in the case of index-linked bonds

In the case of 'index-linked' bonds, two distinct treatments are to be applied, depending on whether the bond is linked to a consumer price index or whether it is linked to a financial asset such as a foreign currency or gold.

In the case where the bond is linked to a consumer price index, the 'capital uplift' due to the movement of the index is to be regarded as interest. The interest should be recorded at the time of the redemption of the bond.

In the case where the bond is linked to a financial asset such as a foreign currency or gold, the 'capital uplift' should not be regarded as interest but as a 'capital gain/loss', as in the case for bonds issued in foreign currency.

III. Capitalised interest on deposits and other financial instruments covered by ESA 79

The interest shall be recorded separately from the principal and the capitalised amount shall be recorded when it falls due for payment, rather than distributed between different periods. This means that, in the case of deposits or similar financial instruments which are liabilities of an institutional unit, the capitalised interest will be recorded as an expenditure of this institutional unit when the interest is paid to the holders of these instruments.

IV. Treatment of fungible bonds issued in several tranches ('coupons courus')

In the case of fungible bonds (bonds which are issued in tranches at different points in time without change in the date of payment of the coupons) the accrued coupon shall be recorded as a short term liability under the heading 'Accounts receivable and payable' (code F72 of ESA 79).

In practice this means that, if an institutional unit issues a bond in different tranches but with the same coupon, it will raise the issue price of the more recent tranches to provide the same yield to all holders of the bond. The difference between the original issue price and the higher issue price of the second tranche is recorded as a short term liability to the holder of the second tranche, which will be reimbursed when the coupon falls due.

V. Linear bonds

Linear bonds are, like fungible bonds, bonds issued in several tranches from the same lineage, i.e. with the same nominal interest rate as well as identical dates for the payment of coupons and for reimbursement at maturity.

They are characterised by the fact that new tranches can be issued several years after the first issuance. They are therefore issued with discounts and premia which can be significant as a result of changes in market interest rates in the intervening period since the first issuance.

In order to differentiate between the nominal value and the price at issue (discount or premium) at the time the new tranche is issued, a distinction must be made between tranches issued within twelve months of the first emission, and tranches issued beyond twelve months.

For each tranche issued in the twelve months after the first issue, the difference between the nominal value and the issue price (discount or premium) must be treated as a capital gain or loss.

For each tranche issued beyond the twelve months following the first issue, the difference between nominal value and issue price (discount or premium) must be treated as interest.

VI. Financial leasing

All leasing transactions have to be treated as operating leasing. For example, this means that if an institutional unit sells real estate or other fixed asset and rents it back with the intention of acquiring it at the end of the lease (this operation therefore having many characteristics of a financial lease), the transactions must be treated as an operating lease. Therefore the receipts from the sale of the real estate are recorded as a receipt reducing the deficit. The obligation to buy back the assets at the end of the lease is a contingent liability which is not recorded in debt.

VII. Classification of national bodies acting on behalf of the EC (EAGGF etc.)

Those institutional units which perform market regulation activity and distribute subsidies must be classified as follows: if these institutional bodies cannot be split into those which do the market regulation and those which do the distribution of subsidies then these units should be classified in the sector general government if their costs incurred in market regulation compared to the total costs are less than 80 %.

VIII. Swaps on interest rates and currency swaps

In the case of interest rate swaps, only the net payments (receipts) of interest between the two parties to the swap should be recorded.

In the case of currency swaps, any outstanding foreign currency debt should be valued according to the market exchange rate and not at the exchange rate agreed in the swap contract.

IX. Pension funds

Certain pension funds which finance benefits mostly on a pay-as-go basis and to a minor extent on a capital funding basis have to be classified in the subsector social security funds of general government.

The classification criteria are that these funds are institutional units, as they have a complete set of accounts and autonomy of decision, and that they pay benefits to the insured without reference to the individual exposure of risk, which means that these employment based pension schemes are built on a collective financial balance principle.

COMMISSION DECISION

of 27 July 1998

on the use of a slaughterhouse, in accordance with the provisions of point 7 of
Annex II, of Council Directive 92/119/EEC, by Italy

*(notified under document number C(1998) 2257)**(Text with EEA relevance)*

(98/502/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/119/EEC of 17 December 1992⁽¹⁾ introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease, as last amended by the act of Accession of Austria, Finland and Sweden and in particular point 7(d) of Annex II thereof,

Whereas on 17 June 1998 an outbreak of swine vesicular disease in the municipality of Mezzocorona, Province of Trento, was declared by the Italian veterinary authorities;

Whereas in accordance with Article 10 of Council Directive 92/119/EEC a protection zone was immediately established around the outbreak site;

Whereas the movement of transport of pigs on public and private roads within the protection zone has been prohibited;

Whereas Italy has submitted a request for making use of a slaughterhouse situated in the protection zone for the slaughtering of pigs coming from outside the said zone;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Italy is authorised to make use of the slaughterhouse 'Hauser snc' located in the protection zone established on 17 June 1998 around the outbreak of swine vesicular

disease occurred in Mezzocorona (Trento) under the following conditions:

- the access to the slaughterhouse must be via one corridor. The details of this corridor shall be laid down in the Italian legislation,
- when entering the corridor, vehicles carrying pigs for slaughter must be sealed by the competent authorities. At the time of sealing, the authorities shall record the registration number of the vehicle and the number of pigs carried by the vehicle,
- on arrival at the slaughterhouse, the competent authorities shall:
 - (i) inspect and remove the seal of the vehicle;
 - (ii) record the registration number of the vehicle and the number of pigs on the vehicle.

2. Any vehicle carrying pigs to the slaughterhouse referred to in paragraph 1 shall undergo cleaning and disinfection immediately after unloading.

Article 2

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 62, 15. 3. 1993, p. 69.

COMMISSION DECISION

of 11 August 1998

amending Decision 96/301/EC and authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt

(notified under document number C(1998) 2480)

(98/503/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Directive 98/2/EC⁽²⁾, and in particular Article 15(3) thereof,

Whereas, where a Member State considers that there is an imminent danger of the introduction into its territory of *Pseudomonas solanacearum* (Smith) Smith, the cause of potato brown rot, from a third country, it may temporarily take any additional measures necessary to protect itself from that danger;

Whereas in 1996, on the basis of continued interceptions of *Pseudomonas solanacearum* (Smith) Smith in potatoes originating in Egypt, several Member States — France, Finland, Spain and Denmark — adopted measures to implement a ban on potatoes originating in Egypt, with a view to ensuring more efficient protection against the introduction of *Pseudomonas solanacearum* from Egypt into their respective territories;

Whereas the Commission, by Decision 96/301/EC⁽³⁾, authorised Member States temporarily to take additional measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt; whereas furthermore as a result of considerable numbers of interceptions of *Pseudomonas solanacearum* (Smith) Smith on imports of potatoes originating in Egypt during the import season 1996/97, Decision 96/301/EC was amended and further strengthened by Decision 98/105/EC⁽⁴⁾ and the import into the Community of potatoes originating in Egypt was banned unless the emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as laid down in the Annex to the said Decision were complied with;

Whereas during the 1997/98 import season, Finland, on the basis of continued interceptions of *Pseudomonas solanacearum* in potatoes originating in Egypt adopted on 2 April 1998 measures to implement a ban on potatoes originating in Egypt, with a view to ensuring more efficient protection against the introduction of *Pseudomonas solanacearum* from Egypt into Finland;

Whereas Denmark adopted on 9 May 1998 similar measures against the introduction of that organism into Denmark;

Whereas, therefore it has become apparent that the strengthened measures laid down in Decision 98/105/EC are not sufficient to prevent the entry of *Pseudomonas solanacearum* (Smith) Smith or have not been complied with; whereas, in particular, the operation of a 'qualified area', in which no outbreak of *Pseudomonas solanacearum* (Smith) Smith has occurred, seems to be insufficient to prevent such a risk of entry and should be altered to operate on the basis of 'pest-free area' in which *Pseudomonas solanacearum* (Smith) Smith is known not to occur, as established by official surveys and monitoring procedures in accordance with the 'FAO International Standard for Phytosanitary Measures Part 4: Pest Surveillance — Requirements for the Establishment of Pest-free Areas';

Whereas in such a situation the import into the Community of potatoes originating in Egypt should be prohibited until the Commission establishes that such 'pest-free areas' have been approved in Egypt in accordance with the said FAO International Standard;

Whereas the Commission will ensure that Egypt makes available all technical information in relation to surveying and monitoring for the approval of such 'pest-free areas' in accordance with the said FAO International Standard in order to enable the Commission to carry out the necessary assessment for its aforesaid action;

Whereas the effects of the emergency measures will be assessed continually, in the import season 1998/99, and whereas if it is established that the conditions laid down in this Decision have not been complied with, the consequences should be specified;

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ L 15, 21. 1. 1998, p. 34.

⁽³⁾ OJ L 115, 9. 5. 1996, p. 47.

⁽⁴⁾ OJ L 25, 31. 1. 1998, p. 101.

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health (hereinafter referred to as 'the Committee'),

HAS ADOPTED THIS DECISION:

Article 1

Decision 96/301/EC is hereby amended as follows:

1. The text in Article 1 is replaced by the following:

'Article 1

1. The entry into the territory of the Community of tubers of *Solanum tuberosum* L. which originate in Egypt, other than those already prohibited under the provisions laid down in Annex III, part A, point 10 to Directive 77/93/EEC, shall be prohibited from 15 September 1998.

2. Paragraph 1 shall not apply to consignments leaving Egypt before the Commission has informed Egypt of the present Decision.'

2. A new Article 1a is inserted as follows:

'Article 1a

1. By way of derogation to Article 1, the entry into the territory of the Community of tubers of *Solanum tuberosum* L. which originate in Egypt shall be permitted from the said "pest-free areas" referred to in paragraph 2, provided that the measures applicable to tubers grown in these areas and as laid down in the Annex of this Decision, are complied with.

2. The Commission establishes whether "pest-free areas" have been approved in Egypt in accordance with the "FAO International Standard for Phytosanitary Measures Part 4: Pest Surveillance — Requirements for the Establishment of Pest-free Areas", in particular point 2.3 thereof, and compiles a "list of approved pest-free areas", including identification details. The Commission shall convey such a list to the Committee and to the Member States.'

3. A new Article 1b is inserted as follows:

'Article 1b

The provisions of Article 1a shall no longer apply as soon as the Commission has notified to the Member States that more than five interceptions of *Pseudomonas solanacearum* have been confirmed in accordance with points 2 or 3 of the Annex to this Decision, in lots of potatoes introduced into the Community pursuant to this Decision during the 1998/99 import season, and that it has been found that interceptions indicate that the method for the identification of "pest-free areas" in Egypt or the procedures for offi-

cial monitoring in Egypt have not been sufficient to prevent the risk of introduction of *Pseudomonas solanacearum* into the Community.'

4. The text in Article 2 is replaced by the following:

'Article 2

The importing Member States shall provide the Commission and the other Member States, before 30 August 1999, with information on the amounts imported pursuant to this Decision and with a detailed technical report on the official examination referred to in point 2 of the Annex; copies of each plant health certificate shall be transmitted to the Commission. In cases of notification of a suspect or confirmed finding as referred to in point 4 of the Annex copies of the plant health certificates and their attached documents shall be transmitted with the said notification.'

5. In Article 4 '30 September 1998' is replaced by '30 September 1999'.
6. The text in the opening paragraph and point 1(a) of the Annex to the Decision are replaced by the following:

'For the purpose of the provisions of Article 1a, the following emergency measures shall be complied with, in addition to the requirements for potatoes laid down in parts A and B of the Annexes I, II and IV to Directive 77/93/EEC, with the exception of those laid down in Annex IV, part A, section I, point 25.8:

- 1(a) the potatoes destined for introduction into the Community shall have been produced in fields located in an approved "pest-free area" in Egypt as established by the Commission in accordance with Article 1a of this Decision; in respect of any such approved areas and for the purpose of this Decision, the identification of "area" shall be based on, at least, for the delta region, "village" (administrative units already established which cover a group of "basins"), and for the desert regions, "basin" (irrigation unit); and shall be identified by its individual or collective name and its individual official code number, including each basin or village official code number.'

7. Point 1(b) of the Annex to the Decision is deleted.
8. The text in point 1(c) first indent of the Annex to the Decision is replaced by the following:

— grown from potatoes, either directly of Community origin or once grown from such potatoes, produced in an approved "pest-free area" as established under Article 1a of this Decision and which have been officially tested for latent

infection, immediately prior to planting, in accordance with the Community interim test scheme as laid down in Decision 97/647/EC (*), and found free from *Pseudomonas solanacearum* (Smith) Smith in such testing.

(*) OJ L 273, 6.10.1997, p. 1.

9. The text in point 1(c) third indent of the Annex to the Decision is replaced by the following:

— transported to packing stations officially approved by the Egyptian authorities to handle only potatoes eligible for export to the Community during the 1998/99 export season and on arrival at such an approved packing station:

— accompanied by documents attached to each lorry load at the field of harvest stating the origin, by area as specified in (a), of the load.

These documents shall be held at the packing station until after the completion of the export season,

— officially inspected on samples of cut tubers for symptoms of potato brown rot caused by *Pseudomonas solanacearum* (Smith) Smith and found free from such symptoms in these inspections, at a sampling rate, for 70 kg sacks or equivalent, of 10 % of sacks of 40 tubers inspected per sack and, for 1 or 1,5 tonne sacks, at a sampling rate of 50 % of sacks and 40 tubers inspected per sack.

The list of packing stations officially approved by the Egyptian authorities shall have been made available to the Commission prior to 1 December 1998.'

10. The text in point 1(c), eighth indent, of the Annex to the Decision is replaced by the following:

— clearly labelled on each bag, under the control of the competent Egyptian authorities, with an indelible indication of the relevant official code number as given in the list of "approved pest-free areas" compiled under Article 1a of this Decision, and of the relevant lot number.'

11. In point 1(c), last indent, of the Annex to the Decision '1 February 1998' is replaced by '1 December 1998'.

12. In point 3 of the Annex to the Decision the term 'per area' is replaced by 'from each village or basin per area as referred to in point 1a'.

13. In point 5 of the Annex to the Decision the term 'list of qualified areas' is replaced by 'list of approved pest-free areas'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 August 1998.

For the Commission

Martin BANGEMANN

Member of the Commission