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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1540/1999
of 14 July 1999
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

- (2) 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 15 July 1999.

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

Done at Brussels, 14 July 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 14 July 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0707 00 05	052	61,9
	628	130,8
	999	96,4
0709 90 70	052	54,3
	999	54,3
0805 30 10	382	55,5
	388	61,1
	524	44,8
	528	60,3
0808 10 20, 0808 10 50, 0808 10 90	999	55,4
	388	86,1
	400	69,6
	508	74,7
	512	63,6
	524	55,7
	528	82,8
	804	101,3
	999	76,3
	388	98,5
	512	63,3
0808 20 50	528	76,6
	804	72,3
	999	77,7
	052	137,2
0809 10 00	064	79,9
	999	108,5
	052	187,0
0809 20 95	061	155,0
	068	90,6
	400	216,1
	616	170,0
	999	163,7
0809 40 05	064	83,2
	624	258,0
	999	170,6

⁽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 1541/1999**of 14 July 1999****setting the intervention threshold for apples for the 1999/2000 marketing year**

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 last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 27(1) and (2) thereof,

- (1) Whereas Article 27(1) of Regulation (EC) No 2200/96 provides for the possibility of setting an intervention threshold if the market in a product listed in Annex II thereto is suffering or at risk of suffering from widespread structural imbalances giving or liable to give rise to too large a volume of withdrawals; whereas such a development would be likely to cause budget problems for the Community;
- (2) Whereas an intervention threshold was set for apples for the 1998/99 marketing year in Commission Regulation (EC) No 1547/98 ⁽³⁾; whereas, since the conditions laid down in the abovementioned Article 27 continue to be met for that product, a new threshold should be set for the 1999/2000 marketing year on the basis of a percentage of the average quantity of produce intended for consumption fresh of the last five marketing years for which data are available; whereas the period to be taken into account for the assessment of the overrun of the threshold should also be determined;
- (3) Whereas, pursuant to the abovementioned Article 27, an overrun of the intervention threshold results in a reduction in the Community withdrawal compensation in the marketing year following the year in which the threshold is exceeded; whereas the consequences of such an overrun should be determined and a reduction in

proportion to the size of the overrun set, but restricted to a certain percentage;

- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. The intervention threshold for apples for 1999/2000 marketing year shall be 486 900 tonnes.

2. The overrun of the intervention threshold laid down in paragraph 1 shall be assessed on the basis of withdrawals effected between 1 June 1999 and 31 May 2000.

Article 2

If the quantity of apples subject to withdrawals during the period laid down in Article 1(2) exceeds the threshold laid down in Article 1(1), the Community withdrawal compensation set under Article 26 of Regulation (EC) No 2200/96 for the following marketing year shall be reduced in proportion to the size of the overrun based on the production used to calculate the relevant threshold.

However, the reduction in the Community withdrawal compensation shall not exceed 30 %.

Article 3

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, 14 July 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 202, 18.7.1998, p. 23.

COMMISSION REGULATION (EC) No 1542/1999**of 14 July 1999****fixing the actual production of olive oil and the unit amount of production aid for the 1997/98 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1638/98 ⁽²⁾,

Having regard to Regulation (EC) No 1638/98, and in particular Article 3(1) thereof,

- (1) Whereas Regulation (EC) No 1638/98 introduces major changes in the common organisation of the market in oils and fats from 1 November 1998; whereas the olive oil production aid scheme in particular has been overhauled; whereas, to ensure smooth transition between the schemes in force before and after 1 November 1998, it is necessary to lay down provisions for the production aid for the 1997/98 marketing year, to apply up to the end of that year;
- (2) Whereas Article 5 of Regulation No 136/66/EEC in the version applicable on 31 October 1998 provides that the unit amount of the production aid must be reduced where the actual production for a given marketing year exceeds the maximum guaranteed quantity fixed for that marketing year; whereas, however, producers whose average production is less than 500 kilograms of olive oil per marketing year are not affected by that reduction;
- (3) Whereas Article 17a of Council Regulation (EEC) No 2261/84 ⁽³⁾, as last amended by Regulation (EC) No 1639/98 ⁽⁴⁾, in the version applicable on 31 October 1998, provides that, in order to determine the unit amount of the production aid for olive oil which may be paid in advance, the estimated production for the marketing year concerned should be established; whereas, for the 1997/98 marketing year, the estimated production and the unit amount of production aid which may be paid in advance were fixed by Commission Regulation (EC) No 2095/98 ⁽⁵⁾;
- (4) Whereas, pursuant to Article 17a(3) of Regulation (EEC) No 2261/84 in the version applicable on 31 October 1998, not more than eight months after the end of the marketing year, the quantity actually produced in respect

of which entitlement to the aid has been recognised must be determined; whereas, to that end, in accordance with Article 12a of Commission Regulation (EEC) No 3061/84 ⁽⁶⁾, as last amended by Regulation (EC) No 2455/97 ⁽⁷⁾, the Member States concerned must notify the Commission, not later than 31 May following each marketing year, of the quantity recognised as qualifying for the aid in each Member State; whereas, as a result of those communications, the quantity eligible for aid for the 1997/98 marketing year amounts to 712 847 tonnes for Italy, 2 480 tonnes for France, 492 364 tonnes for Greece, 1 147 000 tonnes for Spain and 39 600 tonnes for Portugal;

- (5) Whereas recognition by the Member States of those quantities as qualifying for the aid implies that the checks referred to in Regulations (EEC) No 2261/84 and (EEC) No 3061/84 have been carried out; whereas, however, fixing actual production in accordance with the information on the quantities recognised as qualifying for Community aid by the Member States does not prejudice the conclusions that may be drawn from verification of the accuracy of that information under the clearance of accounts procedure;
- (6) Whereas, in view of the quantity actually produced, the unit amount of the production aid provided for in point (b) of the fifth subparagraph of Article 5(1) of Regulation No 136/66/EEC in the version applicable on 31 October 1998 should also be fixed;
- (7) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1997/98 olive oil marketing year:

- the quantity actually produced in respect of which entitlement to the production aid has been recognised is 2 394 291 tonnes,
- the unit amount of the production aid shall be EUR 80,17 per 100 kilograms.

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 210, 28.7.1998, p. 32.

⁽³⁾ OJ L 208, 3.8.1984, p. 3.

⁽⁴⁾ OJ L 210, 28.7.1998, p. 38.

⁽⁵⁾ OJ L 266, 1.10.1998, p. 62.

⁽⁶⁾ OJ L 288, 1.11.1984, p. 52.

⁽⁷⁾ OJ L 340, 11.12.1997, p. 26.

Article 2

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

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

Done at Brussels, 14 July 1999.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1543/1999**of 14 July 1999****derogating from Regulation (EEC) No 2456/93 laying down detailed rules for the application of
Council Regulation (EEC) No 805/68 as regards public intervention**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1633/98 ⁽²⁾, and in particular Article 6(7) thereof,

- (1) Whereas Commission Regulation (EEC) No 2456/93 ⁽³⁾, as last amended by Regulation (EC) No 2812/98 ⁽⁴⁾, in particular lays down detailed rules governing invitations to tender, whereas the closing date for the submission of tenders in August 1999 should be amended for practical reasons;

- (2) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding the first sentence of Article 10 of Regulation (EEC) No 2456/93, the deadline for the submission of tenders in August 1999 shall be 12 noon (Brussels time) on the fourth Tuesday of that month.

Article 2

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

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

Done at Brussels, 14 July 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28.6.1968, p. 24.

⁽²⁾ OJ L 210, 28.7.1998, p. 17.

⁽³⁾ OJ L 225, 4.9.1993, p. 4.

⁽⁴⁾ OJ L 349, 24.12.1998, p. 47.

COMMISSION REGULATION (EC) No 1544/1999**of 14 July 1999****derogation from Regulation (EC) No 1223/94 laying down special detailed rules for the application of the system of advance-fixing certificates for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Commission Regulation (EC) No 2491/98 ⁽²⁾, and in particular the first subparagraph of Article 8(3) thereof,

- (1) Whereas Commission Regulation (EC) No 1223/94 ⁽³⁾, as last amended by Regulation (EC) No 1367/1999 ⁽⁴⁾, provides that advance-fixing certificates for cereals exported in the form of goods not covered by Annex I to the Treaty are valid until the end of the fifth month following that of application;
- (2) Whereas the current situation on the maize market makes it desirable to limit the issuing of certificates in order to avoid committing quantities from the new marketing year; whereas certificates to be issued in forthcoming months must be reserved for exports carried out before the end of August 1999; whereas, to that end, the term of validity of advance-fixing certificates to be issued for execution up to 31 August 1999 must be temporarily limited; whereas a temporary derogation should therefore be introduced to Article 4(1) of Regulation (EC) No 1223/94;
- (3) Whereas, in order to ensure sound management of the market and to prevent speculation, provision should be made for customs export formalities for certain certificates for maize exported in the form of goods not covered by Annex I to be completed by 31 August 1999 at the latest, either as direct exports or as exports under the arrangements laid down in Articles 4 and 5 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽⁵⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁶⁾; whereas such limitation entails a derogation from the provisions of Articles 28(6) and 29(5) of Commission Regulation (EC) No 800/1999 of

15 April laying down common detailed rules for the application of the system of refunds on agricultural products ⁽⁷⁾;

- (4) Whereas the provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex II,

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Article 4(1) of Regulation (EC) No 1223/94, advance-fixing certificates for maize - with the exception of maize employed in the form of glucose, glucose syrup, maltodextrine and maltodextrine syrup covered by CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79 and 2106 90 55 - applied for from the date entry into force of this Regulation to 31 August 1999 shall be valid until 31 August 1999.

2. Export formalities for the above certificates must be completed by 31 August 1999 at the latest.

The limitation shall also apply to the formalities referred to in Article 32 of Regulation (EC) No 800/1999 in respect of products placed under the arrangements referred to in Regulation (EEC) No 565/80 under cover of such certificates.

One of the following shall be entered in Section 22 of the certificates:

Limitación establecida en el apartado 2 del artículo 1 del Reglamento (CE) nº 1544/1999

Begrænsning in henhold til artikel 1, stk. 2, I forordning (EF) nr. 1544/1999

Kürzung der Gültigkeitsdauer gemäß Artikel 1 Absatz 2 der Verordnung (EG) Nr. 1544/1999

Περιορισμός προβλεπόμενος στο άρθρο 1 παράγραφος 2 του κανονισμού (ΕΚ) αριθ. 1544/1999

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 309, 19.11.1998, p. 28.

⁽³⁾ OJ L 136, 31.5.1994, p. 33.

⁽⁴⁾ OJ L 162, 26.6.1999, p. 31.

⁽⁵⁾ OJ L 62, 7.3.1980, p. 5.

⁽⁶⁾ OJ L 199, 22.7.1983, p. 12.

⁽⁷⁾ OJ L 102, 17.4.1999, p. 11.

Limitation provided for in Article 1(2) of Regulation (EC) No 1544/1999

Limitation prévue à l'article 1^{er} paragraphe 2 du règlement (CE) n° 1544/1999

Limitazione prevista all'articolo 1, paragrafo 2, del regolamento (CE) n. 1544/1999

Beperking als bepaald in artikel 1, lid 2, van Verordening (EG) nr. 1544/1999

Limitação estabelecida no n.º 2 do artigo 1.º do Regulamento (CE) n.º 1544/1999

Asetuksen (EY) N:o 1544/1999 1 artiklan 2 kohdassa säädetty rajoitus

Begränsning enligt artikel 1.2 i förordning (EG) nr 1544/1999.

Article 2

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

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

Done at Brussels, 14 July 1999.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 1545/1999
of 14 July 1999**

**amending Regulation (EC) No 1091/94 laying down certain detailed rules for the implementation of
Council Regulation (EEC) No 3528/86 on the protection of forests against atmospheric pollution**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

- (5) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Forestry Committee,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EEC) No 3528/86 of 17 November 1986 on the protection of the Community's forests against atmospheric pollution ⁽¹⁾, as last amended by Regulation (EC) No 307/97 ⁽²⁾, and in particular Article 3(2) thereof,

Article 1

Regulation (EC) No 1091/94 is hereby amended as follows:

- (1) Whereas, pursuant to the third indent of Article 2(1) of Regulation (EEC) No 3528/86, the purpose of the Community scheme is to help Member States to conduct intensive and continuous surveillance of forest ecosystems on permanent observation plots;
- (2) Whereas, pursuant to Article 2(2) of Regulation (EEC) No 3528/86 Member States are required to forward to the Commission the data gathered by the network of permanent observation plots for intensive and continuous surveillance;
- (3) Whereas this network has been installed by Member States in accordance with Annex I to Commission Regulation (EC) No 1091/94 ⁽³⁾, as last amended by Regulation (EC) No 1390/97 ⁽⁴⁾; whereas the common methodology and the format for the submission of data for the continuous inventory of the crown condition, the inventory of soil and foliar condition, increment, deposition measurements, meteorological observations and soil solution monitoring have been laid down in Annexes III to X to Regulation (EC) No 1091/94;
- (4) Whereas the results of the ground vegetation assessment are already recorded and the common methodology and the format for the data submission are to be added to Regulation (EC) No 1091/94; whereas the common methodology for measurements of meteorology has to be updated;

1. Article 1(2) is replaced by the following:

‘On the permanent observation plots intensive and continuous surveillance of the forest ecosystems shall be carried out. This contains the continuous inventory on the crown condition, the inventory of soil and foliar condition and measurements on increment changes, deposition rates, meteorology, soil solution sampling and analysis and ground vegetation assessment in accordance with objective sampling methods and analysed in accordance with established methods’.

2. Article 1(4) is replaced by the following:

‘Technical details pertaining to the provisions of this Article are set out in Annexes III to XI’.

3. In Article 2(1) the following indent is added after the last indent:

‘— to carry out the assessment of ground vegetation’.

4. Annex I is replaced by Annex I to this Regulation.
5. Annex II, is replaced by Annex II to this Regulation.
6. Annex VIIa is amended in accordance with Annex III to this Regulation.
7. Annex IX, is replaced by Annex IV to this Regulation.
8. Annex V to this Regulation is added as Annex XI.

Article 2

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

⁽¹⁾ OJ L 326, 21.11.1986, p. 2.

⁽²⁾ OJ L 51, 21.2.1997, p. 9.

⁽³⁾ OJ L 125, 18.5.1994, p. 1.

⁽⁴⁾ OJ L 190, 19.7.1997, p. 3.

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

Done at Brussels, 14 July 1999.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

Annex I to Regulation (EC) No 1091/94 is replaced by the following Annex:

'ANNEX I

**COMMON METHODS FOR THE ESTABLISHMENT OF A NETWORK OF PERMANENT OBSERVATION PLOTS
FOR INTENSIVE, CONTINUOUS MONITORING**

(Article 2(1) of Regulation (EEC) No 3528/86 and its amendments)

I. General remarks

The purpose of the scheme mentioned in Article 2(1) to Regulation 3528/86 and its amendments is to establish a network of permanent observation plots in the Member States of the Community and to collect data by intensive and continuous surveillance.

The objectives of the scheme are:

- to conduct an intensive and continuous monitoring of forest ecosystems in relation to the damage caused by atmospheric pollution and other factors influencing forest condition,
- to improve the understanding of the causal relationship between changes in forest ecosystem and the factors influencing it especially atmospheric pollution, by concentrating at a single location various measurements and monitoring of forest ecosystems and its components,
- to obtain relevant information on the evolution of a number of forest ecosystems in the Community.

II. Establishment of the network of permanent observation plots

II.1. Selection of plots

Member States selected by 30 June 1994 a sufficiently large number of permanent observation plots in their country. Since then some Member States have completed their national intensive monitoring programme by additional plots. The maximum number of these plots should be in principle limited for each Member State up to 15 plots, but Member States are allowed to select a larger number of plots under the condition that the number will not exceed 20 % of the number of national plots of the Community's 16 x 16 km gridnet (Regulation (EEC) No 1696/87).

The selection of these plots are in the responsibility of the Member States, although the following criteria for the selection should be applied:

- the plots should be located in such a way that the more important forest species and more widespread growing conditions in the respective country are represented,
- the minimum size of a plot shall be 0,25 hectares measured on a horizontal plane,
- to minimise the effects from activities on surrounding areas the plot shall be surrounded by a buffer zone. The actual width of the zone depends on the type and age of the forest. If the area of the plot and its surroundings is uniform with regard to height and age structure, the width of the buffer zone can be restricted to 5 or 10 m. If the forest area in which the plot is located consists of mixed stands, different species or age structure, the buffer zone shall be enlarged to up to five times the potential maximum height of the forest in the plot,
- as the plot will have to be available for long duration monitoring, it is necessary that the corners and/or boundaries are clearly marked and that each sample tree in the plot is numbered in a permanent way,
- the plots should be easily accessible at all times and no restriction with regard to the access and sampling should exist,
- there should be no differences in the management of the plot, its buffer zone and the surrounding forest (e.g. management operations should be comparable), and disturbances caused by the monitoring should be kept to a minimum),
- direct pollution from known local sources should be avoided. Plots should not be located in the immediate vicinity of farms, very close to main roads or in direct vicinity of polluting industries,
- a sufficient number of trees should be available for sampling in or near the plot,
- the plots and the buffer zone should be as uniform as possible regarding, e.g. species or species mixture, age, size, soil and slope,
- the plots should be located sufficiently far away from the forest edge.

It is recommended to select plots which have been monitored in recent years within the framework of Regulation (EEC) No 3528/86 or other programmes. When additional plots have to be selected it is recommended that plots are identical to or located near one of the existing plots of the Community's 16 x 16 km network and that plots are located in such a way that information from other sources (e.g. meteorological stations) can be used.

II.2. *Installation and documentation of the plot*

Member States submitted to the Commission in 1994 the general data and a detailed description of each plot.

The detailed description of the plot includes; the exact location of the plot, a sketch map showing the permanent marking other plot corners and/or boundaries, the number of trees in the plot and any other relevant permanent elements in or near the plot (e.g. access road, rivers). In the future, the exact location of sample sites (e.g. soil pits) shall also be recorded on this map.

II.3. *Definition of a subplot*

In principle all trees in the total plot are to be included in the sample for the tree assessment (e.g. crown inventory, increment assessment). Where the plot has many trees (i.e. dense stands), a subplot may be defined to be used for these surveys. The size of the subplot at the time of the installation of the plot should be large enough to give reliable estimates for these surveys for a minimum of 20 years, preferably throughout the life of the stand. A minimum of at least 20 trees in the subplot should be available in this period.

II.4. *General information on each plot*

The following general information on each permanent observation plot for intensive and continuous monitoring shall be collected during the installation and the first surveys:

Installation	First surveys
— Descriptive code	Country Observation plot number Actual latitude and longitude
— Site data	Altitude Orientation Total plot size Number of trees in plot Subplot (if any) availability of water to the principal species humus type soil unit (estimate)
— Stand data	Mean age of dominant storey, Main tree species Yield (estimate)
— Other observation	History of the plot Other monitoring station situated nearby

Where additional plots are installed in order to complete the national intensive monitoring programme the Member States shall forward to the Commission for each installed plot the information collected during the installation using a datafile (see Annex VIIa, Form 1a) and reports (see Annex VIIa, Form 1b) by the end of the same year in which (re-)installation took place. Important information obtained during the years of monitoring shall be submitted yearly using Forms 1a and 1b (Annex VII). The other information shall be submitted immediately after the first relevant survey has been carried out and will be updated when necessary.

III. **Replacement of destroyed plots**

III.1. *General remarks*

The selection of the plots for intensive monitoring is the responsibility of Member States. For this selection a number of criteria is laid down in this Annex. Most Member States have developed their own strategy for monitoring their national forest ecosystems, aiming at the observation of the more important tree species and growing conditions.

Although the plots were to be selected to be available for long term monitoring a premature destruction of the plot is always possible, due to fire etc. In some cases a number of final samplings can still be carried out before all trees of the plot have disappeared. The next step would be to review the strategy behind the selection criteria and to decide what criteria are to be applied to the selection procedure of the new plot.

III.2. *Closure of a plot*

The opportunity should be taken to make some final measurements/assessments. If still possible before the (final) destruction of the plot, a (destructive) sampling of the monitored trees in the plot can be made. After felling the exact tree length can be measured, stemdisks can be taken and precise foliar sampling can be carried out.

III.3. *Strategy*

The monitoring strategy in most Member States includes aspects on the forest area, forest ecosystem, species and often aspects of soil, meteorology and deposition levels. When a plot needs to be replaced the opportunity should be taken to verify whether the original strategy is still valid and how the gap can best be filled. In this context it should be considered that besides the original surveys (crown condition, soil, foliar and increment) additional surveys have been added to the programme in recent years (deposition, meteorology, soil solution, ground vegetation, remote sensing ⁽¹⁾). It is therefore recommended to take into account the evolution of the intensive monitoring programme when planning the replacement of plots.

In general, however, it might be advisable that the new plots are situated in the same region and have the same soil type, deposition level and tree species as the destroyed plots.

III.4. *Reinstallation of the plot*

For the selection of new plots the same criteria apply as for the destroyed plots. After installation of new plots some surveys, which are not repeated quickly should be carried out as soon as possible (i.e. soil and remote sensing). As the crown condition and foliage surveys are done yearly or two-yearly no additional survey of this kind directly after plot installation is necessary. Where the next regular increment survey is scheduled more than three years after plot installation increment measurements should be carried out directly after plot installation.

III.5. *Special attention points*

The reinstalled plots will be given a new number. Member States will submit to the Commission together with the next regular data submission information on the reason for the plot replacement, the results of last observations/measurements made and the criteria applied for the selection of the new plots.'

⁽¹⁾ The technical details for the optional application of aerial photography on intensive monitoring plots are laid down in the Manual on remote sensing applications edited by the European Commission.

ANNEX II

‘ANNEX II

APPLICATION FOR AID FROM THE COMMUNITY IN RESPECT OF THE MEASURES TO BE CARRIED OUT PURSUANT TO ARTICLE 2 OF REGULATION (EEC) No 3528/86 AND ITS AMENDMENTS

Applications for aid must be presented in accordance with Annex A to Commission Regulation (EEC) No 526/87 ⁽¹⁾ together with a summary of the information listed below and the completed table as included in this Annex as form 2a.

For each of the measures to be carried out in accordance to Article 2, information on the following items shall be given:

1. *Brief description of the measures*

2. *Applicant*

Links between the applicant and the measures

3. *Agency responsible for carrying out the measures*

Object and scope of the agency's main activities

4. *Detailed description of the measures*

where:

(a) the measures relate to establishing or extending the network of permanent observation plots for the intensive and continuous surveillance:

1. description of existing situation
2. geographical location and area of the region(s) concerned (plus cartographical document)
3. number of permanent observation plots;

(b) the measures relate to the establishment and execution of an inventory of the crown condition on the permanent observation plots:

1. description of existing situation
2. number of observation plots, which are to be included in the crown condition inventory (form 2a)
3. detailed description of the sampling procedure used at plot level (number of trees, markings, etc.)
4. indication of timetable for the execution of the projected measures (form 2b);

(c) the measures relate to the establishment and execution of an inventory of the soil condition on the permanent observation plots:

1. description of the existing situation
2. Number of permanent observation plots, which are to be included in the soil condition inventory (form 2a)
3. detailed description of the sampling procedures used at plot level (number of single samples, soil profile description, etc.)
4. detailed description of parameters to be determined and the analysis methods to be applied including a clear description of any calibration, correction, and/or recalculation needed to make the results compatible with the results analysed according to the approved methods
5. indication of the timetable for the execution of the projected measures (form 2b);

(d) the measures relate to the establishment and execution of an inventory of the foliar condition on the permanent observation plots:

1. description of the existing situation
2. number of permanent observation plots, which are to be included in the foliar condition inventory (form 2a)
3. detailed description of the sampling procedures used at plot level (number of single samples, description, etc.)
4. detailed description of parameters to be determined and the analysis methods to be applied including a clear description of any calibration, correction, and/or recalculation needed to make the results compatible
5. indication of the timetable for the execution of the projected measures (form 2b);

⁽¹⁾ OJ L 53, 21.2.1987, p. 14.

- (e) the mesures relate to the establishment and execution of the measurements of increment changes on the permanent observation plots:
1. description of the existing situation
 2. number of permanent observation plots, which are to be included for the increment measurements (form 2a)
 3. detailed description of the measurement procedures used at plot level (number of measurements, description, etc.)
 4. detailed description of parameters to be determined and the analysis methods to be applied including a clear description of any calibration, correction, and/or recalculation needed to make the results compatible with the results analysed according to the approved methods
 5. indication of the timetable for the execution of the projected measures (form 2b);
- (f) the mesures relate to the establishment and execution of the measurements of deposition rates on the permanent observation plots:
1. description of the existing situation
 2. number of permanent observation plots, which are to be included for the deposition measurements (form 2a)
 3. detailed description of the measurement procedures used at plot level (number of measurements, description, etc.)
 4. detailed description of parameters to be determined and the analysis methods to be applied including a clear description of any calibration, correction, and/or recalculation needed to make the results compatible with the results analysed according to the approved methods
 5. indication of the timetable for the execution of the projected measures (form 2b);
- (g) the mesures relate to the establishment and execution of the meteorological measurements on the permanent observation plots:
1. description of the existing situation
 2. number of permanent observation plots, which are to be included for the meteorological measurements (form 2a)
 3. detailed description of the measurement procedures used at plot level (number of measurements, description, etc.)
 4. detailed description of parameters to be determined and the analysis methods to be applied including a clear description of any calibration, correction, and/or recalculation needed to make the results compatible with the results analysed according to the approved methods
 5. indication of the timetable for the execution of the projected measures (form 2b);
- (h) the mesures relate to the establishment and execution of the measurements of soil solution on the permanent observation plots:
1. description of the existing situation
 2. number of permanent observation plots, which are to be included for the measurements of soil solution (form 2a)
 3. detailed description of the measurement procedures used at plot level (number of measurements, description, etc.)
 4. detailed description of parameters to be determined and the analysis methods to be applied including a clear description of any calibration, correction, and/or recalculation needed to make the results compatible with the results analysed according to the approved methods
 5. indication of the timetable for the execution of the projected measures (form 2b);

- (i) the measures relate to the establishment and execution of an assessment of the ground vegetation on the permanent observation plots:
 - 1. description of the existing situation
 - 2. number of permanent observation plots, which are to be included in the ground vegetation assessment (form 2a)
 - 3. detailed description of the sampling procedures used at plot level (number of sub-samples, description, etc.)
 - 4. detailed description of parameters to be determined and the analysis methods to be applied including a clear description of any calibration, correction, and/or recalculation needed to make the results compatible
 - 5. indication of the timetable for the execution of the projected measures (form 2b).
- 5. Cost of measures under 4(a) to 4(i) (form 2a)
 - 1. Costs for the establishment or extending the network (4a)
 - 1.1. costs per plot
 - 1.2. total costs
 - 1.3. aid applied for from the Community
 - 2. Costs of establishment, observation or sampling for each survey 4(b) to 4(i)
 - 2.1. costs per plot
 - 2.2. total costs
 - 2.3. aid applied for from the Community
 - 3. Costs of analysis and evaluation for each survey 4(b) to 4(i)
 - 3.1. costs per plot
 - 3.2. total costs
 - 3.3. aid applied for from the Community
 - 4. Total project costs (sum of costs for 1.2 (establishment), 2.2 (observations and/or sampling), and 3.2 (analysis and evaluation))
 - 5. Total aid applied for from the Community (sum of costs for 1.3 (establishment), 2.3 (observations and/or sampling), and 3.3 (analysis and evaluation))
- 6. Complete forms 2a and 2b
Date and signature'

Form 2a

COST BREAKDOWN AND PROPOSED FINANCING (*intensive monitoring*)

Measure	Number of intensive monitoring plots	Cost breakdown					Total cost	Non-Community participation				aid requested
		Personnel	Equipment	Materials	Travel	Other		State	Region	Other public funds	Private	
		(¹)	(¹)	(¹)	(¹)	(¹)		(¹)	(¹)	(¹)	(¹)	
To install and maintain plots for intensive monitoring												
To establish and execute an inventory of the crown condition												
To establish and execute an inventory of the forest soil condition												
To establish and execute a survey on the chemical contents in the needles and leaves												
To establishment and execute increment-change measurements												
To establish and execute deposition monitoring												
To establish and execute meteorologic monitoring												
To establish and execute soil solution monitoring												
To establish and execute ground vegetation surveys												
To apply aerial photography techniques (²)												
Integrated data management and data evaluation												

(¹) In national currency.

(²) Reference is made to the manual on Remote sensing applications edited by the European Commission.

Form 2b

FORWARD PLAN FOR THE EXECUTION OF THE PROJECT

to be completed for each project proposal

Measures	Year	200.												200.												200.												
	Month	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
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ANNEX III

In Annex VIIa to Regulation (EC) No 1091/94 the following part is added:

— In paragraph 1 (review of file names per survey) the following words are added:

Assessment	Annex	Frequency	File name(s)
'Ground vegetation	XI	five yearly	XX1996.PLV, XX1996.VEM'

— the last subparagraph is replaced by:

'Each file name consists of a two-letter country code (represented by XX in the list of names), followed by the year of assessment (in the example 1996) or GENER when the information is given once, a dot (.) and in the extension a three-letter code. This three letter code for the plot files consists of the letters PL and the first letter(s) of the assessment soil, foliage increment, deposition, meteorology, soil solution and ground vegetation. The three-letter code for the datafiles consists of two (or one) letters) for soil, foliage, increment, deposition, meteorology, soil solution or ground vegetation and one (or two) letters) to indicate mandatory, optional or the different parts of the increment assessment (evaluation), deposition assessment (air).'

— Form 5b is replaced by form 5b attached,

— forms 8a, 8b, 8c, 8d, 8e and 8f are replaced by forms 8a, 8b and 8c attached,

— the following 2 forms (form 10a and 10b) are added,

— in the 'Code lists for survey data of the permanent observation plots to be forwarded to the Commission' the following amendments are made:

Information with regard to the foliage inventory

Point 26 is deleted.

Information with regard to the meteorological monitoring

points 41 to 46 are replaced by:

'(41) Plot/instrument code

All instruments that are installed in or near the plot are given an observation plot/instrument code. This code consists of the plot number (up to four digits) and a sequential number for all instruments (up to 99). When instruments are replaced or added, new codes are applied. (e.g. the fifth instrument in plot 1234 will thus receive code 1234.05).

(42) Location

The location of the instrument is indicated:

S: instrument is located on site, i.e. in (the buffer zone) of the plot. This could be under the canopy, above the canopy or in the forest soil

F: instrument is located in a (nearby) open field in the forest area

W: instrument is located at a weather station (in general outside the forest area)

O: instrument is located elsewhere.

(43) Variable

Indication of the variable that is measured with the instrument

AT= air temperature

PR= precipitation

RH= relative humidity

WS= windspeed

WD= wind direction

SR= solar radiation
UR= UVb radiation
TF= throughfall
SF = stemflow
ST = soil temperature
MP = matric potential in the soil
WC = water content in the soil
XX = other codes for additional parameters may be used, but should be specified in the DAR.

(44) *Instrument information*

Vertical position

The vertical position (height or depth) of the instruments shall be indicated in metres with a plus (= height above the ground) or a minus sign (depth below the ground) using the format of two digits and two decimals.

Instrument code

The following codes shall be used for the samplers and recording method of data:

10: manual reading and recording on paper
20: mechanical recording (manual reading and recording on paper)
30: direct paper recording
40: digital recording (in stand alone situation)
50: digital recording (integrated datalogger)

Details of the equipment shall be given in the data accompanying report (DAR).

Scanning interval (automatic instruments only)

The interval between two consecutive assessments shall be given stated in seconds.

Storing interval (automatic instruments only)

The interval between two consecutive data storage moments shall be given in minutes

(45) *Parameters to be assessed in the meteorological monitoring*

Precipitation and throughfall

The precipitation will be given as the daily sum, using the format of up to four digits and one decimal.

Temperature (air and soil)

The temperature will given in °C, using the format of a plus/minus and two digits plus one decimal. The daily mean, daily minimum and daily maximum are to be submitted.

Relative Humidity

The relative humidity will be given as the daily mean, the minimum and the maximum value reached per day, using the format of two digits and one decimal.

Windspeed

The windspeed will be given as the daily mean and the maximum value reached per day, using the format of two digits and one decimal.

Wind direction

The wind direction will be given as the prevailing wind per day. The wind rose will be split into eight sections of 45° starting from 22,5° onwards (NE (=45°), E (=90°), SE (=135°)... N (=0°). The most frequent wind direction is reported by its middle value.

Solar radiation and UVb radiation

The solar radiation and the UVb radiation will be given as the daily mean value, using the format of up to four digits and one decimal.

Stem flow

The stem flow will be calculated to mm precipitation and will be given as the daily sum, using the format of up to four digits and one decimal.

Matric potential in the soil

The matric potential in the soil will be given in hPa, as the daily mean, the minimum and the maximum value reached per day, using the format of up to four digits and one decimal.

Water content in the soil

The water content in the soil will be given in Vol. % as the daily mean, the minimum and the maximum value reached per day, using the format of up to four digits and one decimal.

(46) Completeness

The completeness is an indicator of the coverage of the scanning and storing procedures and is given in percentages using the format of up to three digits (100 % = complete)

Points 47, 48, 49 and 50 are deleted.

The following points are added to the list:

'Information with regard to the ground vegetation assessment**(61) Plot/survey number**

Each time (day), or situation (inside outside fence), that an assessment of the ground vegetation is made on a given plot, a survey number is given. By combining the plot number with the survey number a unique plot/survey number is created.

(62) Fencing

As the vegetation can be very different inside and outside a fence, it was decided that in principle the ground vegetation is always surveyed outside the fence. When a survey inside the fence is carried out this should be reported as a separate survey and the fencing code indicated:

- 1= Yes, survey within the fence,
2= No, survey was outside fenced area.

(63) Total sampled area

The total sample area shall be given in m² in up to four digits. In the data accompanying report (or DAR-Q) the exact details of the number of repetitions, the location/orientation of the ground vegetation plots and the sizes) of these plots shall be given.

(64) Height and cover of layers

The average height and estimated cover of the total ground vegetation layer, the shrub layer, the herb layer and the moss layer shall be submitted as follows:

	Height (in m)	Cover (in %)
Total ground vegetation layer		×
Shurb layer	×	×
Herb layer	×	×
Moss layer		×

× = to be submitted.

The average height of the layers shall be given in metres in one digit and two decimals. The estimated cover shall be given as a % of the total sampled area.

(65) *Layers*

The following layers are defined.

1 = free layer	}	to be defined in DAR-Q
2 = shrub layer		
3 = herb layer		
4 = moss layer		

(66) *Species code*

A species code is to be applied, which consists of three groups of number codes for the family, genus and species separated by dots (.). Most codes consist of a three-digit number. Unfortunately one genus consists of a three-digit code plus the letters "bis". The species code can be extended with 1 letter to indicate a variety. The total list consists of over 11 000 species. This list will be made available in digital format by the Commission for use by the NFC's.

In cases where the Flora Europaea is not complete enough, a special list of nationally important species could be prepared by the NFC. These national species codes will consist of a new code number (family, genus and species), plus the country code (2 letters) separated by dots (.). The NFC will maintain a complete list with all codes, including relevant details of the species (full name, aliases, etc.) and shall include this list in the DAR.

(67) *Cover of plant species*

Countries are free in the assessment of the abundance/cover of the plant species. The submission of this cover is in % using up to five digits and two decimals (999.99). In the DAR the complete assessment methods, as well as the conversion to % shall be specified.

Contents of file with foliar analysis information (mandatory)

[illegible]

Maximum value (*)

1 - 5	Sequence No (1 to 99 999)				
7 - 10	Observation Plot No (max. 9999)		(2)		
12 - 16	Sample No	Tree species (Code from 1 to 199) and leaves type (0 = current, 1 = current + 1)	(23)	Parameters	(Mandatory file) Units (**)
18 - 23	Date of analysis	Date of analysis (ddmmyy)	(3)	60 - 64	N (mg/g)
25 - 28	Tree No 1	Number of first tree in sample	(24)	66 - 70	S (mg/g)
30 - 33	Tree No 2	Number of second tree in sample	(24)	72 - 75	P (mg/g)
35 - 38	Tree No 3	Number of third tree in sample	(24)	77 - 81	Ca (mg/g)
40 - 43	Tree No 4	Number of fourth tree in sample	(24)	83 - 87	Mg (mg/g)
45 - 48	Tree No 5	Number of fifth tree in sample	(24)	89 - 93	K (mg/g)
50 - 53	Mass of 100 leaves	Mass of 100 current year leaves	(25)	95 - 105	Observation Words
55 - 58	Mass of 1000 needles	Mass of 1000 current year or 1000 current+1 year needles	(25)		Those parameters have to be filled in once for the current needles and leaves and once for the current+1 needles. For <i>Larix</i> sp. and <i>Cedrus</i> sp., samples are taken of the short twigs of the previous year

(*) Maximum values are used when the actually registered value is equal or higher than the maximum value. When the actual registered values is below the minimum value that could be entered, the minimum values shall be used. If no quantity could be measures (i.e. below detection limits) a special code-1 (minus 1) will be used. When no analysis has been carried out for this parameter a zero or blank shall be used.

(**) By reference at 105 °C dried material.

Form 8b

XX1996.MEM

Contents of data file with meteorologic measurements

1 - 6					8 - - - - 14					16 - 17		19 - - - - 24					26 - 31					33 - 38					40 - 45					47 - 49				51 - 62																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
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Maximum value (*)

1 - 6	Sequence No	Sequence number of samples (1 to 99999)	
8 - 14	Observation plot/instrument code	Corresponding plot/instrument number (max. 99990.99)	(41)
16 - 17	Variable code	The code of a parameter (PR, AT, RH, WS, WD or SR)	(43)
19 - 24	Date	Date (in DDMMYY)	(40)
26 - 31	Daily mean (e.g. temperature) or sum (precipitation) values		(45)
33 - 38	Daily minimum value		(45)
40 - 45	Daily maximum value		(45)
47 - 49	Completeness of measurements over the day (in % of measurements that should have been recorded)		(46)
51 - 62	Observations (words)		

Parameters (*)		Units	Mean	Sum	Minimum	Maximum	Remarks
PR	Precipitation	(mm)		X			Total precipitation (including snow, etc.)
AT	Air temperature	(°C)	X		X	X	Air temperature
RH	Relative humidity	(%)	X		X	X	Relative humidity
WS	Windspeed	(m/s)	X			X	Windspeed
WD	Wind direction	(°)	X				Prevailing wind direction (0°=North, 45°=Northeast)
SR	Solar radiation	(W/m²)	X				Solar radiation

(*) Methods and recomputations that have been used shall be described in detail in an annex to the data accompanying report on meteorology.

(*) Maximum values are used when the actually registered values is equal or higher than the maximum value. When the actual registered value is below the minimum value that could be entered, the minimum value shall be used (e.g. - 999.9).
When no analysis has been carried out for this parameter a blank shall be used.

Form 8c

XX1996.MEO

Contents of datafile with meteorological measurements

1-- 6					8----- 14					16- 17		19----- 24					26- 31					33- 38					40- 45					47- 49					51- 62																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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Maximum value (*)

- 1 - 6 Sequence No
 8 - 14 Observation plot/instrument code
 16 - 17 Variable code
 19 - 24 Date
 26 - 31 Daily mean (e.g. temperature) or sum (precipitation) values
 33 - 38 Daily minimum value
 40 - 45 Daily maximum value
 47 - 49 Completeness of measurements over the day (in %)
 51 - 62 Observation (words)
- Sequence No of samples (1 to 999 999)
 Corresponding plot/instrument number (maximum 9 999,99)
 The code of a parameter (UR, TF, SF, ST, MP or WC)
 Date (in DDMMYY)
- (2)
 (43)
 (40)

Parameters (*)	Units	Mean	Sum	Minimum	Maximum	Remarks
UR UV-b Radiation	(W/M ²)	X				
TF Throughfall	(mm)		X			sum of daily values
SF Stemflow	(mm)		X			to be recalculated from litres into mm
ST Soil Temperature	(°C)	X		X	X	
MP Matric potential in Soil	(hPa)	X		X	X	
WC Water content in Soil	(Vol%)	X		X	X	
XX Others						to be specified in data accompanying report

x = to be submitted.

(*) Methods and recomputations that have been used shall be described in detail in an Annex to the data Accompanying report on meteorology.

(*) Maximum values are used when the actually registered values is equal or higher than the maximum value. When the actual registered values is below the minimum value that could be entered, the minimum value shall be used (- 999,9).

When no analysis has been carried out for this parameter a blank shall be used.

ANNEX IV

Annex IX to Regulation (EC) No 1091/94 shall be replaced by the following:

‘ANNEX IX

COMMON METHODS FOR MEASUREMENTS OF METEOROLOGY ON THE PERMANENT OBSERVATION PLOTS

I. General remarks

The measurement of meteorology is to be carried out on at least 10 % of permanent observation plots. It is recommended to monitor meteorology on plots where deposition is also monitored. The installation of the equipment for the meteorologic measurements shall be completed by 30 June 1999.

This Annex is based on technical recommendations of the *ad hoc* expert group on meteorology (EU/ICP Forests). Reference is made to the submanual (1996/1997) prepared by this expert group.

II. Inventory methodology

II.1. Location of sampling equipment

To represent the specific climatic conditions of woodlands the measurements should be carried out inside the forest area concerned. In general the measurements (with the exception of soil temperatures, soil moisture and stand precipitation) may be taken either above the forest stand canopy at the plot or at an open field station within the forest area in close proximity (in general not more than 2 km distance) to the stand of the plot. The distance from the measuring point at open field stations to the surrounding stands or other obstacles shall be at least two times the height of a mature tree/obstacle. Soil temperature, soil moisture and stand precipitation are to be measured inside the stand of the permanent observation plot

Whenever possible a combination with the equipment for deposition should be made. To avoid disturbances to the roots and soil situation, the equipment should be placed so that it can be reached and maintained without actually passing through the plot.

II.2. Methods to measure the actual meteorologic situation in or close to the plot

By installation of a meteorological station in an open area close to the plot or the installation of a tower in the stand near the plot, the weather situation should be monitored continuously. The technical equipment, sensors and their placement are to be in accordance with the international World Meteorological Organisation standard and should also be compatible with national weather service networks. The following variables are to be obtained.

Mandatory	Optional
Precipitation	UVb radiation
Air temperature	Soil temperatures
Air humidity	Soil moisture
Wind speed (*)	(matric potential, water content)
Wind direction (*)	Stand precipitation
Solar radiation (*)	(quantity of throughfall and stemflow)

(*) If there are local technical problems at the permanent observation plots wind speed, wind direction and solar radiation may be omitted at these plots.

Automatic stations with quasi-continuous (≈ 1 s) sensing variables and electronic storage of aggregated values for periods of one hour or parts of it are recommended.

II.3. Collection, aggregation, storage and submission of information

Data are to be aggregated to daily values (sum or average/mean, minimum and maximum respectively) before submission.

The following plot information shall be collected and submitted:

- plot No,
- exact details of the used equipment,
- location of the plots (longitude, latitude, altitude) and of equipment (relative to the plot),
- start and end dates of the measurements,
- frequency (number of periods).

The information on the variables is submitted on a daily basis.

LIST OF PARAMETERS

Parameter	Units	Mean	Sum	Minimum	Maximum	Remarks
Precipitation	(mm)		×			Total precipitation including snow, etc.)
Air temperature	(°C)	×		×	×	Prevailing wind direction
Relative humidity	(%)	×		×	×	
Wind speed	(m/s)	×			×	
Wind direction	(°)	×				
Solar radiation	(W/m ²)	×				
UVb radiation	(W/m ²)	×				To be specified in the data accompanying Report
Soil temperature	(°C)	×		×	×	
Soil moisture (matric pot. Water content)	(hPa)	×		×	×	
Stand precipitation	(mm)		×			
Others						

× = to be submitted.

For each plot where the measurements are executed a summary of the collected measurements shall be compiled and submitted to the Commission on a yearly basis, using the forms XX1996.PLM, XX1996.MEM and XX1996.MEO (forms 8a, 8b, 8c).

ANNEX V

Regulation (EC) No 1091/94 Annex XI is added:

‘ANNEX XI

COMMON METHODS FOR GROUND VEGETATION ASSESSMENT IN PERMANENT OBSERVATION PLOTS**I. General remarks**

The ground vegetation assessment is to be carried out on at least 10 % of the permanent observation plots. The first common assessment shall be completed before the autumn of 1999. The objectives of the ground vegetation assessment are two fold:

- characterisation of the current state of the forest ecosystems on the basis of their composition,
- monitoring of vegetation changes due to natural and anthropogenic environmental factors.

Ground vegetation data, which were collected and analysed before 1997 can also be used if the methods as described below have been applied.

This Annex is based on technical recommendations of the *ad-hoc* expert group on ground vegetation assessment (EU/ICP Forests). Reference is made to the submanual (1997) prepared by this group.

II. Inventory methodology**II.1. Selection of sample location**

The ground vegetation assessment will be carried out on the permanent observation plots. The area selected for the ground vegetation assessment must be representative of the plot. Several sampling units can be used in order to obtain statistical replication. Member States are free to select the number and shape of the sampling units. If the plot has been fenced, the sampling units are to be located outside the fence. In addition sampling units inside the fence can also be assessed. Disturbed areas are to be avoided (e.g. soil pits, soil solution monitoring areas, tracks). The location of the sampling units has to be marked in a permanent way. The precise method of marking is left to the Member States, but the material used should be inert to avoid contamination.

II.2. General background information

The following general information shall be collected:

- plot number
- date of sampling and analysis
- fencing
- total area sampled
- information on the total ground vegetation layer (cover), the shrub and herbs layer (cover and average height) and the moss layer (cover).

II.3. Measurement of species abundance or cover

Member States are free to apply in the assessment their own scaling system as long as it can be directly converted into percentage cover ranking from 0,01 % (very rare) to 100 % (complete cover).

II.4. Species

All phanerogams, vascular cryptogams and the major species of terricolous mosses (bryophytes) are to be included in the assessment. It is recommended to include terricolous lichens. Non-terricolous species and fungi may be noted on an optional basis. The nomenclature shall follow the *Flora Europaea*. In situations where the *Flora Europaea* is not valid, where more accurate taxonomic identification is available, an extension of this standard species list may be elaborated by the NFC involved. The Commission shall be kept informed of these extended species lists.

II.5. *Frequency and assessment time*

Every five years, vegetation studies must be undertaken on all plots. It is recommended to do the ground vegetation assessment on an annual basis on a limited number of plots (e.g. 10 %). In the case of a seasonally complex vegetation composition, a second assessment during the year may be needed to assess the full vegetation cover. The subsequent ground vegetation assessments shall be carried out around the same date of the year.

II.6. *Analysis and submission*

The assessed information on sampling units shall be aggregated to plot level. Where sampling units have been assessed inside and outside the fences two aggregations shall be made. The results of the ground vegetation assessment shall be submitted on a yearly basis to the Commission in a standardised format, as indicated in forms 10a and 10b. (file specification XX1996.PLV and XX1996.VEM).

The submission of the ground vegetation assessment results shall include on plot level: the plot/survey number, the coordinates of the plot, fencing, and the information on the main layers. Information on assessment level shall include; the plot/survey number, the standard code of the species, using the eight-letter abbreviation as given in attached list, or as extended list for additional species, as well as the cover indicator expressed in a percentage on plot level.

III. **Data accompanying information**

III.1. *Data accompanying information on applied methods (DAR-Q)*

In a separate document details shall be given of:

- sampling lay-out of the sampling units (number and area of the subplots)
- definition of layers applied (moss, herbs, shrubs, tree)
- scales applied and conversion of these scales to percentages
- information on deviations from the standard species list and their codes
- aggregation methods applied to arrive at plot level information.

It is recommended to submit this information to the Commission by using the DAR-questionnaires referred to in Annex C.

III.2. *Data accompanying report on deviations from standard methods (DAR)*

Any important deviation from the standards which may have influenced the assessment and any relevant disturbances, which may have occurred shall be recorded and reported separately.

III.3. *Data accompanying information on evaluation and interpretation (annual progress report)*

Information on evaluations and interpretation of ground vegetation data (whether or not in combination with other data) shall be reported to the Commission in the annual progress report.'

Form 10a

XX1996.PLV

Contents of reduced plot file
to be used in combination with the survey of ground vegetation (see Annex XI)

1-4			6-7		9-12			14-15		17-22				24-30				32-38				40-41		43	45-48		50-52		54-57		59-61		63-66		68-70		72-74		76-86	
Sequence			Country		Observation plot No			Survey No		Date (D D M M Y Y)				Latitude Coordinate (+ D D M M S S)				Longitude coordinate (± D D M M S S)				Altitude		Fence	Total area (m ²)		Ground. vegetation		Shrub layer height cover		Herb layer height cover		Mosses cover		Observations					
		1																																						
		2																																						
		3																																						
		4																																						
		5																																						
		6																																						
		7																																						
		8																																						
		9																																						
	1	0																																						
	1	1																																						
	1	2																																						
	1	3																																						
	1	4																																						
	1	5																																						
	1	6																																						

See explanatory notes

Column

1 - 4 Sequence No of plots (1 to 9999)
 6 - 7 Country code (France = 01, Belgium = 02, etc.)
 9-12 Plot No (maximum 9 999)
 14-15 Survey No (maximum 99)
 17-22 Date of sampling in DDMMYY (e.g. 220690)
 24-30 Latitude in + DDMMSS (e.g. + 505852)
 32-38 Longitude in (+ or -) DDMMSS (e.g. + 03 55 31)
 40-41 Altitude (in 50 meter classes from 1 to 51)
 43 Fence (Yes = 1, No = 2)
 45-48 Total sampled area (in m²)
 50-52 Ground vegetation cover (in % of total area)

(1)
(2)
(61)
(3)
(4)
(4)
(5)
(62)
(63)
(64)
(64)

Column

54-57 Shrub layer height (in m)
 59-61 Shrub layer cover (in % of total area)
 63-66 Herb layer height (in m)
 68-70 Herb layer cover (in % of total area)
 72-74 Mossess cover (in % of total area)
 In the last column a remark on the plot can be included:
 76-86 Other observations (word)

(64)
(64)
(64)
(64)
(99)

For 8b

XX1996.VEM

Contents of datafile with ground vegetation assessments

1-5					7-10				12-13				15-32												34		36-41					43-53				
Sequence					Observation plot				Survey number				Species code												Layer		Cover (%)					Observations				
				1																																
				2																																
				3																																
				4																																
				5																																
				6																																
				7																																
				8																																
				9																																
			1	0																																
			1	1																																
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			1	8																																
			1	9																																
			2	0																																
			2	1																																
			2	2																																
			2	3																																
			2	4																																

See explanatory notes

Column

- 1 - 5 Sequence No of plots (1 to 99 999)
- 7-10 Plot No (maximum 90 999) (2)
- 12-13 Survey No (61)
- 15-32 Species code (see list in *Flora europaea*) (66)
- The species code exists of the code for the family (999), the code for the genus (999) or (999 bis), the code for the species (999) or (999a) and possibly a code for the country (AA)
- 34 Layer (1 = tree, 2 = shrubs, 3 = herbs, 4 = mosses) (65)
- 36-41 Cover (in percentage) (67)
- In the last column a remark on the plot can be included:
- 43-53 Other observations (word) (99)

COMMISSION REGULATION (EC) No 1546/1999

of 14 July 1999

fixing, for the 1998/1999 marketing year, the specific exchange rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 624/1999 ⁽²⁾, and in particular Article 1(3) thereof,

- (1) Whereas Article 1(1) of Regulation (EEC) No 1713/93 specifies that the minimum sugarbeet prices referred to in Article 5 of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the market in the sugar sector ⁽³⁾, as last amended by Regulation (EC) No 1148/98 ⁽⁴⁾, and the production levy and additional levy referred to, respectively, in Articles 28 and 28a respectively of that Regulation are to be converted into national currency using a specific exchange rate equal to the average, calculated *pro rata temporis*, of the exchange rates applicable during the marketing year in question; whereas that specific exchange rate must be fixed during the month following the end of the marketing year in question;
- (2) Whereas, from 1 January 1999, the system of specific agricultural conversion rates has been amended by Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽⁵⁾; whereas, as a result, the specific exchange rate

to be set for the 1998/1999 marketing year, for the period 1 January 1999 to 30 June 1999 for the non-participating Member States, should be the exchange rate;

- (3) Whereas the application of these provisions results in the setting, for the 1998/1999 marketing year, of the specific exchange rate for the minimum sugarbeet prices as well as the production levy and, where appropriate, additional levy in the various national currencies, as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for conversion of the minimum sugarbeet prices referred to in Article 5 of Regulation (EEC) No 1785/81 and the production levy and, where appropriate, the additional levy referred to, respectively, in Articles 28 and 28a respectively of that Regulation, into each of the national currencies, shall be fixed, for the 1998/1999 marketing year, as set out in the Annex.

Article 2

This Regulation shall enter into force on 15 July 1999.

It shall apply from 1 July 1998.

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

Done at Brussels, 14 July 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 159, 1.7.1993, p. 94.

⁽²⁾ OJ L 78, 24.3.1999, p. 9.

⁽³⁾ OJ L 177, 1.7.1981, p. 4.

⁽⁴⁾ OJ L 159, 3.6.1998, p. 38.

⁽⁵⁾ OJ L 349, 24.12.1998, p. 1.

ANNEX

to the Commission Regulation of 14 July 1999 fixing, for the 1998/1999 marketing year, the specific exchange rate applicable to the minimum sugarbeet prices and the production levies and the additional levy in the sugar sector

Specific exchange		
EUR 1 =	7,49890	Danish kroner
	331,775	Greek drachmas
	9,01920	Swedish kroner
	0,679983	Pound sterling

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 20 May 1999

concluding the Additional Protocol to the EEC/Cyprus Association Agreement to associate Cyprus with the fifth framework programme of the European Community for research, technological development and demonstration activities (1998 to 2002)

(1999/460/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 170, in conjunction with Article 300(2) and the first sub-paragraph of Article 300(3) thereof,

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

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

- (1) Whereas the Agreement establishing an association (hereinafter referred to as 'the Association Agreement') between the European Economic Community and the Republic of Cyprus ⁽³⁾, (hereinafter referred to as 'Cyprus') entered into force on 1 June 1973;
- (2) Whereas a Protocol on financial and technical co-operation between the European Community and the Republic of Cyprus ⁽⁴⁾, was signed on 30 October 1995;
- (3) Whereas the conclusions of the Luxembourg European Council of 12-13 December 1997 confirmed the possibility of associating candidate countries with the Community's framework programme in the field of research and technological development as one of the instruments of the pre-accession strategy to be applied to these countries;
- (4) Whereas Cyprus has formally informed the Commission on 7 April 1998 that it wishes such an association;
- (5) Whereas by its Decision of 13 October 1998, the Council authorised the Commission to negotiate an

Additional Protocol to the Association Agreement (hereinafter referred to as 'the Protocol');

- (6) Whereas, by Decision No 182/1999/EC, the European Parliament and the Council of the European Union adopted the fifth framework programme of the European Community for research, technological development and demonstration activities (1998 to 2002) ⁽⁵⁾ (hereinafter referred to as the 'fifth framework programme');
- (7) Whereas the Protocol to associate Cyprus to the fifth framework programme should be approved and signed on behalf of the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Additional Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus is hereby approved on behalf of the Community.

The text of the protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to appoint the person(s) empowered to sign the Protocol in order to bind the Community.

⁽¹⁾ OJ C 89, 30.3.1999, p. 31.

⁽²⁾ Opinion delivered on 14 April 1999 (not yet published in the Official Journal).

⁽³⁾ OJ L 133, 21.5.1973, p. 2.

⁽⁴⁾ OJ L 278, 21.11.1995, p. 23.

⁽⁵⁾ OJ L 26, 1.2.1999, p. 1.

Article 3

The President of the Council shall, on behalf of the Community, give the notification provided for in Article 10 of the Protocol.

Done at Brussels, 20 May 1999.

For the Council
The President
E. BULMAHN

ADDITIONAL PROTOCOL**To the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',
of the one part, and

THE REPUBLIC OF CYPRUS, hereinafter referred to as 'Cyprus',
of the other part,

WHEREAS the Agreement establishing an association between the European Economic Community and the Republic of Cyprus, hereinafter referred to as the 'Association Agreement', has entered into force on 1 June 1973;

WHEREAS a Protocol on financial and technical co-operation between the Community, of the one part, and Cyprus, of the other part was signed on 30 October 1995;

WHEREAS the objectives of the Protocol referred to in Article 1 thereof includes the provision that Cyprus is to be facilitated in its transition efforts with a view to accession to the European Union;

WHEREAS Article 3(2) of the Protocol provides that priority shall be given to projects and operations having *inter alia* the aim of promoting participation by Cyprus in Community framework programmes and in the field of science and technology, the creation or strengthening of links between training and research establishments in Cyprus and the European Union;

WHEREAS in the Resolution of the Association Council set up by the Association Agreement dated 12th June 1995, it was reiterated that in the context of the preparation of Cyprus for entry into the European Union a specific strategy will comprise provisions and arrangements concerning *inter alia* participation by Cyprus in Community programmes open to the Member States and/or partner countries which have applied for accession;

WHEREAS the European Council at its meeting in Luxembourg on 12 and 13 December 1997 calls for the opening of certain Community programmes (such as in the field of research) to the candidate countries, as a way of familiarising themselves with the policies and working methods of the Union, each candidate country being expected to make a steadily increasing financial contribution of its own;

WHEREAS the conclusions of the aforementioned Council also call for the participation of the candidate countries, as observers and for the points which concern them, in the committees assisting the Commission in the implementation of the programmes to which they contribute financially;

WHEREAS, by Decision No 182/1999/EC, the European Parliament and the Council of the European Union adopted the fifth framework programme of the European Community for research and technological development and demonstration activities (1998 to 2002), hereinafter called 'the fifth framework programme';

WHEREAS; without prejudice to the relevant provisions of the Treaty instituting the European Community, this Protocol and any activities entered into under it will in no way affect the powers vested in the Member States to undertake bilateral activities with Cyprus in the field of science, technology, research and development, and to conclude, where appropriate, agreements to that end,

HAVE AGREED AS FOLLOWS:

Article 1

1. Research entities established in Cyprus, in accordance with the laws of Cyprus, may participate in all the specific programmes of the fifth framework programme. Cypriot scientists or research entities may participate in the activities of the Joint Research Centre, to the extent that such activities are not covered by the first sentence.

2. Research entities established in the Community may participate in research programmes and projects in Cyprus in themes equivalent to those of the programmes of the fifth framework programme.

3. 'Research entities' as referred to in this Protocol, shall include *inter alia* universities, organisations engaged in research activities, industrial companies, including small and medium-sized enterprises, or natural persons.

Article 2

Cooperation may take the following forms:

1. Participation of research entities established in Cyprus in the implementation of all specific programmes adopted under the fifth framework programme, in accordance with the terms and conditions laid down in the 'rules for the participation of undertakings, research centres and universities and for the dissemination of research results for the implementation of the fifth framework programme of the European Community (1998-2002)'.

2. Financial contribution by Cyprus to the budgets of the programmes adopted for the implementation of the fifth framework programme on the basis of the ratio of the gross domestic product (GDP) of Cyprus to the sum of the GDPs of the Member States of the European Union and that of Cyprus.

3. Participation of research entities established in the Community in Cypriot research projects and rights to their results, in accordance with the laws of Cyprus in every case, and shall require the joint participation of at least one Cypriot research entity. Research entities established in the Community participating in Cypriot research projects within research and development programmes shall cover their own costs, including their relative share of the project's general management and administrative costs.
4. Timely provision of information concerning the implementation of RTD programmes in Cyprus and the Community, and concerning the results of work undertaken within the framework of cooperation.
5. Cooperation may be adapted and developed at any time by mutual agreement between the Parties.

Article 3

1. Research entities established in Cyprus participating in Community research programmes, shall, as regards ownership, exploitation and dissemination of information and intellectual property arising from such participation, have the same rights and obligations as those of research entities established in the Community, subject to the provisions of Annex A.
2. Research entities established in the Community, taking part in Cypriot research projects within research and development programmes, shall, as regards ownership, exploitation and dissemination of information and intellectual property arising from such participation, have the same rights and obligations as those of Cypriot research entities in the project in question.

Article 4

A joint committee shall be established under this Protocol, to be called 'EC-Cyprus Research Committee', whose functions shall include:

- reviewing, evaluating and discussing measures to ensure the implementation of this Protocol,
- examining any measure of a nature to improve and develop cooperation.

The committee, which shall be composed of representatives of the Commission and of Cyprus, shall adopt its rules of procedure.

It shall meet at the request of any of the Parties and at least once a year.

Article 5

1. The financial contribution of Cyprus deriving from participation in the implementation of the specific programmes shall be established in proportion to, and in addition to, the

amount available each year in the general budget of the European Communities for commitment appropriations to meet the Commission's financial obligations stemming from work to be carried out in the forms necessary for the implementation, management and operation of these programmes.

2. The proportionality factor governing the contribution of Cyprus shall be obtained by establishing the ratio between the GDP of Cyprus, at market prices, and the sum of the GDPs, at market prices, of the Member States of the European Union and Cyprus. This ratio shall be calculated on the basis of the latest statistical data from the Statistical Office of the European Communities (Eurostat) pertaining on the same year, available at the time of publication of the preliminary draft budget of the European Communities.

3. In order to facilitate its participation in the specific programmes, the contribution of Cyprus will be implemented as follows:

1999: contribution according to the proportionality factor fixed in accordance with paragraph 2, multiplied by 0,4.

2000: contribution according to the proportionality factor fixed in accordance with paragraph 2, multiplied by 0,6.

2001: contribution according to the proportionality factor fixed in accordance with paragraph 2, multiplied by 0,8.

2002: contribution according to the proportionality factor fixed in accordance with paragraph 2.

4. The rules for financial participation by the Community are set out in Annex IV of Decision No 182/1999/EC of the European Parliament and of the Council.

5. The rules governing the financial contribution of Cyprus are set out in Annex B.

Article 6

1. Without prejudice to the provisions of Article 3, research entities established in Cyprus participating in the fifth framework programme shall have the same contractual rights and obligations as entities established in the Community, taking into account the mutual interests of the Community and Cyprus.

2. For Cypriot research entities, the terms and conditions applicable for the submission and evaluation of proposals and those for the granting and conclusion of contracts under Community programmes shall be the same as those applicable for contracts concluded under the same programmes with research entities in the Community, taking into account the mutual interests of the Community and Cyprus.

3. Cypriot experts shall be taken into consideration, alongside Community experts, in the selection of evaluators or experts under the Community's RTD programmes and as members of the advisory groups and other consultative bodies which assist the Commission in the implementation of the fifth framework programme.

4. Without prejudice to the provisions of Article 3, research entities established in the Community participating in research projects within research and development programmes shall have the same contractual rights and obligations as Cypriot entities, taking into account the mutual interests of the Community and Cyprus.

5. A Cypriot research entity may be coordinator of a project under the same terms and conditions applicable to entities established in the Community. In conformity with the Community's Financial Regulations, contractual arrangements concluded with, or by, Cypriot research entities shall provide for controls and audits to be carried out by, or under the authority of, the Commission and the Court of Auditors. Financial audits may be carried out with the purpose of controlling such entities' income and expenditures, related to the contractual obligations towards the Community. In a spirit of cooperation and mutual interest, the relevant Cypriot authorities shall provide any reasonable and feasible assistance as may be necessary or helpful under the circumstances to perform such controls and audits.

6. For research entities from the Community, the terms and conditions applicable for the submission and evaluation of proposals and those for the granting and conclusion of contracts for projects within Cypriot programmes shall be equivalent to those applicable for contracts concluded under the same research and development programmes with research entities in Cyprus, taking into account the mutual interests of the Community and Cyprus.

Article 7

1. Each Party undertakes, in accordance with its own rules and regulations, to facilitate the movement and residence of research workers participating, in Cyprus and in the Community, in the activities covered by this Protocol and to facilitate cross border movement of goods intended for use in such activities.

2. Cooperation under this Protocol shall be exempt from Cypriot indirect taxes, customs duties, prohibitions and restrictions on imports and exports in respect of goods and services intended for use under such cooperation.

Article 8

1. Cypriot representatives will, for the points which concerns them, participate as observers in the programme committees of the fifth framework programme. These committees shall moreover meet without the presence of Cypriot representatives at the time of voting. Cyprus will be informed.

2. Participation as referred to in paragraph 1 shall take the same form, including procedures for receipt of information and documentation, as that applicable to participants from Member States.

Article 9

1. This Protocol is hereby concluded for the duration of the fifth framework programme.

2. Subject to paragraph 1, either of the Parties may terminate this Protocol at any time upon twelve months' notice in writing. Projects and activities in progress at the time of termination and/or expiry of this Protocol shall continue until their completion under the conditions laid down in this Protocol.

3. Should the Community decide to revise one or more Community programmes, this Protocol may be terminated under mutually agreed conditions. Cyprus shall be notified of the exact content of the revised programs within one week of their adoption by the Community. The Parties shall notify each other, within one month after the adoption of the Community decision, of any intention to terminate this Protocol.

4. Where the Community adopts a new multi-annual framework programme for research, technological development and demonstration activities, this Protocol may be renegotiated or renewed under mutually agreed conditions.

Article 10

This Protocol shall enter into force on the date on which the Parties have notified each other of the completion of the procedures necessary for that purpose.

Article 11

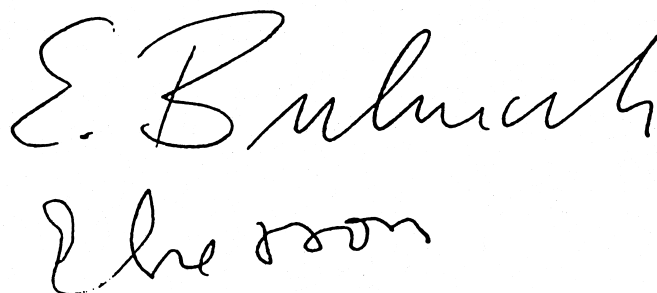
This Protocol including Annexes A and B thereto form an integral part of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus.

Article 12

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

Done at Brussels, 20 May 1999.

For the European Community

Handwritten signature of E. B. Bulmer in black ink.

For the Republic of Cyprus

Handwritten signature of T. Kleideg in black ink.

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ANNEX A

PRINCIPLES ON THE ALLOCATION OF INTELLECTUAL PROPERTY RIGHTS

Rights to intellectual property (IP) created or furnished under the Protocol shall be allocated as provided in this Annex.

I. Application

This Annex is applicable to joint research undertaken pursuant to this Protocol, except as otherwise specifically agreed by the Parties.

II. Ownership, allocation and exercise of rights

1. For purposes of this Protocol 'intellectual property' shall have the meaning given in Article 2 of the Convention establishing the World Intellectual Property Organisation, done at Stockholm on 14 July 1967.
2. This Annex deals with the allocation of rights, interests and royalties of the Parties and their Participants. Each Party and its participants shall ensure that the other Party and its participants may obtain the rights to IP allocated to it in accordance with this Annex. This Annex does not otherwise alter or prejudice the allocation of rights, interests and royalties between a Party and its nationals or participants, which shall be determined by the laws and practices applicable to each party.
3. The following principles shall apply and be provided for in the contractual arrangements:
 - (a) Adequate protection of IP. The Parties, their agencies and/or their participants, as appropriate, shall ensure that they notify one another within a reasonable time of the creation of any IP arising under this Protocol or implementing arrangements and that they seek protection for such intellectual property in a timely fashion.
 - (b) Taking account of the contributions of the Parties or their participants in determining the rights and interests of the Parties and participants.
 - (c) Effective exploitation of results.
 - (d) Non-discriminatory treatment of participants from the other party as compared with the treatment given to its own participants.
 - (e) Protection of business-confidential information.
4. The participants shall jointly develop a Technology Management Plan (TMP) in respect of the ownership and use, including publication, of information and IP to be created in the course of joint research. The indicative features of a TMP are contained in the Appendix to this Protocol. The TMP shall be approved by the responsible funding agency or department of the Party involved in financing the research, before the conclusion of the specific research and development cooperation contract to which it is attached. The TMPs shall be developed taking into account the aims of the joint research, the relative financial or other contributions of the Parties or participants, the advantages and disadvantages of licensing by territory or for fields of use, the transfer of export-controlled data, goods or services, requirements imposed by the applicable laws including those of the Parties concerning IP rights and other factors deemed appropriate by the participants. The rights and obligations concerning the research generated by visiting researchers in respect of IP shall also be dealt with in the TMPs.
5. Subject to the specific provisions of the Parties concerning IP rights, information or IP created in the course of joint research and not addressed in the TMP shall be allocated, with the approval of the Parties, according to the principles set out in the TMP. In case of disagreement, such information or IP shall be owned jointly by all the participants involved in the joint research from which the information or IP results. Each participant to whom this provision applies shall have the right to use such information or IP for his own commercial exploitation with no geographical limitation.
6. Each Party shall ensure that the other Party and its participants may have the rights to IP allocated to them in accordance with these principles.

7. While maintaining the conditions of competition in areas affected by the Protocol, each Party shall endeavour to ensure that rights acquired pursuant to this Protocol and arrangements made under it are exercised in such a way as to encourage, in particular, (i) the dissemination and use of information created, disclosed or otherwise made available, under the Protocol, and (ii) the adoption and implementation of international standards.
8. Termination or expiry of this Protocol shall not affect rights or obligations under this Annex.

III. International conventions

IP belonging to the Parties or to their participants shall be accorded treatment consistent with the relevant international Conventions that are applicable to the Parties including the TRIPS Agreement (Agreement on Trade Related Aspects of Intellectual Property Rights administered by the World Trade Organisation) as well as the Berne Convention (Paris Act 1971) and the Paris Convention (Stockholm Act 1967).

IV. Scientific literary works

Without prejudice to Section V, and unless otherwise agreed in the TMP, publication of results of research shall be made jointly by the parties or participants to that joint research. Subject to the foregoing general rule, the following procedures shall apply:

1. In the case of publication by a Party or public bodies of that Party of scientific and technical journals, articles, reports, books, including video and software arising from joint research pursuant to this Protocol, the other Party shall be entitled to a world-wide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works.
2. The Parties shall ensure that literary works of a scientific character arising from joint research pursuant to this Protocol and published by independent publishers are disseminated as widely as possible.
3. All copies of a copyright work to be publicly distributed and prepared under this provision shall indicate the names of the author(s) of the work unless an author explicitly declines to be named. They shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.

V. Undisclosed Information

A. Documentary undisclosed information

1. Each Party, its agencies or its participants, as appropriate, shall identify at the earliest possible moment and preferably in the TMP the information that they wish to remain undisclosed, taking into account, *inter alia*, the following criteria:
 - (a) confidentiality of the information in the sense that it is not, as a body or in the precise configuration or assembly of its components, generally known among or readily accessible by lawful means to experts in the field;
 - (b) the actual or potential commercial value of the information by virtue of its confidentiality;
 - (c) previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its confidentiality.

The Parties, their agencies and their participants, as appropriate, may in certain cases agree that, unless otherwise indicated, parts or all of the information provided, exchanged or created in the course of joint research may not be disclosed.

2. Each Party shall ensure that it and its participants clearly identify undisclosed information, for example by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part.

A Party and a participant receiving undisclosed information shall respect the privileged nature thereof. Such respect shall automatically terminate when this information is disclosed by the owner and enters the public domain.

3. Undisclosed information communicated under this Protocol may be disseminated by the receiving Party or its organisation to persons within or employed by the receiving Party or organisation authorised for the specific purposes of the joint research under way, provided that any undisclosed information so disseminated is pursuant to an agreement of confidentiality and readily recognisable as such, as set out above.
4. With the prior written consent of the Party providing undisclosed information, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in paragraph 3 above. The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such approval to the extent permitted by its domestic policies, regulations and laws.

B. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential information provided in seminars and other meetings arranged under this Protocol, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the Parties or their participants according to the principles specified for documentary information in the Protocol; this is on the understanding, however, that the recipient of such undisclosed or other confidential or privileged information was made aware of the confidential character of the information communicated at the time such communication was made.

C. Control

Each Party shall endeavour to ensure that undisclosed information received by it under this Protocol is controlled as provided herein. If one of the Parties becomes aware that it will be, or may be reasonably expected to become, unable to meet the non-dissemination provisions of sections A and B, it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.

Appendix to ANNEX A

Indicative features of a TMP

The TMP is a specific agreement to be concluded between the participants on the implementation of joint research and the respective rights and obligations of the participants.

With respect to IP, the TMP will normally deal with, among other things, ownership, protection, user rights for research and development purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The TMP may also deal with foreground and background information, licensing and deliverables.

ANNEX B

RULES GOVERNING THE FINANCIAL CONTRIBUTION OF CYPRUS REFERRED TO IN ARTICLE 5 OF THIS PROTOCOL**1. Determination of the financial participation**

1.1. The Commission of the European Communities shall communicate to Cyprus, and shall inform the sub-committee referred to in Article 4 of this Protocol of such communication, as soon as possible, and at the latest on 1 September, of each financial year the following information, together with relevant background material:

- (a) the amounts in commitment appropriations, in the statement of expenditure of the preliminary draft budget of the European Communities corresponding to the fifth framework programme;
- (b) the estimated amount of the contributions derived from the preliminary draft budget, corresponding to the participation of Cyprus in the fifth framework programme.

Nonetheless, in order to facilitate internal budgetary procedures, the Commission services shall provide corresponding indicative figures at the latest on 30 May of each year.

1.2. Once the general budget has been finally adopted the Commission shall communicate to Cyprus in the statement of expenditure corresponding to Cyprus's participation, the amounts referred to in paragraph 1.1.

2. Payment procedures

2.1. The Commission shall issue, at the latest on 1 January and 15 June of each financial year, a call for funds to Cyprus corresponding to its contribution under this Protocol. These calls for funds shall provide, respectively, for the payment.

- of six-twelfths of the contribution of Cyprus not later than 20 February,
- and six-twelfths of its contribution not later than 15 July.

However, the six-twelfths, to be paid not later than 20 February shall be calculated on the basis of the amount set out in the statement of revenue of the preliminary draft budget: the regularisation of the amount thus paid shall occur with the payment of the six-twelfths not later than 15 July.

2.2. For the first year of implementation of this Protocol, the Commission shall issue a first call for funds within 30 days of its coming into effect. Should this call be issued after 15 June, it shall provide for the payment of twelve/twelfths of the contribution of Cyprus within 30 days, calculated on the basis of the amount set out in the statement of revenue of the budget.

2.3. The contribution of Cyprus shall be expressed and paid in euro.

2.4. Cyprus shall pay its contribution under this Protocol according to the schedule in paragraphs 2.1. and 2.2. above. Any delay in payment shall give rise to the payment of interest at a rate equal to the one-month interbank offered rate (Euribor) in euro as quoted on Telerate. This rate shall be increased by 1,5 % for each month of delay. The increased rate shall be applied to the entire period of delay. However, the interest shall be due only if the contribution is paid more than thirty days after the scheduled payment dates mentioned in paragraphs 2.1 and 2.2 above.

2.5. Travel costs incurred by Cypriot representatives and experts for the purposes of taking part in the work of the committee referred to in Articles 4, and 8(1) and of the groups and bodies referred to in Article 6(3) of this Protocol and those involved in the implementation of the fifth framework programme shall be reimbursed by the Commission on the same basis as and in accordance with the procedures currently in force for the representatives and experts of the Member States of the European Union.

3. Conditions for the implementation.

3.1. The financial contribution of Cyprus to the fifth framework programme in accordance with Article 5 of the Protocol shall normally remain unchanged for the financial year in question.

3.2. The Commission, at the time of the closure of the accounts relating to each financial year (n), within the framework of the establishment of the revenue and expenditure account, shall proceed to the regularisation of the accounts with respect to the participation of Cyprus, taking into consideration modifications which have taken place, either by transfer, cancellations, carry-overs, decommitments, or by supplementary and amending budgets during the financial year. This regularisation shall occur at the time of the second payment for the year n+1. Further regularisations shall occur every year until July 2006.

Payment by Cyprus shall be credited to the Community programmes as budget receipts allocated to the appropriate budget heading in the statement of revenue of the general budget of the European Communities.

The financial regulation applicable to the general budget of the European Communities shall apply to the management of the appropriations.

4. Information

At the latest on 31 May of each financial year (n+1), the statement of appropriations for the fifth framework programme related to the previous financial year (n), shall be prepared and transmitted to Cyprus for information, according to the format of the Commission's revenue and expenditure account.

Information relating to the entry into force of the Additional Protocol to the EEC/Cyprus Association Agreement associating Cyprus with the fifth framework programme for research, technological development and demonstration (1998 to 2002)

The Additional Protocol to the EEC/Cyprus Association Agreement, associating Cyprus with the fifth framework programme for research, technological development and demonstration (1998 to 2002), which the Council decided to conclude on 20 May 1999, will enter into force on 20 May 1999, the Contracting Parties having notified on the same day the completion of the procedures necessary for that purpose.

COMMISSION

COMMISSION DECISION

of 24 June 1999

on the publication of the list of existing class A and B passenger ships notified by Greece in accordance with Council Directive 98/18/EC for which the derogation of Article 6(3)(g) may be applied

(notified under document number C(1999) 1712)

(Text with EEA relevance)

(1999/461/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships ⁽¹⁾, and in particular Article 6(3)(g) thereof,

Whereas Greece has notified to the Commission the list of existing class A and B ships complying with the conditions for applying the derogation pursuant to Article 6(3)(g) of Directive 98/18/EC,

HAS ADOPTED THIS DECISION:

Article 1

The existing Class A and B passenger ships operating exclusively on domestic voyages between ports situated in Greece for which the derogation of Article 6(3)(g) may be applied are those listed in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 June 1999.

For the Commission

Neil KINNOCK

Member of the Commission

⁽¹⁾ OJ L 144, 15.5.1998, p. 1.

ANNEX

	Ship's name	Company	Distinctive numbers or letters	Port of registry	Passenger capacity	IMO number	Class	Date of keel laying
1	Poseidon Express II	Poseidon Express II Shipping Co.	SVRX	Piraeus 10152	1 822	7302885	B	20.9.1972
2	El Greco	Minoan Lines	J4LX	Iraklio 07	1 501	7725362	A	1972
3	Lycomides	Skyros Shipping Corp.	SV4089	Piraeus 9478	401	7311800	B	September 1972
4	Sappho	Shipping Co. of Lesbos	SYTN	Mitilini 18	1 399	6612403	A	1966
5	Agios Rafael	Shipping Co. of Lesbos	SYRT	Mitilini 34	626	6817675	A	1968
6	Alcaeos	Shipping Co. of Lesbos	SVKF	Mitilini 26	850	7014440	A	1970
7	Ialyssos	D.A.N.E Sea Line	SYUL	Rhodes 20	1 238	6605450	B	1966
8	Leros	D.A.N.E Sea Line	SXIH	Piraeus 9451	1 248	6813485	B	1967

COMMISSION DECISION

of 24 June 1999

recognising in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of alanycarbe in Annex I to Council Directive 91/414/EEC concerning the placing of plant-protection products on the market

(notified under document number C(1999) 1715)

(Text with EEA relevance)

(1999/462/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection products on the market ⁽¹⁾, as last amended by Commission Directive 1999/1/EC ⁽²⁾ and in particular Article 6(3) thereof,

(1) Whereas Directive 91/414/EEC (hereinafter 'the Directive') has provided for the development of a Community list of active substances authorised for incorporation in plant protection products;

(2) Whereas the applicant has submitted a dossier for one active substance to Member States' authorities with a view to obtain the inclusion of the active substances in Annex I to the Directive;

(3) Whereas a dossier for the active substance alanycarbe was submitted by Otsuka Chemical Co. to the French authorities on 24 July 1995;

(4) Whereas the said authorities indicated to the Commission the results of a first examination of the completeness of the dossier with regard to the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, in Annex III to the Directive; whereas subsequently, in accordance with the provisions of Article 6(2), the dossiers were submitted by the applicant to the Commission and other Member States;

(5) Whereas the dossiers for alanycarbe were referred to the Standing Committee on Plant Health on 18 February 1998;

(6) Whereas Article 6(3) of the Directive requires it being confirmed at the level of the Community that each dossier is to be considered as satisfying in principle the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, in Annex III to the Directive;

(7) Whereas such confirmation is necessary in order to pursue the detailed examination of the dossier as well as in order to open to Member States the possibility of granting provisional authorisation for plant protection products containing this active substance in due respect of the conditions laid down in Article 8(1) of the Directive, and in particular the condition to make a detailed assessment of the active substances and the plant protection products with regard to the requirements of the Directive;

(8) Whereas such Decision does not prejudice that further data or information may be requested from the applicant where it would appear during the detailed examination that such information or data are required for a Decision to be taken;

(9) Whereas it is understood between the Member States and the Commission that France will pursue the detailed examination for the dossier for alanycarbe;

(10) Whereas France will report the conclusions of the examination accompanied by any recommendations on the inclusion or non-inclusion and any conditions related thereto to one Commission as soon as possible and at the latest within a period of one year; whereas on receipt of this report the detailed examination will be continued with the expertise from all Member States within the framework of the Standing Committee on Plant Health;

(11) Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

The following dossier satisfies in principle the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, in Annex III to the Directive, taking into account the uses proposed.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 21, 28.1.1999, p. 21.

1. The dossier submitted by Otsuka Chemical Co. to the Commission and the Member States with a view to the inclusion of alanycarbe as active substance in Annex I to Directive 91/414/EEC and which was referred to the Standing Committee on Plant Health on 18 February 1998.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 June 1999.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 30 June 1999

amending Commission Decisions 1999/240/EC and 1999/241/EC on certain protection measures with regard to registered horses coming from Singapore and Malaysia (Peninsula) and *equidae* coming from Australia

(notified under document number C(1999) 1802)

(Text with EEA relevance)

(1999/463/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, as last amended by Directive 96/43/EC ⁽²⁾, and in particular Article 18(7) thereof,

(1) Whereas by Decision 1999/240/EC ⁽³⁾ the Commission has adopted certain protection measures with regard to registered horses coming from Singapore and Malaysia (Peninsula) due to the occurrence of Hendra-like disease (paramyxovirus), a zoonotic disease that had caused fatalities in humans;

(2) Whereas this infection is a new disease named Nipah disease, which, as known now, is transmitted to humans by pigs;

(3) Whereas according to official information pig-farming ceased in Singapore in 1990 and imports from Malaysia of live pigs, *equidae* and other mammalian animals susceptible to this disease are prohibited; whereas moreover Singapore officially notified the completion with negative results of a survey for this disease in horses and in persons handling horses;

(4) Whereas by Decision 1999/241/EC ⁽⁴⁾ the Commission has adopted certain protection measures with regard to *equidae* coming from Australia due to the occurrence of Hendra disease (equine morbillivirus) in a horse in Queensland in January 1999; whereas this Decision applies until 31 May 1999;

(5) Whereas the presence of this disease in certain wildlife species in certain parts of Australia is liable to constitute a serious danger for Community *equidae*; whereas however a serological test has been developed to detect in individual horses antibody against the Hendra disease virus;

(6) Whereas in the light of the evolution of the diseases in Singapore and Australia, and additionally the developments in laboratory diagnosis in Australia, it appears appropriate to modify Decisions 1999/240/EC and 1999/241/EC with regard to protection measures at Community level in relation to importation of registered horses coming from Singapore and *equidae* coming from Australia;

(7) Whereas this Decision is in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Commission Decision 1999/240/EC is amended as follows.

1. In the title of the Decision the words 'and Singapore' are deleted.
2. In Article 1 the words 'and Singapore' are deleted.
3. In Article 2 the words 'and Singapore' are deleted.

Article 2

Commission Decision 1999/241/EC is amended as follows.

1. In Article 1(2):
 - the first and second indents are deleted,
 - two new indents are inserted as follows:
 - 'during the past 60 days the *equidae* has not been resident on holdings on which cases of Hendra disease have been confirmed by the competent authorities during the past 60 days,
 - the *equidae* was subjected to an approved test, either serum neutralisation or ELISA, for the detection of antibodies for Hendra disease virus, carried out in a laboratory designated by the competent authorities with negative results on a sample of blood taken within 14 days of dispatch to the European Community on (insert date of blood sampling).'

⁽¹⁾ OJ L 268, 24.9.1991, p. 56.

⁽²⁾ OJ L 162, 1.7.1996, p. 1.

⁽³⁾ OJ L 89, 1.4.1999, p. 72.

⁽⁴⁾ OJ L 89, 1.4.1999, p. 74.

2. In Article 3 the date '31 May 1999' is replaced by '31 December 1999'.

Article 3

Member States shall amend the measures they apply with regard to Singapore and Australia to bring them into line with this Decision.

They shall inform the Commission thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 30 June 1999.

For the Commission

Franz FISCHLER

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products

(Official Journal of the European Communities L 102 of 17 April 1999)

on page 14, recital 27, last line:

for: '... obligation systematically to verify all imports;'

read: '... obligation to verify systematically all imports;'

on page 19, Article 4(2), second indent, last line:

for: '... the organisation of the common market.'

read: '... the common organisations of the markets.'

on page 21, Article 8, second subparagraph second line:

for: '... control copy, *inter alia*, shall be completed.'

read: '... control copy shall be completed';

on page 26, Artikel II(5), second subparagraph fourth line:

for: '... free circulation...'

read: '... free circulation...';

on page 26, Article II(6) third indent, sixth line:

for: '... subheading 04 06 30...'

read: '... CN code 04 06 30...';

on page 27, Article 16(2) (c), fourth line:

for: '... paragraph 3...'

read: '... paragraph 5...';

on page 28, Article 18(2), third and fourth lines:

for: '... the rate fixed in advance and the lowest rate or zero, where no rate is fixed.'

read: '... the rate fixed in advance and the lowest rate, the non-fixing of a rate being regarded as the lowest rate.'

on page 31, Article 25(1), second line:

for: '... payable on the exports or equivalent exports,...'

read: '... payable on the relevant export operation or an equivalent export operation,...';

on page 32, Article 26(2) (a) second indent, first line:

for: '—the net quantity...'

read: '—the net mass...';

on page 33, Article 29(3), the word 'weight' is replaced by 'mass', in the first and fifth lines;

on page 33, Article 29(4), second subparagraph, third line, the word 'type' is replaced by 'nature';

on page 37, Article 38(2), third line, the word 'type' is replaced by 'nature'.

on page 37, Article 39(3), second subparagraph, line 2:

for: '... control copy, *inter alia*, shall be completed.'

read: '... T5 control copy shall be completed.';

on page 38, Article 40(2), second subparagraph, point (b) second indent, second line: the word 'any' is replaced by 'and';

on page 38, Article 41(2) second subparagraph:

for: '... T5 control copy, *inter alia*, shall be completed.'

read: '... T5 control copy shall be completed.';

on page 41, Article 46(1), third line:

for: '... Heligoland...'

read: '... the Island of Heligoland...'