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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 870/1999**  
**of 27 April 1999**  
**establishing the standard import values for determining the entry price of certain**  
**fruit and vegetables**

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 28 April 1999.

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

Done at Brussels, 27 April 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

## ANNEX

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

*(EUR/100 kg)*

| CN code                            | Third country code <sup>(1)</sup> | Standard import value |
|------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                         | 052                               | 77,7                  |
|                                    | 999                               | 77,7                  |
| 0709 90 70                         | 052                               | 67,5                  |
|                                    | 999                               | 67,5                  |
| 0805 10 10, 0805 10 30, 0805 10 50 | 052                               | 38,6                  |
|                                    | 204                               | 38,7                  |
|                                    | 212                               | 66,2                  |
|                                    | 600                               | 59,1                  |
|                                    | 624                               | 46,0                  |
|                                    | 999                               | 49,7                  |
| 0808 10 20, 0808 10 50, 0808 10 90 | 388                               | 87,0                  |
|                                    | 400                               | 88,1                  |
|                                    | 404                               | 102,4                 |
|                                    | 508                               | 71,1                  |
|                                    | 512                               | 65,8                  |
|                                    | 524                               | 75,1                  |
|                                    | 528                               | 68,5                  |
|                                    | 720                               | 91,8                  |
|                                    | 804                               | 97,8                  |
|                                    | 999                               | 83,1                  |
| 0808 20 50                         | 388                               | 68,3                  |
|                                    | 512                               | 60,0                  |
|                                    | 528                               | 65,7                  |
|                                    | 999                               | 64,7                  |

<sup>(1)</sup> 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 871/1999**  
**of 27 April 1999**

**amending Regulation (EC) No 533/1999 on the issuing of a standing invitation to tender for the sale of common wheat of breadmaking quality held by the German intervention agency for export to certain ACP countries in the 1998/99 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93<sup>(3)</sup>, as last amended by Regulation (EC) No 39/1999<sup>(4)</sup>, lays down the procedure and conditions, for the disposal of cereals held by intervention agencies;

Whereas the last partial invitation to tender pursuant to Commission Regulation (EC) No 533/1999<sup>(5)</sup>, as amended by Regulation (EC) No 727/1999<sup>(6)</sup>, should be postponed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 3(2) of Regulation (EC) No 533/1999 is replaced by the following:

‘2. The time limit for submitting tenders in respect of subsequent partial invitations to tender shall be 9 a.m. (Brussels time) each Thursday thereafter.

The time limit for the last partial invitation to tender shall be 9 a.m. (Brussels time) on 27 May 1999.’

*Article 2*

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

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

Done at Brussels, 27 April 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 126, 24.5.1996, p. 37.

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

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

<sup>(5)</sup> OJ L 63, 12.3.1999, p. 21.

<sup>(6)</sup> OJ L 93, 8.4.1999, p. 8.

**COMMISSION REGULATION (EC) No 872/1999**  
**of 27 April 1999**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

fied accordingly and for the sake of clarity; whereas it is included in the main points of the specifications;

Having regard to the Treaty establishing the European Community,

(5) Whereas the name should therefore be entered in the 'Register of protected designations of origin and protected geographical indications' and hence be protected throughout the Community as a protected designation of origin;

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

(6) Whereas the Annex to this Regulation supplements the Annex to Commission Regulation (EC) No 2400/96<sup>(4)</sup>, as last amended by Regulation (EC) No 378/1999<sup>(5)</sup>,

(1) Whereas, in accordance with Article 5 of Regulation (EEC) No 2081/92, the United Kingdom has sent the Commission an application for the registration of a name as a designation of origin;

HAS ADOPTED THIS REGULATION:

(2) Whereas, in accordance with Article 6(1) of that Regulation, the application has been found to meet all the requirements laid down therein and in particular to contain all the information required pursuant to Article 4 thereof;

*Article 1*

(3) Whereas no statement of objection has been received by the Commission pursuant to Article 7 of that Regulation in respect of the name in Annex I hereto following its publication in the *Official Journal of the European Communities*<sup>(3)</sup>;

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

(4) Whereas, as regards the demarcation of the geographical area provided for in Article 4(2)(c) of Regulation (EEC) No 2081/92, the Member State has stated that the demarcation of the area in the specifications must correspond exactly to that indicated in the geographical map forwarded; whereas, while the demarcation of the roads is correct, the county of Somerset needs to be added so that the demarcation tallies fully with the geographical map; whereas this information needs to be speci-

The main points of the specifications are set out in Annex II. This information replaces that published in *Official Journal of the European Communities* C 265 of 22 August 1998, page 31.

*Article 2*

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

<sup>(1)</sup> OJ L 208, 24.7.1992, p. 1.

<sup>(2)</sup> OJ L 156, 13.6.1997, p. 10.

<sup>(3)</sup> OJ C 265, 22.8.1998, p. 31.

<sup>(4)</sup> OJ L 327, 18.12.1996, p. 11.

<sup>(5)</sup> OJ L 46, 20.2.1999, p. 13.

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

Done at Brussels, 27 April 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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*ANNEX I***PRODUCTS LISTED IN ANNEX II TO THE EC TREATY, INTENDED FOR HUMAN  
CONSUMPTION****Cheese**

UNITED KINGDOM

Exmoor Blue Cheese (PGI)

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## ANNEX II

Application for registration pursuant to Article 6(2) of Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin

## COUNCIL REGULATION (EEC) No 2081/92

APPLICATION FOR REGISTRATION: Article 5

PDO ( ) PGI (X)

National file No: 03013

1. **Responsible department in the Member State:** United Kingdom  
Name: Ministry of Agriculture, Fisheries and Food  
Tel.: (44 171) 270 88 65  
Fax: (44 171) 270 80 71
  2. **Applicant group:**
    - (a) Name: Exmoor Blue Cheese
    - (b) Address: Willett Farm, Lydeard St Lawrence, Taunton, Somerset TA4 3QB
    - (c) Composition: producer/processor: 1 other: 1
  3. **Type of product:** Cheese: Class 1.3
  4. **Specification:**

(summary of requirement pursuant to Article 4(2))

    - 4.1. *Name:* Exmoor Blue Cheese
    - 4.2. *Description:* Full-fat blue-veined soft cheese with an average fat content of 34 %. Typified by a rich yellow colour and buttery texture. Made from unpasteurised Jersey cows' milk.
    - 4.3. *Geographical area:* That part of the counties of Devon and Somerset from Barnstaple along the coast to the town of Watchet, the steam railway line from Watchet until it is crossed by road B 3227, road B 3227 west until it crosses road A 361, road A 361 west into Barnstaple.
    - 4.4. *Proof of origin:* The cheese has been produced using traditional hand methods on the applicant's farm since 1986. From 1990, milk solely from the Jersey breed of cow has been used to make this distinctive soft cheese.
    - 4.5. *Method of production:* Milk is heated to 70° F and starter is added. The milk is then heated to 85 to 90° F and this temperature is held for three to five hours. Vegetarian rennet and *Penicillium roqueforti* are added during this period. The curd is allowed to set before being cut and transferred with hand-strainers to two part moulds and left to drain. After both six and 18 hours the moulds are turned. Twenty-four hours later the cheeses are put into a solution of brine for approximately six hours, then left to drain for a further 36 hours, during which time they are turned twice. After needling of both faces by hand, the cheeses are transferred to the maturing room and sprayed on both sides with *Penicillium candidum*. Exmoor Jersey Blue is left to mature for three to six weeks and turned every other day.
    - 4.6. *Link:* The warm wet climate and the red topsoil derived from the underlying old and new red sandstone combine over a long grazing season to give lush pasture, which produces richly flavoured milk.
    - 4.7. *Inspection structure:*  
Name: Specialist Cheese Makers Association  
Address: PO Box 256A, Thames Ditton, Surrey KT7 0HR
    - 4.8. *Labelling:* PGI
    - 4.9. *National legislation requirements:* —
-

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 22 April 1999

regarding a Community procedure for information and consultation on crude oil supply costs and the consumer prices of petroleum products

(1999/280/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 213 thereof,

Having regard to the proposal submitted by the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

(1) Whereas transparency of consumer prices of petroleum products and information about crude oil supply costs are necessary for the satisfactory operation of the internal market, and particularly for the free movement of goods within the Community;

(2) Whereas Council Directive 76/491/EEC of 4 May 1976 regarding a Community procedure for information and consultation on the prices of crude oil and petroleum products in the Community <sup>(4)</sup> requires Member States to communicate to the Commission information which no longer reflects the conditions prevailing on the oil markets; whereas Directive 76/491/EEC should therefore be repealed and replaced by a new Community information procedure;

(3) Whereas Council Regulation (EC) No 2964/95 of 20 December 1995 introducing registration for crude oil imports and deliveries in the

Community <sup>(5)</sup> enables the Commission to be informed, in respect of each Member State, of the monthly supply cost by type of crude oil as regards imports from third countries or deliveries from another Member State but does not enable it to determine the overall crude oil supply cost in the Community;

(4) Whereas it is therefore desirable to set up a Community procedure for information and consultation on crude oil supply costs and the consumer prices of petroleum products;

(5) Whereas this procedure requires the acquisition, at regular intervals, of certain information from Member States regarding crude oil supply costs and the consumer prices of petroleum products in aggregate form;

(6) Whereas, in accordance with their current practice, Member States should continue to communicate to the Commission the consumer prices of petroleum products each Monday as they have done in the past on a voluntary basis; whereas Member States may maintain their current system or create new procedures to collect the data;

(7) Whereas the information collected should make it possible to make a comparison of the trend in costs and oil prices charged in the Community;

(8) Whereas the taxes charged on petroleum products are a component of the selling price, and it is therefore necessary, in order to ensure the transparency of the prices of those products and make a

<sup>(1)</sup> OJ C 232, 24.7.1998, p. 10.

<sup>(2)</sup> OJ C 313, 12.10.1998, p. 68.

<sup>(3)</sup> OJ C 407, 28.12.1998, p. 182.

<sup>(4)</sup> OJ L 140, 28.5.1976, p. 4.

<sup>(5)</sup> OJ L 310, 22.12.1995, p. 5.

comparison of the prices charged in the Community, to indicate the consumer prices of petroleum products net of duties and taxes and inclusive of all taxes;

- (9) Whereas the information collected and the results of the analyses carried out by the Commission should be published at Community level in order to ensure market transparency and should be the subject of consultation between the Member States and the Commission;
- (10) Whereas, should the Commission find anomalies or inconsistencies in the figures communicated to it, it should be able to obtain further information from the Member State concerned;
- (11) Whereas the precise arrangements concerning the communications to be made need to be specified in more detail,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The Member States shall communicate to the Commission information relating to the crude oil supply cost cif and the consumer prices of petroleum products, in the manner laid down in Article 3. The list of petroleum products is set out in the Annex.

The information shall be obtained by aggregating the data received and shall be presented in such a way as to give as representative a picture as possible of each Member State's oil market.

#### *Article 2*

For the purposes of this Decision:

1. 'supply cost' shall mean the cost of all crude oil imports and deliveries, as well as crude oil produced in a Member State;
2. 'crude oil importers' shall mean all quantities of crude oil entering into the Community for purposes other than transit which are intended to cover the needs of a Member State;
3. 'crude oil deliveries' shall mean all quantities of crude oil entering into the territory of a Member State from another Member State for purposes other than transit which are intended to cover the needs of the former Member State;
4. 'crude oil produced in a Member State' shall mean all crude oil produced and refined in a Member State, where such production represents more than 15 % on an annual basis of the total crude oil supply of that Member State;

5. 'consumer prices' shall mean the most representative price levels actually charged to consumers in a given category.

#### *Article 3*

1. Member States shall communicate to the Commission the following information:

- (a) the monthly crude oil supply cost cif in the month following the end of the month in question;
- (b) the consumer prices of petroleum products net of duties and taxes and inclusive of all taxes in force on the 15th day of each month, in the 30 days following the 15th day of the month in question.

2. On the basis of the current collection systems, Member States shall continue to communicate to the Commission the consumer prices of petroleum products net of duties and taxes in force each Monday, at the latest by 12 noon the following day.

#### *Article 4*

On the basis of the information collected pursuant to this Decision, the Commission shall publish in an appropriate form:

- (a) each month, the crude oil supply cost cif and the consumer prices of petroleum products net of duties and taxes and inclusive of duties and taxes charged on the 15th day of each month;
- (b) each week, the consumer prices of petroleum products net of duties and taxes charged on Monday.

#### *Article 5*

The Member States and the Commission shall consult each other on matters related to this Decision, such as the information collected pursuant to it.

#### *Article 6*

All information communicated pursuant to this Decision shall be confidential. This provision shall not however prevent the distribution of general or summary information in terms which do not disclose details relating to individual undertakings, i.e. in terms which refer to at least three undertakings. Member States may refrain from submitting details which relate to such individual undertakings.

#### *Article 7*

If the Commission finds that there are anomalies or inconsistencies in the information communicated to it by the Member States, it may ask the Member States to permit it to acquaint itself with the calculation and assessment procedures used to arrive at the aggregated information.

*Article 8*

Within the limits laid down by this Decision, the Commission shall adopt implementing provisions regarding the form, content and all other aspects of the communications provided for in Article 1.

*Article 9*

Directive 76/491/EEC shall be repealed.

*Article 10*

This Decision is addressed to the Member States.

Done at Luxembourg, 22 April 1999.

*For the Council*

*The President*

W. MÜLLER

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*ANNEX***List of petroleum products**

## 1. motor fuels:

- at the pump:
  - premium leaded petrol
  - premium unleaded Euro 95 (Euro super 95)
  - diesel
  - LPG

## 2. domestic heating fuels:

- for small consumers:
  - heating gas oil

## 3. industrial fuels:

- for wholesale market deliveries:
    - fuel oil (sulphur content exceeding 1 %)
    - fuel oil (sulphur content not exceeding 1 %)
-

**COUNCIL DECISION**  
**of 22 April 1999**  
**appointing a member of the Committee of the Regions**

(1999/281/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 198a thereof,

Having regard to Council Decision 98/110/EC of 26 January 1998 <sup>(1)</sup> appointing members and alternate members of the Committee of the Regions,

Whereas a seat as a member of the committee has become vacant following the resignation of Mr Rembert Behrendt, which was notified to the Council on 23 March 1999;

Having regard to the proposal from the German Government,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Werner Ballhausen is hereby appointed a member of the Committee of the Regions in place of Mr Rembert Behrendt for the remainder of his term of office, which runs until 25 January 2002.

Done at Luxembourg, 22 April 1999.

*For the Council*

*The President*

W. MÜLLER

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<sup>(1)</sup> OJ L 28, 4.2.1998, p. 19.

**COUNCIL DECISION**  
**of 22 April 1999**  
**providing macro-financial assistance to Albania**

(1999/282/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal of the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

- (1) Whereas Albania has made substantial progress on the path to recovery from the effects of the economic and social crisis of early 1997; whereas it has successfully implemented an economic recovery programme to address the immediate effects of the crisis;
- (2) Whereas trade, commercial and economic links between the Community and Albania are developing within the framework of the Agreement between the European Community and the Republic of Albania on trade and commercial and economic cooperation, signed at Brussels on 11 May 1992;
- (3) Whereas Albania, which had been without a constitution since the fall of the communist regime, should have greater respect for human rights and strengthen the foundations of the rule of law as a result of the adoption of a new constitution on 22 November 1998;
- (4) Whereas Albania should not deviate from pursuing the fundamental political and economic reforms undertaken to establish the rule of law and a full and complete democracy and to introduce a market economy which takes account of the need for social justice and environmental protection;
- (5) Whereas Albania has agreed with the International Monetary Fund (IMF) on a comprehensive set of stabilisation and policy reform measures to be supported by a loan under the Enhanced Structural Adjustment Facility (ESAF);
- (6) Whereas Albania has agreed with the World Bank on a set of measures supporting banking reform and employment promotion, which are backed by

a highly concessional Rehabilitation Loan; whereas it is intended that a Structural Adjustment Credit will support further structural adjustment measures;

- (7) Whereas Albania is undertaking fundamental reforms to promote economic reform and build institutions with a strong implementation capacity; whereas the focus of reforms will be strongly centred on institution-building, on public administration and judicial reforms, on the development of public finance structures and financial control procedures and a strong and performing banking sector strengthened by detailed legislation governing the prudential supervision of credit institutions, on the establishment of a functioning agricultural land market and accelerating enterprise privatisation; whereas the government is firmly committed to modernising customs services on the basis of new codes, to a speedy winding up of the pyramid scheme companies and to combating corruption and organised crime which jeopardise political stability and economic order;
- (8) Whereas the authorities of Albania have requested financial assistance for the first year of the medium-term programme from the international financial institutions, the Group of 24 industrialised countries (G-24), and the Community; whereas, over and above the estimated financing which would be provided by the IMF and the World Bank, an important residual financing gap remains to be covered; whereas Paris Club rescheduling and undisbursed pledges made at the Donors' Conference in October 1997 should help cover part of the external financing needed during the first year of the medium-term programme;
- (9) Whereas assistance from the Community will be instrumental in supporting Albania's institutional and structural reforms; whereas a Community long-term loan to Albania is an appropriate measure to help ease the country's external financial constraints, support the balance of payments and strengthen the reserve position;

<sup>(1)</sup> OJ C 302, 1.10.1998, p. 5.

<sup>(2)</sup> Opinion delivered on 12 February 1999 (not yet published in the Official Journal).

- (10) Whereas Albania is a low-income country eligible for highly concessional loans and facilities from the World Bank and the IMF; whereas the Community will provide under the first year of the medium-term programme EUR 19,5 million support to the budget in the form of grants through the PHARE special assistance and the Community food security programme; whereas in these circumstances, the proposal EUR 20 million loan allows overall Community macro-financial support under the first arrangement under the ESAF to reach an appropriate degree of concessionality;
- (11) Whereas the Community loan should be managed by the Commission;
- (12) Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

1. The Community shall make available to Albania a long-term loan facility of a maximum principal amount of up to EUR 20 million with a maximum maturity of 15 years and a grace period of 10 years, with a view to ensuring a sustainable balance of payments situation and consolidating the country's reserve position.
2. To this end, the Commission shall be empowered to borrow, on behalf of the Community, the necessary resources that will be placed at the disposal of Albania in the form of a loan.
3. The loan referred to in paragraph 2 will be managed by the Commission in close consultation with the Economic and Financial Committee and in a manner consistent with any agreement reached between the IMF and Albania.

#### *Article 2*

1. The Commission shall be empowered to agree with the authorities of Albania, after consultation with the Economic and Financial Committee, the economic and institutional policy conditions attached to the loan. These conditions shall be consistent with any of the agreements referred to in Article 1(3).
2. The Commission shall verify at regular intervals, in collaboration with the Economic and Financial Committee and in coordination with the IMF, that the economic and institutional policy in Albania is in accord-

ance with the objectives of this macro-financial assistance and that its conditions are being fulfilled.

#### *Article 3*

1. The macro-financial assistance shall be made available to Albania in two instalments.
2. Subject to the provisions of Article 2, the first instalment shall be released on the basis of a successful completion of the mid-term review of the first year of the programme supported by a three-year ESAF arrangement between the IMF and Albania.
3. Subject to the provisions of Article 2, the second instalment shall be released on the basis of a satisfactory track record in the implementation of the ESAF programme and not before one quarter after the disbursement of the first instalment.
4. The funds shall be paid to the Central Bank of Albania.

#### *Article 4*

1. The borrowing and loan operations referred to in Article 1 shall be carried out using the same value date and must not involve the Community in the transformation of maturities, in any exchange or interest rate risks, or any other commercial risk.
2. The Commission shall take the necessary steps, should Albania so request, to ensure that an early repayment clause is included in the loan terms and conditions, and that it may be exercised.
3. At the request of Albania, and where circumstances permit an improvement in the interest rate on the loan, the Commission may refinance all or part of its initial borrowings or restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with the conditions set out in paragraph 1 and shall not have the effect of extending the average maturity of the borrowing concerned or increasing the amount, expressed at the current exchange rate, of capital outstanding at the date of the refinancing or restructuring.
4. All related costs incurred by the Community in concluding and carrying out the operation pursuant to this Decision shall be borne by Albania.
5. The Economic and Financial Committee shall be kept informed of developments in the operations referred to in paragraphs 2 and 3 at least once a year.

*Article 5*

At least once a year the Commission shall address to the European Parliament and the Council a report, which will include an evaluation on the implementation of this Decision.

Done at Luxembourg, 22 April 1999.

*For the Council*

*The President*

W. MÜLLER

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# COMMISSION

## COMMISSION DECISION

of 12 April 1999

concerning the animal health conditions and veterinary certification for imports  
of fresh meat from certain African countries

*(notified under document number C(1999) 873)*

(Text with EEA relevance)

(1999/283/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

third countries particularly from certain African countries;

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(1)</sup>, as last amended by Directive 97/79/EC<sup>(2)</sup>, and in particular Articles 14, 15 and 16,

(3) Whereas this adaptation must take into account the different epidemiological situations in the African countries concerned, and indeed in the different parts of their territories; whereas, given the existence of identical health situations between the various parts of those different countries, it is necessary to take account of this fact in establishing a new system of health guarantees;

(1) Whereas the animal health conditions and veterinary certification for imports of fresh meat from Botswana, Madagascar, Morocco, Namibia, Swaziland, South Africa and Zimbabwe were established by Commission Decisions 92/22/EEC<sup>(3)</sup>, 90/156/EEC<sup>(4)</sup>, 84/295/EEC<sup>(5)</sup>, 92/24/EEC<sup>(6)</sup>, 92/23/EEC<sup>(7)</sup>, 92/21/EEC<sup>(8)</sup> and 92/25/EEC<sup>(9)</sup>;

(4) Whereas, as a result, it is appropriate to establish different health certificates in accordance with the conditions required for the importation of fresh meat from those different categories of countries or parts of countries;

(2) Whereas, with a view to the internal market, numerous health measures have been established in the framework of trade inside the Community; whereas the realisation of this objective necessitates, in parallel, an adaptation of the health conditions required for importation of fresh meat from

(5) Whereas outbreaks of African swine fever are reported from time to time in these countries and therefore imports into the European Community of pigmeat cannot be authorised;

(6) Whereas as an interim step prior to an in depth analysis concerning the possibility to authorise bone-in meat from certain OIE free regions and, in order to clarify and simplify the Community legislation, it is necessary to group together the health conditions required for imports of fresh meat from the African countries concerned and to repeal the decisions in force for those countries;

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

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

<sup>(3)</sup> OJ L 10, 16.1.1992, p. 34.

<sup>(4)</sup> OJ L 89, 4.4.1990, p. 13.

<sup>(5)</sup> OJ L 144, 30.5.1984, p. 21.

<sup>(6)</sup> OJ L 10, 16.1.1992, p. 46.

<sup>(7)</sup> OJ L 10, 16.1.1992, p. 40.

<sup>(8)</sup> OJ L 10, 16.1.1992, p. 28.

<sup>(9)</sup> OJ L 10, 16.1.1992, p. 52.

- (7) Whereas stricter health conditions have been established for offal destined for human consumption; whereas, moreover, the health conditions established apply without prejudice to the health conditions established by Council Directive 92/118/EEC<sup>(1)</sup>, as last amended by Directive 97/79/EC, and Commission Decision 89/18/EEC of 22 December 1988 concerning importations from third countries of fresh meat destined for purposes other than human consumption<sup>(2)</sup>;
- (8) Whereas having regard to the epidemiological features of foot-and-mouth disease of the ovine and caprines, special guarantees must be required as regards imports of meat of those species;
- (9) Whereas, in addition, the responsible veterinary authorities of the concerned countries must confirm that their countries or regions have for at least 12 months been free from rinderpest, and foot-and-mouth disease;
- (10) Whereas the responsible authorities of the concerned countries must undertake to notify the Commission and the Member States within 24 hours, by fax, telex or telegram of the confirmation of the occurrence of any of the abovementioned diseases or an alteration in the vaccination policy against them;
- (11) Whereas other health conditions must be established for meat not intended for human consumption in accordance with the provisions of Directive 92/118/EEC and Decision 89/18/EEC;
- (12) Whereas animal health conditions and veterinary certification must be adapted according to the animal health situation of the third country or part of third country concerned;
- (13) Whereas Council Directive 96/93/EC<sup>(3)</sup> lays down standards of certification which are necessary for valid certification and to prevent fraud. Whereas it is appropriate to ensure that the rules and principles applied by third-country certifying officers provide guarantees which are at least equivalent to those laid down in this Directive;
- (14) Whereas Council Directive 93/119/EC<sup>(4)</sup> requires that the veterinary health certificate accompanying meat to be imported from third countries to the European Community must be supplemented by an attestation certifying that the animals have been slaughtered under conditions which offer guar-

antees of humane treatment at least equivalent to the relevant provisions in the Directive;

- (15) Whereas considering that a new certification regime is hereby established, a period of time should be provided for its implementation;
- (16) 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*

For the purposes of this Decision the following definitions shall be used:

- (a) 'fresh meat': as defined in Article 2(a) of Council Directive 64/433/EEC<sup>(5)</sup>;
- (b) 'de-boned fresh meat': meat as described in paragraph (a) of this Article, together with diaphragms but excluding offal, from which the bone and the main accessible lymphatic glands have been removed.

### *Article 2*

1. Member States shall authorise the importation of the categories of fresh meat set out in Annex II and coming from the territories laid down in Annex I, if they comply with the guarantees laid down in the health certificate, drawn up in conformity with Annex III.

2. Member States shall authorise the introduction onto their territory of fresh meat from the country of origin subject to the supplementary guarantees required in Annex II and described in Annex IV. These supplementary guarantees must be provided by the exporting country in Section V of each model of certificate laid down in Annex III.

3. In the case of imports of fresh meat described in Article 1 and intended for purposes other than human consumption, Member States shall ensure that the following requirements are complied with:

- the conditions set out in paragraph 1,
- the conditions established by Directive 92/118/EEC,
- the conditions established by Decision 89/18/EEC.

### *Article 3*

This Decision will be reassessed as required by the changing animal health situation in the Community and in the concerned African countries from which the imports are permitted.

<sup>(1)</sup> OJ L 62, 15.3.1993, p. 49.

<sup>(2)</sup> OJ L 8, 11.1.1989, p. 17.

<sup>(3)</sup> OJ L 13, 16.1.1997, p. 18.

<sup>(4)</sup> OJ L 340, 31.12.1993, p. 21.

<sup>(5)</sup> OJ 121, 29.07.1964, p. 2012/64.

*Article 4*

This Decision shall come into effect from 1 June 1999.

*Article 5*

1. Decisions 92/22/EEC, 90/156/EEC, 84/295/EEC, 92/24/EEC, 92/23/EEC, 92/21/EEC and 92/25/EEC are repealed on the date mentioned in Article 4.

2. Member States shall authorise the importation of fresh meat, produced and certified according to the requirements of Decisions 92/22/EEC, 90/156/EEC, 84/295/EEC, 92/24/EEC, 92/23/EEC, 92/21/EEC and 92/

25/EEC during the 30 days following the date mentioned in paragraph 1.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 12 April 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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ANNEX I

DESCRIPTION OF TERRITORIES OF CERTAIN AFRICAN COUNTRIES ESTABLISHED FOR ANIMAL HEALTH CERTIFICATION PURPOSES

| Country      | Code of territory | Version | Description of territory                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------|-------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BOTSWANA     | BW                | 01/99   | The whole country                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|              | BW-01             | 01/99   | Veterinary disease control zones 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 18                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| MOROCCO      | MA                | 01/99   | The whole country                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| MADAGASCAR   | MG                | 01/99   | The whole country                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| NAMIBIA      | NA                | 01/99   | The whole country                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|              | NA-01             | 01/99   | North of the cordon fences which extend from Palgrave Point in the west to Gam in the east                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| SWAZILAND    | SZ                | 01/99   | The whole country                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|              | SZ-01             | 01/99   | Area west of the 'red line' fences which extend northwards from the river Usutu to the frontier with South Africa west of Nkalashane                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| SOUTH AFRICA | ZA                | 01/99   | The whole country                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|              | ZA-01             | 01/99   | Republic of South Africa (excluding that part of the food-and-mouth disease control area situated in the veterinary region Northern and Eastern Transvaal, in the district of Ingwavuma of the veterinary region of Natal and in the border area with Botswana east of longitude 28°)                                                                                                                                                                                                                                                                                                   |
| ZIMBABWE     | ZW                | 01/99   | The whole country                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|              | ZW-01             | 01/99   | Veterinary regions of Mashonaland West province, Mashonaland East province (including Chikomba district), Mashonaland Central province, Manicaland province (including only Makoni district), Midlands province (including only the Gweru, Kwekwe, Shurugwi, Chirimanzu and Zvishavane districts), Masvingo province (including only the districts of Gutu and Masvingo), Matabeleland South province (including only the Insiza, Bullimamangwe, Umzingwamange, Gwanda and West Nicholson districts) and Matabeleland north province ( including only the districts of Bubi and Umgusa) |

## ANNEX II

## MODELS OF ANIMAL HEALTH CERTIFICATES TO BE REQUESTED

| Country      | Code  | Fresh meat for human consumption |                        |                        |                        |                        |                        |                        |                        | Fresh meat intended for purposes other than human consumption |
|--------------|-------|----------------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|---------------------------------------------------------------|
|              |       | Bovine                           |                        | Swine                  |                        | Ovine/Caprine          |                        | Solipeds               |                        |                                                               |
|              |       | MC<br>( <sup>1</sup> )           | SG<br>( <sup>2</sup> ) | MC<br>( <sup>1</sup> ) | SG<br>( <sup>2</sup> ) | MC<br>( <sup>1</sup> ) | SG<br>( <sup>2</sup> ) | MC<br>( <sup>1</sup> ) | SG<br>( <sup>2</sup> ) |                                                               |
| BOTSWANA     | BW    | —                                |                        | —                      |                        | —                      |                        | D                      |                        | —                                                             |
|              | BW-01 | A                                | a                      | —                      |                        | C                      | a                      | D                      |                        | —                                                             |
| MOROCCO      | MA    | —                                |                        | —                      |                        | —                      |                        | D                      |                        | —                                                             |
| MADAGASCAR   | MG    | —                                |                        | —                      |                        | —                      |                        | —                      |                        | —                                                             |
| NAMIBIA      | NA    | —                                |                        | —                      |                        | —                      |                        | D                      |                        | —                                                             |
|              | NA-01 | A                                | a                      | —                      |                        | C                      | a                      | D                      |                        | —                                                             |
| SWAZILAND    | SZ    | —                                |                        | —                      |                        | —                      |                        | D                      |                        | —                                                             |
|              | SZ-01 | A                                | a                      | —                      |                        | —                      |                        | D                      |                        | —                                                             |
| SOUTH AFRICA | ZA    | —                                |                        | —                      |                        | —                      |                        | D                      |                        | —                                                             |
|              | ZA-01 | A                                | a                      | —                      |                        | C                      | a                      | D                      |                        | —                                                             |
| ZIMBABWE     | ZW    | —                                |                        | —                      |                        | —                      |                        | —                      |                        | —                                                             |
|              | ZW-01 | A                                | a, c                   | —                      |                        | —                      |                        | —                      |                        | —                                                             |

(<sup>1</sup>) MC: model of certificate to be fulfilled: the letters (A, B, C, D, etc.) appearing in the tables are referring to the models of animal health guarantees as described in Annex III to Commission Decision 1999/283/EC, to be applied for each product and origin in accordance with Article 2 of this Decision. A dash (—) indicates that imports are not authorised.

(<sup>2</sup>) SG: supplementary guarantees. The letters (a, b, c, d, etc.) appearing in the tables are referring to the supplementary guarantees to be provided by the exporting country as described in Annex IV. These supplementary guarantees must be inserted by the exporting country in Section V of each model of certificate laid down in Annex III.

## ANNEX III

MODEL A

## ANIMAL HEALTH CERTIFICATE

for fresh meat of domestic animals of the bovine species<sup>(1)</sup> intended for consignment to the European CommunityCoded number<sup>(2)</sup>

*Note to the importer:* This certificate is for veterinary purposes only and must accompany the consignment until it reaches the border inspection point.

Country of destination: .....

Reference number of the public health certificate: .....

Exporting country: ..... Code of territory: .....

Ministry: .....

Competent issuing authority: .....

Reference (optional): .....

## I. Identification and origin of meat

| Lot No | Species | Nature of cuts | Nature of packaging | Net weight (kg) | Approval No of the slaughterhouse | Approval No of the cutting plant | Approval No of the cold store |
|--------|---------|----------------|---------------------|-----------------|-----------------------------------|----------------------------------|-------------------------------|
|        |         |                |                     |                 |                                   |                                  |                               |

## II. Origin of meat

Address(es) of place(s) of loading: .....

Name and address of consignor: .....

.....

## III. Destination of meat

Name and address of consignee: .....

.....

The meat will be sent to (country and place of destination): .....

by the following means of transport<sup>(3)</sup>:

| Railway wagon | Lorry | Aircraft | Ship |
|---------------|-------|----------|------|
|               |       |          |      |

<sup>(1)</sup> Fresh meat means all parts fit for human consumption from domestic animals of the bovine species which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

<sup>(2)</sup> Issued by the competent authority.

<sup>(3)</sup> For railway wagons or lorries, the registration number should be given, where known; for bulk containers the number of the container. The number of the seal must be indicated.

Coded number

**IV. Attestation of health**

I, the undersigned, official veterinarian, certify that:

1. the territory described in Annex I to Commission Decision 1999/283/EC with code. . ., version No . . ., has been free for 12 months from rinderpest and foot-and-mouth disease and during the same period, no vaccinations against these diseases have taken place;
2. the fresh meat described above is obtained from bovine animals:
  - which have remained in the territory as described under IV.1 for at least three months before being slaughtered or since birth in the case of animals less than three months old,
  - which come from holdings in which there has been no outbreak of foot-and-mouth disease in the previous 30 days, and around which within a radius of 10 km there has been no case of foot-and-mouth disease for 30 days,
  - which have been transported from their holdings of origin to the approved slaughterhouse concerned without contact with animals which do not comply with the conditions required for export of their meat to the Community, and, if conveyed in a means of transport, that the latter has been cleaned and disinfected before loading,
  - which have passed the *ante mortem* health inspection referred to in Council Directive 72/462/EEC at the slaughterhouse during the 24 hours before slaughter and, in particular, have shown no evidence of foot-and-mouth disease;
3. the fresh meat described above is obtained from an establishment or establishments in which, after a case of foot-and-mouth disease has been diagnosed, further preparation of meat for export to the Community has been authorised only after slaughter of all animals present, removal of all meat, and the total cleaning and disinfection of the establishments under the control of an official veterinarian.

**V. Supplementary guarantees**

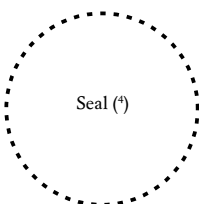
(Supplementary guarantees when required in Annex II and described in Annex IV to Commission Decision 1999/283/EC) (delete if not required).

**VI. Attestation on protection of animals**

I, the undersigned official veterinarian, hereby declare that:

1. I have read and understood Council Directive 93/119/EC;
2. the meat is derived from animals which have been treated in the slaughterhouse before and at the time of slaughter or killing in accordance with the relevant provisions of Council Directive 93/119/EC.

Done at ..... , on .....  
(Place) (Date)



.....  
(Signature of official veterinarian)(\*)

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

(\*) The signature and the seal must be in a colour different to that of the printing.

**ANIMAL HEALTH CERTIFICATE**

**for fresh meat for human consumption of domestic animals of the porcine species <sup>(1)</sup> intended for consignment to the  
European Community**

*NOT APPLICABLE*

**ANIMAL HEALTH CERTIFICATE**

**for fresh meat of domestic animals of the ovine and caprine species<sup>(1)</sup>, intended for consignment to the European Community**

|                             |
|-----------------------------|
| Coded number <sup>(2)</sup> |
|-----------------------------|

*Note to the importer:* This certificate is for veterinary purposes only and must accompany the consignment until it reaches the border inspection point.

Country of destination: .....

Reference number of the public health certificate: .....

Exporting country: ..... Code of territory: .....

Ministry: .....

Competent issuing authority: .....

Reference (optional): .....

**I. Identification and origin of meat**

| Lot No | Species | Nature of cuts | Nature of packaging | Net weight (kg) | Approval No of the slaughterhouse | Approval No of the cutting plant | Approval No of the cold store |
|--------|---------|----------------|---------------------|-----------------|-----------------------------------|----------------------------------|-------------------------------|
|        |         |                |                     |                 |                                   |                                  |                               |

**II. Origin of meat**

Address(es) of place(s) of loading: .....

Name and address of consignor: .....

.....

**III. Destination of meat**

Name and address of consignee: .....

.....

The meat will be sent to (country and place of destination): .....

by the following means of transport<sup>(3)</sup>:

| Railway wagon | Lorry | Aircraft | Ship |
|---------------|-------|----------|------|
|               |       |          |      |

<sup>(1)</sup> Fresh meat means all parts fit for human consumption from domestic animals of the ovine and caprine species which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

<sup>(2)</sup> Issued by the competent authority.

<sup>(3)</sup> For railway wagons or lorries, the registration number should be given, where known for bulk containers the number of the container. The number of the seal must be indicated.

Coded number

#### IV. Attestation of health

I, the undersigned, official veterinarian, certify that:

1. the territory described in Annex I of Commission Decision 1999/283/EC with code . . ., version No. . . has been free for 12 months from rinderpest and foot-and-mouth disease and during the same period, no vaccinations against these diseases have taken place;
2. the fresh meat described above is obtained from ovine and caprine animals:
  - which have remained in the territory as described under IV.1 for at least three months before being slaughtered or since birth in the case of animals less than three months old,
  - which come from holdings in which there has been no outbreak of foot-and-mouth disease in the previous 30 days, and around which within a radius of 10 km there has been no case of foot-and-mouth disease for 30 days,
  - which have been transported from their holdings of origin to the approved slaughterhouse concerned without contact with animals which do not comply with the conditions required for export of their meat to the Community, and, if conveyed in a means of transport, that the latter has been cleaned and disinfected before loading,
  - which have passed the *ante-mortem* health inspection referred to in Directive 72/462/EEC at the slaughterhouse during the 24 hours before slaughter and, in particular, have showed no evidence of foot-and-mouth disease,
  - which have not come from a holding which for health reasons is subject to prohibition as a result of an outbreak of ovine or caprine brucellosis during the previous six weeks;
3. the fresh meat described above is obtained from an establishment or establishments in which, after a case of foot-and-mouth disease has been diagnosed, further preparation of meat for export to the Community has been authorised only after slaughter of all animals present, removal of all meat, and the total cleaning and disinfection of the establishments under the control of an official veterinarian.

## V. Supplementary guarantees:

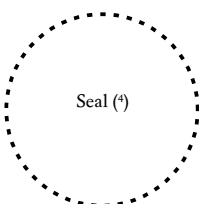
(Supplementary guarantees when required in Annex II and described in Annex IV of Commission Decision 1999/283/EC) (delete if not required).

## VI. Attestation on protection of animals

I, the undersigned official veterinarian, hereby declare that:

1. I have read and understood Council Directive 93/119/EC;
2. the meat is derived from animals which have been treated in the slaughterhouse before and at the time of slaughter or killing in accordance with the relevant provisions of Council Directive 93/119/EC.

Done at ..... , on .....  
(Place) (Date)



(Signature of official veterinarian) (4)

(Name in capital letters, qualification and title)

<sup>(4)</sup> The signature and the seal must be in a colour different to that of the printing.

**ANIMAL HEALTH CERTIFICATE**  
**for fresh meat of domestic solipeds <sup>(1)</sup>, intended for consignment to the European Community**

|                             |
|-----------------------------|
| Coded number <sup>(2)</sup> |
|-----------------------------|

*Note to the importer:* This certificate is for veterinary purposes only and must accompany the consignment until it reaches the border inspection point.

Country of destination: .....

Reference number of the public health certificate: .....

Exporting country: ..... Code of territory: .....

Ministry: .....

Competent issuing authority: .....

Reference (optional): .....

**I. Identification and origin of meat**

| Lot No | Species | Nature of cuts | Nature of packaging | Net weight (kg) | Approval No of the slaughterhouse | Approval No of the cutting plant | Approval No of the cold store |
|--------|---------|----------------|---------------------|-----------------|-----------------------------------|----------------------------------|-------------------------------|
|        |         |                |                     |                 |                                   |                                  |                               |

**II. Origin of meat**

Address(es) of place(s) of loading: .....

Name and address of consignor: .....

.....

**III. Destination of meat**

Name and address of consignee: .....

.....

The meat will be sent to (country and place of destination): .....

by the following means of transport <sup>(3)</sup>:

| Railway wagon | Lorry | Aircraft | Ship |
|---------------|-------|----------|------|
|               |       |          |      |

<sup>(1)</sup> Fresh meat means all parts fit for human consumption from domestic solipeds which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

<sup>(2)</sup> Issued by the competent authority.

<sup>(3)</sup> For railway wagons or lorries, the registration number should be given, where known for bulk containers the number of the container. The number of the seal must be indicated.

Coded number

**IV. Attestation of health**

I, the undersigned, official veterinarian, certify that the fresh meat described above is obtained from animals which have remained in the territory described in Annex I to Commission Decision 1999/283/EC with code . . ., version No . . ., for at least three months before being slaughtered or since birth in the case of animals less than three months old.

**V. Supplementary guarantees**

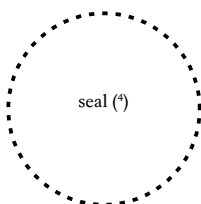
(Supplementary guarantees when required in Annex II and described in Annex IV of Commission Decision 1999/283/EC) (delete if not required).

**VI. Attestation on protection of animals**

I, the undersigned official veterinarian, hereby declare that:

1. I have read and understood Council Directive 93/119/EC;
2. the meat is derived from animals which have been treated in the slaughterhouse before and at the time of slaughter or killing in accordance with the relevant provisions of Council Directive 93/119/EC.

Done at ..... , on .....  
(place) (date)



.....  
(signature of official veterinarian) (\*)

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

(\*) The signature and the seal must be in a colour different to that of the printing.

MODEL E

**ANIMAL HEALTH CERTIFICATE**

**for fresh meat of domestic animals of the bovine, porcine, ovine and caprine species and solipeds intended for purposes other than human consumption and intended for consignment to the European Community**

*NOT APPLICABLE*

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*ANNEX IV***SUPPLEMENTARY GUARANTEES TO BE PROVIDED BY THE EXPORTING TERRITORY  
WHEN REQUIRED IN ANNEX II IN APPLICATION OF ARTICLE 2(2)**

- (a) The meat fulfils the requirements of de-boned fresh meat as described in Article 1(b) of Decision 1999/283/EC and originates from carcasses which have matured at a room temperature of more than +2° C for at least 24 hours after slaughter and before the bones were removed; has had the major lymphatic glands removed; has, during all stages of its production, de-boning, and storage been kept strictly separate from meat not conforming to the requirements laid down in the decisions of the European Community currently in force as regards import of meat (with the exception of meat packed in boxes or cartons and kept in special storage areas).
  - (b) The animals have reacted negatively to an official intra-dermal tuberculosis test carried out in the three months before slaughter in accordance with Annex B to Council Directive 64/432/EEC.
  - (c) The animals have, in accordance with the Zimbabwean legal provisions, a mark indicating their region of origin, that is for the veterinary region of Mashonaland West province, northern part, brand 'L', for Mashonaland West province, southern part, brand 'HL', for Mashonaland East province, brand 'H' including Chikomba district, brand 'JJ', Mashonaland Central province, brand 'C', for Manicaland province (including only Makoni district), brand 'UM', for Midlands province (including only the districts of Gweru, Kwekwe, Shurugwi and Chirimanzu), brand 'J' and for Midlands province (including only the district of Zvishavane), brand 'Z', for Masvingo province the district of Gutu brand 'T' and for the district of Masvingo brand 'inverted T', for Matebeleland South province (including) only the Insiza, Bullimamagwe, Umzingwamange, Gwanda and West Nicholson districts), brands 'MY', 'Y', 'Y-inverted Y', 'inverted Y' or 'K' and for Matebeleland North province including only the clear zones of Bubi and Umguza districts, brand 'E'.
  - (d) This meat can not be introduced into the EC territory for at least 21 days from ... (date of slaughter).
-

# EUROPEAN CENTRAL BANK

## DECISION OF THE EUROPEAN CENTRAL BANK

of 3 November 1998

concerning public access to documentation and the archives of the European Central Bank

(ECB/1998/12)

(1999/284/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute') and in particular to Article 12.3 thereof,

Having regard to the Rules of Procedure of the European Central Bank (ECB) and in particular to Articles 23.2 and 23.3 thereof,

Whereas the Declaration on the right of access to information annexed to the Final Act of the Treaty on European Union emphasises that transparency of the decision-making process strengthens the democratic nature of the institutions and the public's confidence in the administration;

Whereas the European Council in Birmingham and Edinburgh agreed on a number of principles to promote a Community closer to its citizens;

Whereas the European Council in Copenhagen reaffirmed the principle of giving citizens the greatest possible access to information;

Whereas citizens have a legitimate interest in the organisation and functioning of institutions and bodies that are financed from public funds;

Whereas Decision No 9/97 of the Council of the European Monetary Institute (EMI) of 3 June 1997<sup>(1)</sup> foresees that the public shall have access to EMI administrative documents; whereas the EMI went into liquidation on 1 June 1998; whereas it is required to specify the principles which will govern access to the documentation and the archives of the ECB;

Whereas the European Ombudsman issued a Decision in the own initiative inquiry into public access to documents<sup>(2)</sup>; whereas the recommendations of that Decision applied to the EMI only in relation to administrative documents; whereas the same limitations of the scope of application of the Decision are applicable to the ECB;

Whereas, in accordance with Article 10.4 of the Statute, the proceedings of the meetings of the Governing Council of the ECB are confidential, but the Governing Council of the ECB may decide to make the outcome of its deliberations public;

Whereas, in accordance with Article 23.1 of the Rules of Procedure of the ECB, the proceedings of the decision-making bodies of the ECB and of any committee or group established by them are confidential unless the Governing Council of the ECB authorises the President of the ECB to make the outcome of their deliberations public;

Whereas, in accordance with Article 23.2 of the Rules of Procedure of the ECB, all documents drawn up by the ECB are confidential unless the Governing Council of the ECB decides otherwise;

Whereas this Decision is an additional element in the ECB's information and communication policy; whereas clear rules can promote good administration by helping officials to deal accurately and promptly with requests from the public for documents;

Whereas the ECB, before granting access to any document containing information obtained from the central bank of a Member State, will consult that national central bank;

Whereas, in accordance with Article 11.6 of the Statute, the Executive Board of the ECB is responsible for the current business of the ECB,

<sup>(1)</sup> OJ L 90, 25.3.1998, p. 43.

<sup>(2)</sup> 616/PUBAC/F/IJH of 20 December 1996.

HAS ADOPTED THIS DECISION:

### *Article 1*

#### **Access to administrative documents**

1. The public shall have access to documentation and the archives of the ECB with regard to administrative documents in accordance with the provisions of this Decision.

2. For the purposes of this Decision, 'administrative document' shall mean any record, whatever its medium, which contains existing data and which relates to the actual organisation and functioning of the ECB. In addition, it shall mean any such record relating to the organisation and functioning of the EMI.

### *Article 2*

#### **Application for access**

An application for access to an administrative document shall be sent in writing to the ECB<sup>(1)</sup>. The ECB shall endeavour to comply with the application. If the application is not made in a sufficiently precise manner or does not contain information enabling the requested document to be identified, the ECB shall ask the applicant to complete the application by providing further details.

### *Article 3*

#### **Form of access; costs; commercial reproduction**

1. An applicant shall have access to an administrative document either by consulting it at the premises of the ECB or by having a copy sent at his/her own expense. A fee of ECU 10 (EUR 10 as from 1 January 1999) shall be charged for copies of printed documents exceeding 100 pages in total, plus ECU 0,05 (EUR 0,05 as from 1 January 1999) per sheet of paper.

2. The ECB shall endeavour to find a fair solution to deal both with repeated applications by the same applicant for the same administrative document and with applications which relate to a large number of or very long administrative documents.

3. No one who has been given access to an administrative document in accordance with this Article may reproduce or circulate the document for commercial purposes through direct sale without prior authorisation

<sup>(1)</sup> Addressed to the European Central Bank, Directorate External Relations, Kaiserstraße 29, D-60311 Frankfurt am Main.

from the ECB, which may be withheld without there being any requirement to give a reason.

### *Article 4*

#### **Exceptions**

Access to an administrative document shall not be granted where its disclosure could undermine:

- the protection of the public interest, in particular public security, international relations, monetary and exchange rate stability, court proceedings, inspections and investigations,
- the protection of the individual and of privacy,
- the protection of copyright and of commercial, banking and industrial secrecy,
- the protection of the ECB's financial interests,
- the protection of confidentiality as requested by any natural or legal person who supplied any of the information contained in the document or as required by the law applicable to such person.

### *Article 5*

#### **Decision on application; confirmatory application; judicial review**

1. The ECB shall endeavour to deal with the application within a reasonable period of time. Within one month, at the latest, the applicant shall be informed in writing by the Director for External Relations of the ECB either that the application has been approved or that the intention is to reject it. In the latter case, the applicant shall also be informed of the grounds for this intention and informed that he/she has one month within which to make a confirmatory application for the position to be reconsidered, failing which he/she will be deemed to have withdrawn the original application.

2. Failure to reply to an application within a month of submission shall be equivalent to a rejection, except where the applicant makes a confirmatory application, as referred to above, during the course of the following month.

3. A decision on a confirmatory application shall be taken by the Executive Board of the ECB within one month of receipt.

4. Any decision to reject a confirmatory application shall state the grounds upon which it is based. The applicant shall be notified of the decision in writing as soon as possible and at the same time be informed of the

content of Articles 138e and 173 of the Treaty establishing the European Community, which relate to the conditions for referral to the Ombudsman by natural persons and for the review of the legality of ECB acts by the Court of Justice respectively.

*Article 6*

**Replacement of EMI Decision No 9/97**

Decision No 9/97 of the Council of the EMI shall be replaced by this Decision with immediate effect.

Done at Frankfurt am Main, 3 November 1998.

5. Failure to reply within a month of submitting the confirmatory application shall be equivalent to a rejection.

*The President of the ECB*

Willem F. DUISENBERG

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**DECISION OF THE EUROPEAN CENTRAL BANK****of 1 December 1998****laying down the measures necessary for the paying-up of the capital of the  
European Central Bank by the non-participating national central banks****(ECB/1998/14)****(1999/285/EC)**THE GENERAL COUNCIL OF THE EUROPEAN  
CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute') and in particular to Article 48 thereof,

- (1) Whereas the European Central Bank (ECB) was established on 1 June 1998;
- (2) Whereas the capital of the ECB shall amount to ECU 5 000 million and shall become operational as of 1 June 1998;
- (3) Whereas the national banks of the Member States shall be the sole subscribers to and holders of the capital of the ECB;
- (4) Whereas the subscription to the ECB's capital shall be in accordance with Article 1 of the ECB Decision on the method to be applied for determining the national central banks' percentage shares in the key for the capital of the European Central Bank (ECB/1998/1);
- (5) Whereas the Governing Council of the ECB shall determine the extent to which and the form in which the capital shall be paid up;
- (6) Whereas national central banks of non-participating Member States shall not pay up their subscribed capital unless the General Council of the ECB decides that a minimal percentage has to be paid up as a contribution to the operational costs of the ECB;
- (7) Whereas, in accordance with Article 2.1 of EU Council Regulation (EC) No 1103/97 of 17 June 1997, the euro shall be substituted for the ECU on a 1:1 basis as from 1 January 1999,

HAS ADOPTED THIS DECISION:

*Article 1***Extent to which the capital shall be paid up by the  
national central banks of the non-participating  
Member States**

- 1.1. The national central banks of non-participating Member States shall pay up 5 % of their subscription to the ECB's capital. The amounts are due as at 1 June 1998.
- 1.2. The Annex to this Decision specifies the individual amounts due from each of the national central banks of the non-participating Member States.

*Article 2***Manner in which the capital shall be paid up**

Amounts due to the ECB from the national central banks of the non-participating Member States in accordance with the previous Article shall be settled by offsetting them against repayments of their respective contributions to the financial resources of the European Monetary Institute, and this settlement shall constitute payments of the subscribed capital of the ECB.

*Article 3***Final provision**

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

Done at Frankfurt am Main, 1 December 1998.

*The President of the ECB*

Willem F. DUISENBERG

## ANNEX

**Amounts due as at 1 June 1998 from the national central banks of the non-participating Member States, being 5 % of their subscribed capital, according to the weightings assigned in the key for subscription of the ECB's capital of ECU 5 000 million**

*(ECU)*

| National central banks<br>of non-participating<br>Member States | Weighting | Subscribed capital | Amount to be paid up |
|-----------------------------------------------------------------|-----------|--------------------|----------------------|
| Danmarks Nationalbank                                           | 1,6709 %  | 83 545 000         | 4 177 250            |
| Bank of Greece                                                  | 2,0564 %  | 102 820 000        | 5 141 000            |
| Sveriges Riksbank                                               | 2,6537 %  | 132 685 000        | 6 634 250            |
| Bank of England                                                 | 14,6811 % | 734 055 000        | 36 702 750           |