

COUNCIL OF THE EUROPEAN COMMUNITIES

COMPILATION OF TEXTS

IX

**ASSOCIATION
OF THE OVERSEAS COUNTRIES AND TERRITORIES**

FRENCH OVERSEAS DEPARTMENTS

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(*) These measures became necessary because on 28 February 1985, the expiry date not only of the second ACP-EEC Convention but also of Decisions 80/1186/EEC and 80/1187/ECSC, which governed relations between the Community and the OCT, the new Decision on the association of the OCT with the Community had not yet been adopted and steps had to be taken to avoid any break in continuity. The aim is in some cases to extend the validity of the Decisions in question and in others to bring about early implementation of certain measures listed in Decision 2/85 of the ACP-EEC Council of Ministers and also relating to the OCT arrangements.

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Part 1

OVERSEAS COUNTRIES AND TERRITORIES

I - TRANSITIONAL MEASURES

COUNCIL

COUNCIL DECISION

of 26 February 1985

on the association of the overseas countries and territories with the European Economic Community

(85/159/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to the draft Decision submitted by the Commission,

Whereas it is necessary to maintain in force until 28 February 1986 the provisions applicable under Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, as last amended by the Treaty of 13 March 1984 amending, with regard to Greenland, the Treaties establishing the European Communities⁽²⁾,

HAS DECIDED AS FOLLOWS:

Article 1

Article 141 of Decision 80/1186/EEC is hereby replaced by the following:

Article 141

This Decision, including the Annexes hereto, shall apply until the entry into force of new provisions applying the principles set out in Articles 131 to 135 of the Treaty establishing the European Economic Community, and at the latest until 28 February 1986, without prejudice to more favourable provisions to be adopted by the Community in respect of imports of products from the OCT.'

Article 2

This Decision shall enter into force on 1 March 1985. It shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 26 February 1985.

For the Council

The President

F. PANDOLFI

⁽¹⁾ OJ No L 361, 31. 12. 1980, p. 1.

⁽²⁾ OJ No L 29, 1. 2. 1985, p. 1.

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL

of 26 February 1985

on the opening of tariff preferences for products within the province of that Community originating in the overseas countries and territories associated with the Community

(85/160/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

Whereas the provisions applicable under Decision 80/1187/ECSC (1) should be maintained in force until 28 February 1986,

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

Article 1

Article 6 of Decision 80/1187/ECSC is hereby replaced by the following:

'Article 6

This Decision shall apply until 28 February 1986.'

Article 2

This Decision shall enter into force on 1 March 1985. It shall be published in the *Official Journal of the European Communities*

Done at Brussels, 26 February 1985.

The President

F. PANDOLFI

(1) OJ No L 361, 31. 12. 1980, p. 111.

DECISION No 2 /85
OF THE ACP-EEC COUNCIL OF MINISTERS
of 22. II. 1985
on transitional measures
valid as from 1 March 1985

THE ACP-EEC COMMITTEE OF AMBASSADORS,

Having regard to the second ACP-EEC Convention signed at Lomé on 31 October 1979, and in particular Article 188(3) thereof,

Having regard to Decision No 7/84 of the ACP-EEC Council of Ministers of 19 December 1984 delegating powers to the ACP-EEC Committee of Ambassadors in connection with the adoption of transitional measures upon expiry of the second ACP-EEC Convention,

Having regard to the Agreement on products within the province of the European Coal and Steel Community signed in Lomé on 31 October 1979,

Whereas appropriate transitional measures, to apply until the entry into force of the Third ACP-EEC Convention, signed at Lomé on 8 December 1984, should be adopted to maintain in force the relevant provisions of the Second ACP-EEC Convention,

HAS DECIDED AS FOLLOWS:

Article 1

The following provisions and the acts adopted pursuant thereto shall remain applicable after 28 February 1985 until the entry into force of new provisions relating to the same areas, and until 28 February 1986 at the latest, unless an extension is decided by common accord;

(1) as regards the Second ACP-EEC Convention:

- (a) subject to Article 4 of this Decision, the provisions on trade co-operation in Title I and Protocol No 1;
- (b) subject to the second paragraph of Article 8 of this Decision, the provisions on the export earnings stabilization system in Chapter 1 of Title II;
- (c) the provisions on mineral products in Title III; however, requests for financial aid pursuant to Chapter 1 of Title III must be submitted not later than 31 October 1985;

- (d) the provisions on investments in Title IV;
 - (e) the provisions on industrial co-operation in Title V;
 - (f) the provisions on agricultural co-operation in Title VI;
 - (g) the provisions on financial and technical co-operation in Title VII;
 - (h) the provisions on the least developed, landlocked and island ACP States in Title VIII;
 - (i) the provisions relating to payments and capital movements, establishment and services in Title IX;
 - (j) the general and final provisions in Articles 179, 180, 184, 185, 186, 188(3), 189, 190, 191 and in Protocol No 3.
- (2) the Agreement on products within the province of the European Coal and Steel Community signed at Lomé on 31 October 1979.

Article 2

From 1 March 1985 until the entry into force of the new provisions on the same subject and not later than 28 February 1986 unless an extension is decided by common accord, the provisions on trade co-operation in Chapters 1 and 2 of Title I, of the Second ACP-EEC Convention and those of Protocol No 1 annexed to that Convention shall apply between the Community and any new ACP State signatory to the Third ACP-EEC Convention.

Article 3

The provisions on institutions in Articles 22, 23, 24 and 25 of the Third ACP-EEC Convention signed on 8 December 1984, those in Part Four of the said Convention, in Protocol No 2 annexed thereto, the provisions in Article 284 of that Convention concerning the procedure to be followed when a State accedes to the Community and the provisions in Annexes I and IX of the Final Act of that Convention shall be applicable in advance from 1 March 1985, except for the third paragraph of Annex IX and the joint declaration on Article 2 of Protocol No 2 contained in Annex XXXI.

Article 4

The provisions concerning the procedure for derogating from the rules of origin, contained in Article 30 of Protocol No 1 to the Third ACP-EEC Convention, shall be applied in advance as from 1 March 1985.

However, requests that have at present already been lodged shall be examined in accordance with the procedures of the Second Convention.

Article 5

The Committee on Industrial Co-operation is hereby authorized to exercise the powers necessary to ensure the continued operation of the Centre for the Development of Industry until the entry into force of the Third ACP-EEC Convention and to prepare the entry into force of the new provisions, and in particular to set up the Governing Board provided for in Article 73 of that Convention.

Article 6

Under the authority of the Committee of Ambassadors the Subcommittee on Co-operation for Agricultural and Rural Development shall exercise the powers necessary to ensure the continued operation of the Technical Centre for Agricultural and Rural Co-operation until the entry into force of the Third ACP-EEC Convention and to prepare for the introduction of new provisions, and in particular to set up the Advisory Committee provided for in Article 37(6) thereof.

Article 7

Article 47 of the Third ACP-EEC Convention relating to the Agricultural Commodities Committee shall apply as from 1 March 1985.

Article 8

The export earnings stabilization system under the Second ACP-EEC Convention shall continue to be implemented as provided for in that Convention.

Article 35 of the said Convention shall continue to apply, except for the duration thereof, which shall be extended until the Third ACP-EEC Convention enters into force.

The new provisions in Article 160 of the Third ACP-EEC Convention, on the method of calculating the transfer bases in ECU, shall be applied in advance for the 1984 year of application.

Article 9

Financial and technical co-operation and the system providing aid for mining projects and programmes under the Second ACP-EEC Convention shall continue to be implemented as provided for in that Convention.

In accordance with Article 137(3)(c) and by way of derogation from Article 154 of the Second ACP-EEC Convention, the Community is hereby authorized to continue fulfilling its commitments in respect of emergency aid and risk capital until the Third ACP-EEC Convention enters into force.

In order that the Council of Ministers may take the decision provided for in Article 51(2) of the Second ACP-EEC Convention concerning the allocation of any balances remaining from the overall amount of the special financing facility with all the necessary information to hand, the time-limit set in that Article shall be extended until 28 February 1986. However, the appraisal of requests pending may be completed.

Article 10

The ACP States, the Member States and the Community shall, each to the extent concerned, take the measures necessary to implement this Decision.

Article 11

This Decision shall enter into force on 1 March 1985.

Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addi
Gedaan te Brussel,

22. 11. 1985

For AVS-EØF Ministerrådets vegne
Für den AKP-EWG-Ministerrat
Γιά το Συμβούλιο των Υπουργών ΑΚΕ-ΕΟΚ
For the ACP-EEC Council of Ministers
Pour le Conseil des Ministres ACP-CEE
Per il Consiglio dei Ministri ACP-CEE
Voor de ACS-EEG-Raad van Ministers

På AVS-EØF-Ambassadørudvalgets vegne
Im Namen des AKP-EWG-Botschafterausschusses
Γιά την Επιτροπή των Πρέσβων ΑΚΕ-ΕΟΚ
For the ACP-EEC Committee of Ambassadors
Par le Comité des Ambassadeurs ACP-CEE
Per il Comitato degli Ambasciatori ACP-CEE
Voor het ACS-EEG-Comité van Ambassadeurs

Formanden
Der Präsident
Ο Πρόεδρος
The President
Le président
Il Presidente
De Voorzitter

(s.) P. CALAMIA

COUNCIL REGULATION (EEC) No 485/85

of 26 February 1985

concerning the application of Decision No 2/85 of the ACP-EEC Council of Ministers on transitional measures valid from 1 March 1985

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 235 thereof,

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

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

Whereas the second ACP-EEC Convention, signed at Lomé on 31 October 1979, expires on 28 February 1985;

Whereas the third ACP-EEC Convention, signed at Lomé on 8 December 1984, cannot enter into force on that date;

Whereas the Committee of Ambassadors established by the second ACP-EEC Convention has adopted, under the powers delegated to it by Decision No 7/84 of the ACP-EEC Council of Ministers and pursuant to Article 188 (3) of the said Convention, the transitional

measures valid from 1 March 1985 until the third ACP-EEC Convention enters into force;

Whereas the measures required to implement that Decision should be taken,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 2/85 of the ACP-EEC Council of Ministers, annexed to this Regulation, shall apply in the Community with effect from 1 March 1985 until the entry into force of the third ACP-EEC Convention and no later than 28 February 1986, without prejudice to more favourable autonomous provisions to be adopted by the Community in respect of imports of ACP products.

Article 2

This Regulation shall enter into force on 1 March 1985.

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

Done at Brussels, 26 February 1985.

For the Council

The President

F. PANDOLFI

⁽¹⁾ OJ No C 42, 14. 2. 1985, p. 4.

⁽²⁾ Opinion delivered on 15 February 1985 (not yet published in the Official Journal).

II - IMPLEMENTING ACTS

TRADE

COUNCIL REGULATION (EEC) No 486/85

of 26 February 1985

on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

to third countries benefiting from the most-favoured-nation clause for the same products;

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Whereas Article 130 (2) of the third ACP-EEC Convention lays down that the arrangements referred to under paragraph (2) (a) shall enter into force at the same time as the Convention and shall remain applicable for its duration;

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and in particular Article 12 thereof,

Whereas the Community has agreed to apply autonomously to the ACP States signatories to the Convention the arrangements set out in Article 130 (2) (a) of the Convention, on trade in agricultural products and foodstuffs, as from 1 March 1985, that is to say before the Convention enters into force;

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Whereas the Regulations on the common organization of the markets in the sectors concerned establish trade arrangements with third countries;

Whereas the third ACP-EEC Convention was signed at Lomé on 8 December 1984;

Whereas Article 130 (2) (a) of the Convention lays down that products originating in the ACP States and:

Whereas, for the purposes of this Regulation, the concept of import duties shall be that set out in Article 1 (2) (a) of Regulation (EEC) No 918/83 ⁽⁴⁾;

- listed in Annex II to the Treaty, when they come under a common organization of the market within the meaning of Article 40 of the Treaty, or
- subject, on importation into the Community, to specific rules introduced as a result of the implementation of the common agricultural policy,

shall be imported into the Community, notwithstanding the general arrangements applied in respect of third countries, in accordance with the following provisions:

- (i) products for which Community provisions in force at the time of import do not provide, apart from customs duties, for the application of any other measure relating to their import, shall be imported free of customs duties;
- (ii) for products other than those referred to under (i), the Community shall take the necessary measures to ensure more favourable treatment than that applied

Whereas, on the one hand, these trade arrangements provide for, on the import of a number of products, only the application of customs duties; whereas on the other hand, these arrangements involve the application of customs duties and import levies on beef and veal, sheepmeat and goatmeat, and on products processed from fruit and vegetables, the charging of levies in respect of cereals, rice and products processed from cereals and rice, the charging of an *ad valorem* duty and a variable component on certain goods resulting from the processing of agricultural products, the application of customs duties and other measures in respect of imports of fishery products, certain fruit and vegetables, and oils and fats; whereas the obligations of the Community towards the ACP States under Article 130 (2) (a) of the third ACP-EEC Convention may be fulfilled by granting total or partial exemption from import duties for the products in question where they originate in the ACP States;

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1.

⁽²⁾ OJ No C 36, 8. 2. 1985, p. 3.

⁽³⁾ Opinion delivered on 15 February 1985 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 105, 23. 4. 1983, p. 1.

Whereas it should be specified that the advantages resulting from Article 130 (2) (a) of the third ACP-EEC Convention are accorded only to originating products within the meaning of Protocol 1 concerning the definition of the concept of originating products and methods of administrative cooperation, annexed to the second ACP-EEC Convention signed at Lomé on 31 October 1979 ⁽¹⁾, certain provisions of which have been extended by Regulation (EEC) No 485/85 ⁽²⁾;

Whereas, upon entry into force of the third ACP-EEC Convention, Protocol 1 annexed thereto will become applicable in respect of the rules of origin;

Whereas, furthermore, these advantages should be combined with certain conditions and limited to certain annual and multiannual quantities on a case-by-case basis;

Whereas there have traditionally been trade flows from the ACP States to the French overseas departments; whereas measures should therefore be introduced to encourage the importation of certain products originating in the ACP States into these French overseas departments to cover local consumption requirements, including consumption following processing; whereas provision should be made for altering the arrangements governing access to the markets in products originating in the ACP States referred to in Article 130 (2) of the third ACP-EEC Convention, particularly in the light of the said departments' economic development requirements;

Whereas it should be stipulated that the safeguard clauses provided for in the Regulations on the common organization of the agricultural markets and in specific rules introduced as a result of the implementation of the common agricultural policy are applicable; whereas by virtue of the transitional application of certain provisions of the second ACP-EEC Convention, Article 12 (1) of that Convention is applicable and will be replaced by Article 139 (1) of the third ACP-EEC Convention once it enters into force; whereas the said provisions of the second ACP-EEC Convention are complementary to and are implemented in accordance with Council Regulation (EEC) No 1470/80 of 9 June 1980 on the safeguard measures provided for in the second ACP-EEC Convention ⁽³⁾, which continues to

apply during the transitional period, and in accordance with the Regulation which will replace it during the period of application of the third ACP-EEC Convention;

Whereas the association of the Community with the overseas countries and territories, hereinafter referred to as 'the countries and territories', is governed by Decision 80/1186/EEC ⁽⁴⁾, as last amended by Decision 85/159/EEC ⁽⁵⁾, in respect of the import arrangements for agricultural products and certain goods resulting from the processing of agricultural products and in respect of the rules of origin, with its safeguard clauses applying as complementary measures; whereas, upon the entry into force of a new Decision, the provisions which it lays down will be applicable;

Whereas fishery products are subject to the provisions of Article 1 of the Protocol on special arrangements for Greenland, annexed to the Treaty amending, with regard to Greenland, the Treaties establishing the European Communities, signed on 13 March 1984 ⁽⁶⁾, and to those of Council Regulation (EEC) No 225/85 of 29 January 1985 laying down certain specific measures in connection with the special arrangements on fisheries applicable to Greenland ⁽⁷⁾;

Whereas, as far as the importation into the overseas departments, of rice originating in the ACP States is concerned, the arrangements provided for in Article 21 of Regulation (EEC) No 435/80 ⁽⁸⁾, as extended by Regulation (EEC) No 3486/80 ⁽⁹⁾, should remain applicable until 30 June 1985.

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply to products originating in the ACP States listed in Annex I or in the countries and territories listed in Annex II.
2. The rules of origin applicable to such of these products as are imported from the ACP States or the

⁽⁴⁾ OJ No L 361, 31. 12. 1980, p. 1.

⁽⁵⁾ See p. 25 of this Official Journal.

⁽⁶⁾ OJ No L 29, 1. 2. 1985, p. 1.

⁽⁷⁾ OJ No L 29, 1. 2. 1985, p. 18.

⁽⁸⁾ OJ No L 55, 28. 2. 1980, p. 4.

⁽⁹⁾ OJ No L 365, 31. 12. 1980, p. 2.

⁽¹⁾ OJ No L 347, 22. 12. 1980, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 147, 13. 6. 1980, p. 4.

countries and territories shall be respectively those set out in Protocol 1 annexed to the second ACP-EEC Convention and those in Annex II to Decision 80/1186/EEC. These provisions shall cease with effect from the entry into force of the similar rules contained in the third ACP-EEC Convention and in the Decision to be taken on the association of the countries and territories.

3. Should there be a change in the status of the countries and territories listed in Annex II, the list of States, countries and territories referred to in Annexes I and II shall be adapted accordingly by the Commission.

TITLE I

Beef and veal

Article 2

The products of the beef and veal sector referred to in Article 1 of Regulation (EEC) No 805/68 ⁽¹⁾ shall be imported free of customs duties.

Article 3

Where, in the course of a year, imports into the Community of products falling within subheadings 02.01 A II and 16.02 B III b) 1 aa) of the Common Customs Tariff originating in an ACP State or country or territory, exceed a quantity equivalent to imports into the Community during the year, between 1969 and 1974, in which Community imports of products of that origin were highest, plus an annual growth rate of 7 %, exemption from customs duties on the products of that origin shall be partially or totally suspended in accordance with the procedure laid down in Article 22.

In that event the Commission shall report to the Council which, acting by a qualified majority on a proposal from the Commission, shall determine the arrangements to be applied to the imports in question.

Article 4

1. Within the country-by-country and overall limits referred to in Article 5, import duties, other than customs duties, applied to products originating in the ACP States and referred to in Article 1 (a) of Regulation (EEC) No 805/68 shall be reduced by an amount to be fixed quarterly by the Commission and corresponding

to 90 % of the average import duties applicable during a reference period.

2. Paragraph 1 shall apply only to imports for which the importer provides proof that an export charge of an amount equivalent to the reduction referred to in the said paragraph has been collected by the exporting country.

Article 5

1. The reduction in import duties provided for in Article 4 shall, on a country-by-country basis per calendar year, cover the following quantities expressed in terms of boned or boneless meat:

Botswana	18 916 tonnes
Kenya	142 tonnes
Madagascar	7 579 tonnes
Swaziland	3 363 tonnes
Zimbabwe	8 100 tonnes

2. The reduction applies to 30 000 tonnes, from which are taken the quantities exported by the countries in question, up to the limit of the annual quotas indicated above.

If deliveries do not exceed this amount, the procedure provided for under paragraph 4 shall apply.

3. After this quantity has been used up, the reduction shall apply automatically to the quantities imported from the same countries, taken from a further quantity of 8 100 tonnes, up to the limit of the annual quotas indicated above.

4. If any ACP State is not able to supply its annual quota as set out in paragraph 1, a decision may be taken at its request, submitted in the course of a year, and in accordance with the procedure referred to in Article 22, to allocate the quantities laid down in paragraph 1 differently between the other States concerned, up to a limit of 30 000 tonnes, for the same or the following year.

TITLE II

Sheepmeat and goatmeat

Article 6

1. The products referred to in Article 1 of Regulation (EEC) No 1837/80 ⁽²⁾ shall be imported free of customs duties.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 183, 16. 7. 1980, p. 1.

2. No levy shall be applied to imports of the following products, specified in Article 1 (a) of Regulation (EEC) No 1837/80:

- live sheep and goats, other than pure-bred breeding animals, falling within subheading 01.04 B of the Common Customs Tariff,
- meat of sheep and goats, fresh, chilled or frozen, falling within subheading 02.01 A IV of the Common Customs Tariff, other than that of domestic sheep,
- meat of sheep and goats, salted, in brine, dried or smoked, falling within subheading 02.06 C II a) of the Common Customs Tariff, other than that of domestic sheep.

TITLE III

Fisheries

Article 7

Without prejudice to the conditions laid down in Article 1 of the Protocol on special arrangements for Greenland, and to the decisions which may be taken pursuant to Regulation (EEC) No 225/85 as regards fisheries products originating in Greenland, the fisheries products specified in Article 1 of Regulation (EEC) No 3796/81 ⁽¹⁾, shall be imported free of customs duties.

TITLE IV

Oils and fats

Article 8

The oil and fat products referred to in Article 1 (2) (a) and (b) of Regulation No 136/66/EEC ⁽²⁾, shall be imported free of customs duties.

TITLE V

Cereals

Article 9

1. The levy applicable to imports of maize falling within subheading 10.05 B of the Common Customs Tariff shall be that fixed in accordance with Article 13

of Regulation (EEC) No 2727/75 ⁽³⁾, reduced by 1,81 ECU per tonne.

2. The levy applicable to imports of millet falling within subheading 10.07 B of the Common Customs Tariff and of grain sorghum falling within subheading 10.07 C of the Common Customs Tariff shall be that fixed in accordance with Article 13 of Regulation (EEC) No 2727/75, reduced by 50 %.

TITLE VI

Rice

Article 10

1. Within the limits of the quantities laid down in Article 11, the levy applicable to imports of rice falling within subheading 10.06 B of the Common Customs Tariff shall be equal, per 1 000 kilograms of product, to the levy applicable to imports of rice from third countries, reduced as follows:

(a) in the case of paddy rice falling within subheading 10.06 B I a) of the Common Customs Tariff:

- by 50 %, and
- by 3,6 ECU;

(b) in the case of husked rice falling within subheading 10.06 B I b) of the Common Customs Tariff:

- by 50 %, and
- by 3,6 ECU;

(c) in the case of semi-milled rice falling within subheading 10.06 B II a) of the Common Customs Tariff:

- by the amount for the protection of the industry referred to in Article 14 (3) of Regulation (EEC) No 1418/76 ⁽⁴⁾, converted by reference to the conversion rate between milled rice and semi-milled rice referred to in the third indent of Article 19 (a) of that Regulation
- by 50 % of the levy thus reduced, and
- by 5,4 ECU;

(d) in the case of wholly-milled rice falling within subheading 10.06 B II b) of the Common Customs Tariff:

- by the amount for the protection of the industry referred to in Article 14 (3) of Regulation (EEC) No 1418/76,
- by 50 % of the levy thus reduced, and
- by 5,4 ECU;

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁴⁾ OJ No L 166, 25. 6. 1976, p. 1.

(e) in the case of broken rice falling within subheading 10.06 B III of the Common Customs Tariff:

- by 50 %, and
- by 3,0 ECU

2. Paragraph 1 shall apply only to imports for which the importer provides proof that an export charge of an amount equivalent to the reduction referred to in the said paragraph has been collected by the exporting country.

Article 11

1. The reduction in the levy provided for in Article 10 shall be subject, per calendar year, to a maximum, expressed as husked rice, of 122 000 tonnes of rice falling within subheadings 10.06 B I and B II of the Common Customs Tariff and 17 000 tonnes of broken rice falling within subheading 10.06 B III of the Common Customs Tariff.

Quantities of rice at other stages of processing than husked rice shall be converted at the rates laid down in Article 1 of Regulation No 467/67/EEC ⁽¹⁾.

2. Depending on the dates of entry into force and expiry of this Regulation, the quantities provided for in paragraph 1, expressed per calendar year, shall be calculated *pro rata temporis*.

3. The Commission shall suspend the application of Article 10 for the remainder of the year if it finds during the current year that imports under the above provisions have reached the levels referred to in paragraph 1.

TITLE VII

Products processed from cereals and rice

Article 12

1. The fixed component of the levy or the customs duty applicable to imports of the products listed in Annex A to Regulation (EEC) No 2727/75 and the products listed in Article 1 (1) (c) of Regulation (EEC) No 1418/76 shall not be charged on any of those products.

2. The variable component shall be reduced:

- by 1,81 ECU per 1 000 kilograms for products falling within subheading 07.06 A of the Common Customs Tariff, excluding arrowroot,
- 3,63 ECU per 1 000 kilograms for products falling within subheading 11.04 C of the Common Customs Tariff, excluding flour and meal of arrowroot,
- by 50 % for products falling within subheading 11.08 A V of the Common Customs Tariff, excluding arrowroot starch.

3. The variable component of the levy shall not be charged in respect of imports of:

- arrowroot falling within subheading 07.06 A of the Common Customs Tariff,
- flour and meal of arrowroot falling within subheading 11.04 C of the Common Customs Tariff,
- arrowroot starch falling within subheading 11.08 A V of the Common Customs Tariff.

⁽¹⁾ OJ No 204, 24. 8. 1967, p. 1.

TITLE VIII

Fruit and vegetables

Article 13

1. The products listed below shall be imported free of customs duties:

CCT heading No	Description
07.01	Vegetables, fresh or chilled: F. Leguminous vegetables, shelled or unshelled G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots: ex IV. Other: — Radishes (<i>Raphanus sativus</i>), known as 'Mooli' S. Sweet peppers T. Other
08.02	Citrus fruit, fresh or dried: D. Grapefruit E. Other
08.08	Berries, fresh: E. Papaws F. Other: ex II. Passion fruit
08.09	Other fruit, fresh

2. Subject to the special provisions laid down in paragraph 3, customs duties shall be reduced as follows for the products listed below:

CCT heading No	Description	Rate of reduction
07.01	Vegetables, fresh or chilled: G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots: ex II. Carrots and turnips: — Carrots, from 1 January to 31 March	40 %

CCT heading No	Description	Rate of reduction
07.01 (cont'd)	ex H. Onions, shallots and garlic: — Onions, from 15 February to 15 May ex K. Asparagus: — From 15 August to 31 January M. Tomatoes: ex I. From 1 November to 14 May (from 15 November to 30 April (within the annual limit of a Community tariff quota of 2 000 tonnes)) Q. Mushrooms and truffles: IV. Other	60 % 40 % 60 % 40 %
08.02	Citrus fruit, fresh or dried: A. Oranges B. Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids	80 % 80 %
08.08	Berries, fresh: A. Strawberries ex II. From 1 August to 30 April (from 1 November to the end of February within the annual limit of a Community tariff quota of 700 tonnes)	60 %

3. Imports of carrots falling within subheading ex 07.01 G II of the Common Customs Tariff and of onions falling within subheading ex 07.01 H of the Common Customs Tariff at the reduced rates of customs duty shown in paragraph 2 shall be subject to annual ceilings of 500 tonnes for each of these products, above which the customs duties actually applied in respect of third countries shall be restored.

TITLE IX

Products processed from fruit and vegetables

Article 14

1. The products listed in Article 1 of Council Regulation (EEC) No 516/77 ⁽¹⁾ shall be imported free of customs duties.
2. Levies shall not be charged on imports of the products listed below:

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

CCT heading No	Description
20.06	<p>Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit:</p> <p>B. Other:</p> <p>I. Containing added spirit:</p> <p>b) Pineapples, in immediate packings of a net capacity:</p> <p>1. Of more than 1 kg;</p> <p>aa) With a sugar content exceeding 17 % by weight</p> <p>2. Of 1 kg or less:</p> <p>aa) With a sugar content exceeding 19 % by weight</p> <p>e) Other fruits:</p> <p>1. With a sugar content exceeding 9 % by weight:</p> <p>ex aa) Of an actual alcoholic strength by mass not exceeding 11,85 % mass:</p> <p>— Grapefruit segments</p> <p>— Passion fruit</p> <p>— Guavas</p> <p>ex bb) Other:</p> <p>— Grapefruit segments</p> <p>— Passion fruit</p> <p>— Guavas</p> <p>f) Mixtures of fruit:</p> <p>1. With a sugar content exceeding 9 % by weight:</p> <p>ex aa) Of an actual alcoholic strength by mass not exceeding 11,85 % mass:</p> <p>— Mixtures of pineapples, papaws and passion fruit</p> <p>ex bb) Other:</p> <p>— Mixtures of pineapples, papaws and passion fruit</p> <p>II. Not containing added spirit:</p> <p>a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg:</p> <p>2. Grapefruit segments</p> <p>5. Pineapples:</p> <p>aa) With a sugar content exceeding 17 % by weight:</p> <p>ex 8. Other fruits:</p> <p>— Passion fruit</p> <p>— Guavas</p> <p>9. Mixtures of fruit:</p> <p>ex aa) Mixtures in which no single fruit exceeds 50 % of the total weight of the fruits:</p> <p>— Mixtures of pineapples, papaws and passion fruit</p> <p>ex bb) Other:</p> <p>— Mixtures of pineapples, papaws and passion fruit</p>

CCT heading No	Description
20.06 (cont'd)	<p>B. II. b) Containing added sugar, in immediate packings of a net capacity not exceeding 1 kg:</p> <ul style="list-style-type: none"> 2. Grapefruit segments 5. Pineapples: <ul style="list-style-type: none"> aa) With a sugar content exceeding 19 % by weight ex 8. Other fruits: <ul style="list-style-type: none"> — Passion fruit — Guavas 9. Mixtures of fruit: <ul style="list-style-type: none"> ex aa) Mixtures in which no single fruit exceeds 50 % of the total weight of the fruits: <ul style="list-style-type: none"> — Mixtures of pineapples, papaws and passion fruit ex bb) Other: <ul style="list-style-type: none"> — Mixtures of pineapples, papaws and passion fruit
20.07	<p>Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:</p> <p>A. Of a density exceeding 1,33 g/cm³ at 20 °C:</p> <p>III. Other:</p> <ul style="list-style-type: none"> b) Of a value of 30 ECU or less per 100 kg net weight: <ul style="list-style-type: none"> ex 1. With an added sugar content exceeding 30 % by weight: <ul style="list-style-type: none"> — Pineapple — Passion fruit — Guavas — Mixtures of pineapples, papaws and passion fruit <p>B. Of a density of 1,33 g/cm³ or less at 20 °C:</p> <p>II. Other:</p> <ul style="list-style-type: none"> b) Of a value of 30 ECU or less per 100 kg net weight: <ul style="list-style-type: none"> 5. Pineapple juice: <ul style="list-style-type: none"> aa) With an added sugar content exceeding 30 % by weight 7. Other fruit and vegetable juices: <ul style="list-style-type: none"> ex aa) With an added sugar content exceeding 30 % by weight: <ul style="list-style-type: none"> — Passion fruit — Guavas 8. Mixtures: <ul style="list-style-type: none"> bb) Other: <ul style="list-style-type: none"> ex 11. With an added sugar content exceeding 30 % by weight: <ul style="list-style-type: none"> — Pineapple, papaws and passion fruit juice

TITLE X

Wine

Article 15

The products listed below shall be imported free of customs duties:

CCT heading No	Description
20.07	<p>Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:</p> <ul style="list-style-type: none">A. Of a density exceeding 1,33 g/cm³ at 20 °C:<ul style="list-style-type: none">I. Grape juice (including grape must):<ul style="list-style-type: none">ex a) Of a value exceeding 22 ECU per 100 kg net weight:<ul style="list-style-type: none">— With an added sugar content exceeding 30 % by weightb) Of a value not exceeding 22 ECU per 100 kg net weight:<ul style="list-style-type: none">1. With an added sugar content exceeding 30 % by weightB. Of a density of 1,33 g/cm³ or less at 20 °C:<ul style="list-style-type: none">I. Grape, apple and pear juice (including grape must); mixtures of apple and pear juice:<ul style="list-style-type: none">a) Of a value exceeding 18 ECU per 100 kg net weight:<ul style="list-style-type: none">1. Grape juice (including grape must):<ul style="list-style-type: none">aa) Concentrated:<ul style="list-style-type: none">11. With an added sugar content exceeding 30 % by weightbb) Other:<ul style="list-style-type: none">11. With an added sugar content exceeding 30 % by weightb) Of a value of 18 ECU or less per 100 kg net weight:<ul style="list-style-type: none">1. Grape juice (including grape must):<ul style="list-style-type: none">aa) Concentrated:<ul style="list-style-type: none">11. With an added sugar content exceeding 30 % by weightbb) Other:<ul style="list-style-type: none">11. With an added sugar content exceeding 30 % by weight

TITLE XI

Raw tobacco

Article 16

The tobacco products listed in Article 1 of Council Regulation (EEC) No 727/70 ⁽¹⁾ shall be imported free of customs duties.

Article 17

If serious disturbances occur as a result of a large increase in duty-free imports of products falling within heading No 24.01 of the Common Customs Tariff originating in the ACP States or in the countries and territories, or if these imports create difficulties which bring about a deterioration in the economic situation of a region of the Community, the Community may, without prejudice to Article 25, take measures to counteract any deflection of trade.

TITLE XII

Goods to which Regulation (EEC) No 3033/80 applies

Article 18

1. No fixed component shall be charged on imports of goods to which Regulation (EEC) No 3033/80 applies.
2. The variable component shall not be charged on imports of the goods listed below:

CCT heading No	Description
17.04	Sugar confectionery, not containing cocoa: C. White chocolate
18.06	Chocolate and other food preparations containing cocoa: C. Chocolate and chocolate goods, whether or not filled; sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa
19.02	Malt extract; preparations of flour, meal, starch of malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50 % by weight of cocoa: B. Other: II. Other: a) Containing no milk fats or containing less than 1,5 % by weight of such fats: 4. Containing 45 % or more but less than 65 % by weight of starch

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

CCT heading No	Description
19.04	Tapioca and sago; tapioca and sago substitutes obtained from potato or other starches
19.07	Bread, ships' biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit; communion wafers, cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products: D. Other, containing by weight of starch: ex II. 50 % or more, excluding ships' biscuits
19.08	Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion: B. Other: IV. Containing 50 % or more but less than 65 % by weight of starch: a) Containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose): ex 1. Containing no milk fats or containing less than 1,5 % by weight of such fats: — Biscuits V. Containing 65 % or more by weight of starch: ex a) Containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose): — Biscuits ex b) Other: — Biscuits

TITLE XIII

Other markets subject to common organization

Article 19

The products covered by Regulations (EEC) No 1308/70 ⁽¹⁾ (flax and hemp), (EEC) No 1696/71 ⁽²⁾ (hops), (EEC) No 234/68 ⁽³⁾ (live plants), (EEC) No 2358/71 ⁽⁴⁾ (seeds), (EEC) No 827/68 ⁽⁵⁾ (certain

products listed in Annex II to the Treaty), and (EEC) No 1117/78 ⁽⁶⁾ (dried fodder) shall be imported free of customs duties.

TITLE XIV

Provisions relating to the French overseas departments

Article 20

1. Subject to paragraphs 3 and 4, the levies shall not be applied to direct imports into the French overseas

⁽¹⁾ OJ No L 146, 4. 7. 1970, p. 1.
⁽²⁾ OJ No L 173, 4. 8. 1971, p. 1.
⁽³⁾ OJ No L 55, 2. 3. 1968, p. 1.
⁽⁴⁾ OJ No L 246, 5. 11. 1971, p. 1.
⁽⁵⁾ OJ No L 151, 30. 6. 1968, p. 16.

⁽⁶⁾ OJ No L 142, 30. 5. 1978, p. 1.

departments of the products listed below originating in the ACP States or in the countries and territories:

TITLE XV

General and final provisions

Article 21

CCT heading No	Description
01.02	Live animals of the bovine species: A. Domestic species: II. Other
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen: A. Meat II. Of bovine animals:
10.05 B	Maize

The reductions provided for by this Regulation shall be calculated by reference to:

— the variable component of levies, where the levies contain such components,

— in other cases, the levies,

applicable to imports from third countries into the Community as at present constituted.

However, during the period of application of accession, compensatory amounts in trade between the Community as at present constituted and new Member States, measures to prevent deflection of trade shall be taken in accordance with the procedure laid down in Article 22, if this proves necessary.

2. Subject to paragraph 4, the levy shall not be applied to direct imports into the overseas department of Réunion of rice falling within subheading 10.06 B of the Common Customs Tariff.

3. If imports into the French overseas departments of maize originating in the ACP States or in the countries and territories have exceeded 25 000 tonnes in a year, and if such imports are causing or are likely to cause serious disturbances on those markets, the Commission shall, at the request of a Member State or on its own initiative, take the necessary measures.

Any Member State may, within three working days of notification of the measure taken by the Commission, refer that measure to the Council. The Council shall meet forthwith. It may, acting by a qualified majority, amend or annul the measure in question.

4. This Article shall apply to products which are intended for use in the overseas departments and are released on the market there. If necessary, measures to ensure this may be taken in accordance with the procedure laid down in Article 22.

5. Until 30 June 1985 rice shall be imported into the overseas departments in accordance with the arrangements set out in Article 21 of Regulation (EEC) No 435/80, which shall remain applicable to this end; the quantities thus imported shall be counted against the quantities provided for in Article 11 of this Regulation.

Article 22

1. If necessary, detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 or, as the case may be, in the corresponding Articles of the other Regulations on the common organization of agricultural markets.

2. In the case of bovine meat and rice, these detailed rules shall relate in particular to:

(a) the basis for calculation and the reference period to be taken into consideration for fixing the amount by which the import duties are to be reduced;

(b) the arrangements for fixing the corresponding amount to be collected by the exporting country;

(c) the issue of import licences;

(d) the forms of proof acceptable and checking procedures.

Article 23

On the basis of the economic development requirements of the French overseas departments, the Council, acting by a qualified majority on a proposal from the Commission, may alter the arrangements governing access to those departments' markets for the products covered by this Regulation.

Article 24

This Regulation shall be without prejudice either to the operation of Article 72 of the 1979 Act of Accession or to the operation of the corresponding Articles of the Acts of Accession of other acceding countries.

Article 25

1. The safeguard clauses provided for in the Regulations on the common organization of the agricultural markets and in the specific rules introduced as a result of the implementation of the common agricultural policy shall be applicable to the products covered by this Regulation.

2. As regards relations with the ACP States, the provisions of Regulation (EEC) No 1470/80 shall apply as complementary measures, as shall the

provisions which replace them upon entry into force of the third ACP-EEC Convention.

3. As regards the countries and territories, the provisions of Article 13 of Decision 80/1186/EEC and of Annex III thereto shall apply as complementary measures, as shall the provisions which replace them as from the entry into force of the new Decision on the association of the countries and territories.

Article 26

This Regulation shall enter into force on 1 March 1985.

It shall apply until 28 February 1986.

The Council, acting by a qualified majority on a proposal from the Commission, may decide to extend this Regulation beyond that date.

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

Done at Brussels, 26 February 1985.

For the Council

The President

F. PANDOLFI

ANNEX I

List of the ACP States referred to in Article 1

Antigua and Barbuda	Malawi
Bahamas	Mali
Barbados	Mauritania
Belize	Mauritius
Benin	Mozambique
Botswana	Niger
Burkina-Faso	Nigeria
Burundi	Papua New Guinea
Cameroon	Rwanda
Cape Verde	São Tomé and Príncipe
Central African Republic	Senegal
Chad	Seychelles
Comoros	Sierra Leone
Congo	Solomon Islands
Djibouti	Somalia
Dominica	St Christopher and Nevis
Ethiopia	St Lucia
Equatorial Guinea	St Vincent and the Grenadines
Fiji	Sudan
Gabon	Suriname
Gambia	Swaziland
Ghana	Tanzania
Grenada	Togo
Guinea	Tonga
Guinea Bissau	Trinidad and Tobago
Guyana	Tuvalu
Ivory Coast	Uganda
Jamaica	Vanuatu
Kenya	Western Samoa
Kiribati	Zaire
Lesotho	Zambia
Liberia	Zimbabwe
Madagascar	

ANNEX II

List of the countries and territories referred to in Article 1

(This list is without prejudice to the status of these countries and territories now or in the future.)

1. *Overseas countries of the Kingdom of the Netherlands*
The Netherlands Antilles (Aruba, Bonaire, Curaçao, St. Martin, Saba, St Eustatius).
 2. *Overseas territories of the French Republic*
 - New Caledonia and dependencies,
 - Wallis and Futuna Islands,
 - French Polynesia.
 - French Southern and Antarctic Territories.
 3. *'Collectivité territoriale' of the French Republic*
Mayotte
 4. *Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland*
 - Anguilla,
 - Cayman Islands,
 - Falkland Islands and dependencies,
 - Turks and Caicos Islands,
 - British Virgin Islands,
 - Montserrat,
 - Pitcairn,
 - St Helena and dependencies,
 - British Antarctic Territory,
 - British Indian Ocean Territory.
 5. *Overseas country of the Kingdom of Denmark*
Greenland.
-

**COMMISSION REGULATION (EEC) No 551/85
of 1 March 1985**

**laying down detailed implementing rules for imports of rice originating in the
African, Caribbean and Pacific States and the overseas countries and territories**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 486/85
of 26 February 1985 on the arrangements applicable to
agricultural products and certain goods resulting from
the processing of agricultural products originating in
the African, Caribbean and Pacific States or in the
overseas countries and territories⁽¹⁾, and in particular
Article 22 thereof,

Having regard to Council Regulation (EEC) No 129 on
the value of the unit of account and exchange rates to
be applied for the purposes of the common agricul-
tural policy⁽²⁾, as last amended by Regulation (EEC)
No 2543/73⁽³⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas Regulation (EEC) No 486/85 provides that
the levy calculated in accordance with Article 11 of
Council Regulation (EEC) No 1418/76⁽⁴⁾, as last
amended by Regulation (EEC) No 1025/84⁽⁵⁾, shall be
reduced by an amount of 50 % of the said levy and by
a flat-rate component, which differs according to the
extent to which the rice has been milled, provided that
a corresponding charge has been collected on export
from the non-member country concerned;

Whereas this export charge cannot be collected in a
precise manner unless the levy that will be applied on
import into the Community is known; whereas, for
this purpose, the import levy must be fixed in advance,
thereby enabling the trade to know the amount that
will be deducted from the levy and, consequently, the
amount that must be collected on export;

Whereas it is necessary to ascertain that the exporting
country has actually collected the export charge corres-

ponding to the amount of the reduction of the levy
applied;

Whereas suitable administrative measures should be
laid down in order to ensure that the volume of the
quota fixed is not exceeded;

Whereas, in order to enable the Commission, should
the need arise, to implement Article 11 (3) of Regula-
tion (EEC) No 486/85, it should be laid down that the
Member States should notify the Commission daily of
the quantities in respect of which applications for
import licences in respect of rice originating in the
ACP States and the overseas countries and territories
have been made;

Whereas, pursuant to Article 20 (5) of Regulation
(EEC) No 486/85, the levies are not to be applied to
the French overseas departments until 30 June 1985;
whereas the Commission should be notified of the
quantities of rice imported into those departments;

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

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the levies referred to in Article 10 (1)
of Regulation (EEC) No 486/85 shall be calculated
each week by the Commission on the basis of the
levies fixed according to the criteria set out in Article
11 of Regulation (EEC) No 1418/76.

Article 2

1. Article 10 (1) of Regulation (EEC) No 486/85
shall apply only to imports of rice in respect of which
an import charge corresponding to the difference
between the levy applicable to imports of rice from
non-member countries and the amounts referred to in
Article 1 has been collected by the country of exporta-
tion.

2. One of the following indications shall be placed
in the 'Remarks' box of the EUR 1 movement certifi-
cate by the customs authorities of the country of
exportation as proof that the amount has been
collected:

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽²⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽³⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁴⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁵⁾ OJ No L 107, 19. 4. 1984, p. 13.

'Særafgift, der opkræves ved eksport af ris':
 'Bei der Ausfuhr von Reis erhobene Sonderabgabe':
 'Ειδικός φόρος που εισπράττεται κατά την εξαγωγή ορύζης':
 'Special charge collected on export of rice':
 'Taxe spéciale perçue à l'exportation du riz':
 'Tassa speciale riscossa all'esportazione del riso':
 'Bij uitvoer van de rijst opgelegde bijzondere heffing':

(Amount in national currency)

(signature and stamp of office)

3. Where the charge collected by the country of exportation is less than the reduction referred to in Article 10 (1) of Regulation (EEC) No 486/85, the reduction shall not exceed the amount collected.

4. Where the amount of the export charge collected is expressed in a currency other than that of the Member State of importation, the exchange rate to be used to determine the amount of the charge actually collected shall be the rate recorded on the most representative foreign exchange market or markets in that Member State on the day of the advance fixing of the levy.

Article 3

1. In addition to the other conditions laid down by Community rules, in order to qualify for the reduced levy referred to in Article 10 of Regulation (EEC) No 486/85, the application for a licence and the import licence itself shall include:

(a) in box 12, one of the following indications:

- 'Reduceret afgift AVS/OLT',
- 'Verringerde Abschöpfung AKP/ÜLG',
- 'Μειωμένη εισφορά ΑΚΕ/ΥΧΕ',
- 'Reduced levy ACP/OCT',
- 'Prélèvement réduit ACP/PTOM',
- 'Prelievi ridotti ACP/PTOM',
- 'Verminderde heffing ACS-staten/LGO':

(b) in box 14, the name of the State, country or territory in which the product originates.

The licence shall require importation to be made from the country of origin stated. In addition, the import levy must be fixed in advance.

2. The import licence referred to in paragraph 1 shall be issued on the third working day following the date on which the application was submitted, provided

that no measure suspending the advance-fixing of the levy has been taken during that period and that the quantity qualifying for the reduced levy has not already been reached.

On the day when the quantities applied for exceed the quantities for which a reduced levy is granted, the Commission shall fix a single percentage reduction in respect of the quantities applied for.

Article 4

The Member States shall communicate to the Commission each day by telex the following information:

- (a) the quantities of each type of rice that have been the subject of an application for a licence for importation from ACP States and overseas countries and territories, stating in each case the country of exportation;
- (b) the quantities of each type of rice in respect of which an import licence has actually been issued, stating the date and the country of exportation;
- (c) the quantities of each type of rice and for each department that have been imported without levy into the French overseas departments;
- (d) the quantities of each type of rice for which import licences have been cancelled.

This information must be communicated separately from the information relating to other applications for import licences for rice.

Article 5

1. The quantities that may be imported into the Community from ACP States and overseas countries and territories in the period from 1 March to 31 December 1985 shall be 101 666 tonnes of husked rice falling within subheading 10.06 B I b) and 14 166 tonnes of broken rice falling within subheading 10.06 B III of the Common Customs Tariff.

2. Quantities of rice imported in a form other than husked shall be entered into the accounts as husked rice on the basis of the conversion rates referred to in Article 1 of Regulation No 467/67/EEC (1).

Article 6

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

It shall apply from 1 March 1985.

(1) OJ No L 204, 24. 8. 1967, p. 1.

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

Done at Brussels, 1 March 1985.

For the Commission
Frans ANDRIESEN
Vice-President

COMMISSION REGULATION (EEC) No 560/85

of 4 March 1985

opening, allocating and providing for the administration of a Community tariff quota for fresh or chilled tomatoes, falling within subheading ex 07.01 M I of the Common Customs Tariff and originating in the African, Caribbean and Pacific States or the overseas countries and territories (1985)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and the overseas countries and territories (1), and in particular Article 13 thereof,

Whereas Article 13 of Council Regulation (EEC) No 486/85 provides for the opening by the Community of a Community tariff quota of 2 000 tonnes of fresh or chilled tomatoes, falling within subheading ex 07.01 M I of the Common Customs Tariff and originating in the countries in question; whereas the quota period runs from 15 November to 30 April; whereas the customs duty applicable to the quota is set at 4,4 %, with a minimum charge of 0,8 ECU per 100 kilograms net weight; whereas this Regulation comes into effect on 1 March 1985; whereas, therefore, the *pro rata temporis* clause is applicable for the establishment of the volume of the quota;

Whereas, accordingly a Community tariff quota of 727 tonnes should be opened for the period 1 March to 30 April 1985;

Whereas it is necessary, in particular, to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States, until the quota has been used up; whereas, however, since the period of application of the quota is very short, it seems possible to avoid allocating it among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, in the conditions and according to the procedure specified in Article 1(2); whereas this method of management requires close cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to monitor the rate at which the quota is used up and inform the Member States thereof;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of

Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation relating to the administration of the shares allocated to that economic union may be carried out by any one of its members;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 March to 30 April 1985 a Community tariff quota of 727 tonnes shall be opened in the Community for fresh or chilled tomatoes, falling within subheading ex 07.01 M I of the Common Customs Tariff and originating in the African, Caribbean and Pacific States and the overseas countries and territories.

Within this tariff quota, the Common Customs Tariff duty applicable to the products shall be suspended at 4,4 % with a minimum charge of 0,8 ECU per 100 kilograms net weight.

Within this tariff quota, Greece shall apply duties calculated in accordance with the relevant provisions in the 1979 Act of Accession.

2. If an importer notifies an imminent importation of the product in question in a Member State and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve permits this.

3. The shares drawn pursuant to paragraph 2 shall be valid until the end of the quota period.

Article 2

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 1(2) are carried out in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the said goods have free access to the quota so long as the residual balance of the quota volume allows this.

(1) OJ No L 61, 1. 3. 1985, p. 4.

3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for free circulation.

4. The extent to which the quota has been exhausted shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 3

At the request of the Commission, Member States shall inform it of imports actually charged against the quota.

Article 4

The Member States and the Commission shall collaborate closely in order to ensure that this Regulation is complied with.

Article 5

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

It shall apply from 1 March 1985.

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

Done at Brussels, 4 March 1985.

For the Commission

COCKFIELD

Vice-President

**COMMISSION REGULATION (EEC) No 561/85
of 4 March 1985**

establishing ceilings and Community surveillance for imports of carrots and onions, falling within heading No ex 07.01 of the Common Customs Tariff and originating in the African, Caribbean and Pacific States and the overseas countries and territories (1985-A)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and the overseas countries and territories⁽¹⁾, and in particular Article 13 thereof,

Whereas Article 13 of Regulation (EEC) No 486/85 stipulates that, for the period 1 January to 31 March, carrots, falling within subheading ex 07.01 G II of the Common Customs Tariff, and, for the period 15 February to 15 May, onions, falling within subheading ex 07.01 H of the Common Customs Tariff and originating in the countries in question are subject on importation into the Community to the reduced rates of duty of 10,2 and 4,8 % respectively; whereas such reduction of duties applies only to imports up to ceilings of 500 tonnes for each of these products above which the customs duties actually applicable to third countries are reintroduced; whereas this Regulation enters into force on 1 March 1985; whereas, therefore, the *pro rata temporis* clause is applicable for the establishment of the levels of the ceilings;

Whereas the application of ceilings requires the Community to be regularly informed of the trend of imports of the relevant products originating in these countries; whereas imports should, therefore, be made subject to a system of surveillance;

Whereas this objective may be achieved by means of an administrative procedure based on offsetting imports of the products in question against the ceilings at Community level as and when these products are entered with customs authorities for free circulation; whereas this administrative procedure must make provision for the possible reintroduction of customs tariff duties as soon as the ceilings are reached at Community level;

Whereas this administrative procedure requires close and particularly swift cooperation between the Member States and the Commission; whereas the

latter must, in particular, be able to follow the progress of quantities charged against the ceilings and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to take the appropriate measures to reintroduce customs tariff duties if one of the ceilings is reached;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of the products, originating in the African, Caribbean and Pacific States, and the overseas countries and territories, which are listed in the Annex, shall be subject to ceilings and to Community surveillance.

The products referred to in the first subparagraph, their tariff headings, the customs duties applicable, the periods of validity and the levels of the ceilings are set out in the said Annex.

2. Quantities shall be charged against the ceilings as and when products are entered with customs authorities for free circulation, accompanied by a movement certificate.

Products may be charged against a ceiling only if the movement certificate is submitted before the date on which customs duties are reintroduced.

The extent to which a ceiling is used up shall be determined at Community level on the basis of the imports charged against it, as defined in the preceding subparagraphs.

Member States shall inform the Commission, at the intervals and within the time limits specified in paragraph 4, of imports effected in accordance with the above procedures.

3. As soon as a ceiling has been reached, the Commission shall adopt a Regulation reintroducing, until the end of its period of validity, the customs duties applicable to third countries.

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

In the case of such a reintroduction, Greece introduces the levying of the duties which it applies to third countries at the date in question.

Article 2

The Commission shall take all appropriate measures, in close cooperation with the Member States, to ensure the implementation of this Regulation.

Article 3

4. Member States shall send the Commission statements of the quantities charged for periods of 10 days, to be forwarded within five clear days of the end of each 10-day period.

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

It shall apply from 1 March 1985.

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

Done at Brussels, 4 March 1985.

For the Commission

COCKFIELD

Vice-President

ANNEX

Order No	CCT heading No	Description	Customs duty applicable	Level of ceiling (tonnes)
ACP 1	07.01	Vegetables, fresh or chilled : G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots : ex II. Carrots and turnips : — Carrots, from 1 March to 31 March 1985	10,2 %	167
ACP 2		ex H. Onions, shallots and garlic : — Onions, from 1 March to 15 May 1985	4,8 %	417

COMMISSION REGULATION (EEC) No 2558/85

of 11 September 1985

opening, allocating and providing for the administration of a Community tariff quota for fresh or chilled tomatoes, falling within subheading ex 07.01 M I of the Common Customs Tariff and originating in the African, Caribbean and Pacific States and the overseas countries and territories (1985/86)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and the overseas countries and territories⁽¹⁾, and in particular Article 13 thereof,

Whereas Article 13 of Council Regulation (EEC) No 486/85 provides for the opening by the Community of a Community tariff quota of 2 000 tonnes of fresh or chilled tomatoes, falling within subheading ex 07.01 M I of the Common Customs Tariff and originating in the countries in question; whereas the quota period runs from 15 November to 30 April; whereas the customs duty applicable to the quota is set at 4,4 %, with a minimum charge of 0,8 ECU per 100 kilograms net weight; whereas this Community tariff quota should be opened for the period 15 November 1985 to 30 April 1986;

Whereas it is necessary, in particular, to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States, until the quota has been used up; whereas, however, since the period of application of the quota is very short, it seems possible to avoid allocating it among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, in the conditions and according to the procedure specified in Article 1(2); whereas this method of management requires close cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to monitor the rate at which the quota is used up and inform the Member States thereof;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of

Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation relating to the administration of the shares allocated to that economic union may be carried out by any one of its members;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 15 November 1985 to 30 April 1986 a Community tariff quota of 2 000 tonnes shall be opened in the Community for fresh or chilled tomatoes, falling within subheading ex 07.01 M I of the Common Customs Tariff and originating in the African, Caribbean and Pacific States and the overseas countries and territories.

Within this tariff quota, the Common Customs Tariff duty applicable to the products shall be suspended at 4,4 % with a minimum charge of 0,8 ECU per 100 kilograms net weight.

2. If an importer notifies an imminent importation of the product in question in a Member State and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve permits this.

3. The shares drawn pursuant to paragraph 2 shall be valid until the end of the quota period.

Article 2

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 1(2) are carried out in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the said goods have free access to the quota so long as the residual balance of the quota volume allows this.

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for free circulation.

Article 4

The Member States and the Commission shall collaborate closely in order to ensure that this Regulation is complied with.

4. The extent to which the quota has been exhausted shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 3

At the request of the Commission, Member States shall inform it of imports actually charged against the quota.

Article 5

This Regulation shall enter into force on 15 November 1985.

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

Done at Brussels, 11 September 1985.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 2559/85

of 11 September 1985

opening, allocating and providing for the administration of a Community tariff quota for strawberries falling within subheading ex 08.08 A II of the Common Customs Tariff and originating in the African, Caribbean and Pacific States and the overseas countries and territories (1985/86)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and the overseas countries and territories⁽¹⁾, and in particular Article 22 thereof,

Whereas Article 13 of Council Regulation (EEC) No 486/85 provides for the opening by the Community of a Community tariff quota of 700 tonnes of strawberries, falling within subheading ex 08.08 A II of the Common Customs Tariff and originating in the countries in question; whereas the quota period runs from 1 November to 28 February; whereas the customs duty applicable to the quota is set at 5,6 %;

Whereas it is necessary, in particular, to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States, until the quota has been used up; whereas, however, since the period of application of the quota is very short, it seems possible to avoid allocating it among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, in the conditions and according to the procedure specified in Article 1(2); whereas this method of management requires close cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to monitor the rate at which the quota is used up and inform the Member States thereof;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation relating to the administration of the shares allocated to that

economic union may be carried out by any one of its members;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 November 1984 to 28 February 1985 a Community tariff quota of 700 tonnes shall be opened in the Community for strawberries, falling within subheading ex 08.08 A II of the Common Customs Tariff and originating in the African, Caribbean and Pacific States and the overseas countries and territories.

Within this tariff quota, the Common Customs Tariff duty applicable to the products shall be suspended at 5,6 %.

2. If an importer notifies an imminent importation of the product in question in a Member State and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve permits this.

3. The shares drawn pursuant to paragraph 2 shall be valid until the end of the quota period.

Article 2

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 1(2) are carried out in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the said goods have free access to the quota so long as the residual balance of the quota volume allows this.

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for free circulation.

4. The extent to which the quota has been exhausted shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 3

At the request of the Commission, Member States shall inform it of imports actually charged against the quota.

Article 4

The Member States and the Commission shall collaborate closely in order to ensure that this Regulation is complied with.

Article 5

This Regulation shall enter into force on 1 November 1985.

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

Done at Brussels, 11 September 1985.

For the Commission
COCKFIELD
Vice-President

COMMISSION REGULATION (EEC) No 2560/85

of 11 September 1985

establishing ceilings and Community surveillance for imports of carrots and onions, falling within heading No ex 07.01 of the Common Customs Tariff and originating in the African, Caribbean and Pacific States and the overseas countries and territories (1986)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and the overseas countries and territories⁽¹⁾, and in particular Article 13 thereof,

Whereas Article 13 of Regulation (EEC) No 486/85 stipulates that, for the period 1 January to 31 March, carrots, falling within subheading ex 07.01 G II of the Common Customs Tariff, and, for the period 15 February to 15 May, onions, falling within subheading ex 07.01 H of the Common Customs Tariff and originating in the countries in question are subject on importation into the Community to the reduced rates of duty of 10,2 and 4,8 % respectively; whereas such reduction of duties applies only to imports up to ceilings of 500 tonnes for each of these products above which the customs duties actually applicable to third countries are reintroduced;

Whereas the application of ceilings requires the Community to be regularly informed of the trend of imports of the relevant products originating in these countries; whereas imports should, therefore, be made subject to a system of surveillance;

Whereas this objective may be achieved by means of an administrative procedure based on offsetting imports of the products in question against the ceilings at Community level as and when these products are entered with customs authorities for free circulation; whereas this administrative procedure must make provision for the possible reintroduction of customs tariff duties as soon as the ceilings are reached at Community level;

Whereas this administrative procedure requires close and particularly swift cooperation between the

Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of quantities charged against the ceilings and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to take the appropriate measures to reintroduce customs tariff duties if one of the ceilings is reached;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of the products, originating in the African, Caribbean and Pacific States, and the overseas countries and territories, which are listed in the Annex, shall be subject to ceilings and to Community surveillance.

The products referred to in the first subparagraph, their tariff headings, the customs duties applicable, the periods of validity and the levels of the ceilings are set out in the said Annex.

2. Quantities shall be charged against the ceilings as and when products are entered with customs authorities for free circulation, accompanied by a movement certificate.

Products may be charged against a ceiling only if the movement certificate is submitted before the date on which customs duties are reintroduced.

The extent to which a ceiling is used up shall be determined at Community level on the basis of the imports charged against it, as defined in the preceding subparagraphs.

Member States shall inform the Commission, at the intervals and within the time limits specified in paragraph 4, of imports effected in accordance with the above procedures.

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

3. As soon as a ceiling has been reached, the Commission shall adopt a Regulation reintroducing, until the end of its period of validity, the customs duties applicable to third countries.

Article 2

The Commission shall take all appropriate measures, in close cooperation with the Member States, to ensure the implementation of this Regulation.

4. Member States shall send the Commission statements of the quantities charged for periods of 10 days, to be forwarded within five clear days of the end of each 10-day period:

Article 3

This Regulation shall enter into force on 1 January 1986.

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

Done at Brussels, 11 September 1985.

For the Commission

COCKFIELD

Vice-President

ANNEX

Order No	CCT heading No	Description	Customs duty applicable	Level of ceiling (tonnes)
	07.01	Vegetables, fresh or chilled :		
		G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots :		
		ex II. Carrots and turnips :		
ACP 1		— Carrots, from 1 January to 31 March 1986	10,2 %	500
		ex H. Onions, shallots and garlic :		
ACP 2		— Onions, from 15 February to 15 May 1985	4,8 %	500

COUNCIL REGULATION (EEC) No 2903/85

of 17 October 1985

amending the list of ACP countries in Regulation (EEC) No 486/85 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission⁽²⁾,

Having regard to the opinion of the European Parliament⁽³⁾,

Whereas Regulation (EEC) No 486/85⁽⁴⁾ lays down the arrangements applicable to agricultural products and certain goods resulting from the processing of

agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas Angola signed the Third ACP-EEC Convention on 30 April 1985; whereas, as a result, it is one of the ACP countries referred to in Article 1 of Regulation (EEC) No 486/85; whereas the list in Annex I to the said Regulation should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Angola is hereby added to the list in Annex I to Regulation (EEC) No 486/85.

Article 2

This Regulation shall enter into force on the third day following that 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 Luxembourg, 17 October 1985.

For the Council

The President

J. F. POOS

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1.

⁽²⁾ OJ No C 170, 9. 7. 1985, p. 2.

⁽³⁾ OJ No C 229, 9. 9. 1985, p. 127.

⁽⁴⁾ OJ No L 61, 1. 3. 1985, p. 4.

COMMISSION REGULATION (EEC) No 552/85
of 1 March 1985

laying down detailed rules for the application in the beef and veal sector of Regulation (EEC) No 486/85 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories, and amending Regulation (EEC) No 2377/80

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽¹⁾, and in particular Article 22 thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽²⁾, as last amended by Regulation (EEC) No 2543/73⁽³⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 4 of Regulation (EEC) No 486/85 lays down that the duties on imports of beef and veal originating in the African, Caribbean and Pacific States are to be reduced, provided that a tax of a corresponding amount was levied when the goods were exported from the country of origin;

Whereas the amount of the import duties depends upon the level of the levy applicable, and that levy may be adjusted by monetary compensatory amounts; whereas, having regard to the monetary trends in the individual Member States, the amount of the reduction should be calculated separately for each Member State on the basis of the monetary compensatory amount applicable to imports into the Member State concerned;

Whereas the reduction consists of levy and monetary compensatory amount components; whereas, moreover, the fixing of the reduction in ECU may create problems, especially for the exporting country, as regards the exchange rate to be used; whereas conse-

quently, the amount of the reduction should be fixed in national currency for each Member State of destination;

Whereas it appears useful to outline the manner in which the amount to be actually levied on imports is calculated;

Whereas the amount by which the import duties are reduced is fixed quarterly; whereas this amount may vary during transport to the Community; whereas at the time of export the exporting country, when calculating the export tax to be levied, can only base itself on the reduction in force; whereas the export tax must be compared to the reduction applicable at the time of export;

Whereas the amount representing import duties is that applicable on the day of acceptance of the entry of the goods for home use; whereas these duties are reduced by the reduction applicable on that date;

Whereas proof that the export tax provided in Regulation (EEC) No 486/85 has been collected may be furnished by entering the relevant amount on the EUR 1 certificate for the movement of goods referred to in Article 6 of Protocol 1 to the second ACP-EEC Convention signed at Lomé on 31 October 1979⁽⁴⁾ and by the provisions that will replace it as from the entry into force of the third ACP-EEC Convention signed at Lomé on 8 December 1984;

Whereas Regulation (EEC) No 2377/80⁽⁵⁾, as last amended by Regulation (EEC) No 1994/84⁽⁶⁾, lays down special detailed rules for the application of the system of import and export licences in the beef and veal sector; whereas the special detailed rules for licences issued within the scope of Regulation (EEC) No 486/85, which replaces Regulation (EEC) No 435/80⁽⁷⁾, should be amended;

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

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽²⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽³⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁴⁾ OJ No L 347, 22. 12. 1980, p. 1.

⁽⁵⁾ OJ No L 241, 4. 9. 1980, p. 5.

⁽⁶⁾ OJ No L 186, 13. 7. 1984, p. 17.

⁽⁷⁾ OJ No L 55, 28. 2. 1980, p. 4.

HAS ADOPTED THIS REGULATION :

Article 1

1. Import licences shall be issued for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland and Zimbabwe under the conditions laid down in this Regulation and within the limits of the quantities, expressed in tonnes of boned meat, fixed in Regulation (EEC) No 486/85.

2. For the purposes of this Regulation, 100 kilograms of boned meat shall be equivalent to 130 kilograms of unboned meat.

Article 2

Importation under the arrangements for import duty reduction may take place only if the origin of the products concerned is certified by the competent authorities of the exporting countries in accordance with the rules of origin applicable to the products in question pursuant to Protocol 1 to the Second ACP-EEC Convention signed at Lomé on 31 October 1979.

Article 3

1. The amount provided for in Article 4 (1) of Regulation (EEC) No 486/85 for each product intended for importation into a Member State shall be equal to 90 % of the amount of the levy, adjusted as appropriate by the monetary compensatory amount valid for imports into that Member State during the week preceding that in which the quarter for which the reduction is calculated begins.

The reduction shall be fixed for each Member State in its national currency.

2. The reduction shall be deducted from the levy valid on the day on which the customs import formalities are completed in the Member State concerned, adjusted as appropriate by the monetary coefficient shown in Annex II to the relevant Commission Regulation fixing the monetary compensatory amounts and by the monetary compensatory amount valid in the Member State concerned on the same date.

Article 4

1. The import duties shall be reduced by the amount fixed in accordance with Article 3 only if :

(a) an export tax at least equal to that amount has been levied ;

(b) the EUR 1 certificate for the movement of goods referred to in Article 6 of Protocol 1 to the Second ACP-EEC Convention signed at Lomé on 31 October 1979 indicates :

- in box 7, the amount of the export tax levied per 100 kilograms,
- in box 8, the Common Customs Tariff sub-heading for the products in question.

A separate certificate shall be drawn up for each subheading of the Common Customs Tariff.

2. At the time of the completion of customs import formalities for the release of the goods for free circulation, the amount of the export tax levied per 100 kilograms shall be compared with the amount fixed in accordance with Article 3 in respect of the importing Member State, which was applicable at the time when the EUR 1 certificate for the movement of goods was issued.

If the amount of the export tax levied is expressed in a currency other than that of the importing Member State, the exchange rate used shall be the most recent selling rate recorded on the most representative exchange market or markets of that Member State.

The export tax levied shall be considered as corresponding to the amount fixed in accordance with Article 3 when the comparison shows that the export tax expressed in the currency of the importing Member State is not lower than the said amount.

3. The amount by which the import duties shall be reduced shall be that applicable on the date on which the entry of the goods for release for free circulation is accepted.

4. The application of this Regulation may in no case result in the granting of an amount.

Article 5

Regulation (EEC) No 2377/80 is hereby amended as follows :

1. Article 13 (1) is replaced by the following :

'1. Applications for import licences for products to be imported duty free pursuant to Article 2 of Regulation (EEC) No 486/85 and qualifying, as appropriate, for either a reduction of import duties other than customs duties in accordance with Article 4 of the said Regulation or exemption from levies in accordance with Article 20 of the said Regulation and the licences themselves shall contain :

(a) in Section 12, one of the following endorsements :

"AVS/OLT-varer (forordning (EØF) nr. 486/85)",

"AKP/ÜLG-Erzeugnis (Verordnung (EWG) Nr. 486/85)",

"Προϊόν ΑΚΕ/ΥΧΕ (κανονισμός (ΕΟΚ) αριθ. 486/85",

"ACP/OCT product (Regulation (EEC) No 486/85)",

"Produit ACP/PTOM (règlement (CEE) n° 486/85)",

"Prodotto ACP/PTOM (regolamento (CEE) n. 486/85)",

"ACS/LGO-produkt (Verordening (EEG) nr. 486/85)";

(b) in Section 14, the name of the State, country or territory in which the product is to originate.

2. Point 1 of Section I of Annex I is replaced by the following :

1. ACP/OCT products.

(Under Regulation (EEC) No 486/85)

(expressed in tonnes of boned meat)

CCT heading No	Code	From				
		Madagascar	Botswana	Swaziland	Kenya	Zimbabwe
		370	391	393	346	382
02.01 A II a)	110					
02.01 A II b)	120					

Article 6

Regulation (EEC) No 486/80 (*) is hereby repealed.

Article 7

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

It shall apply from 1 March 1985.

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

Done at Brussels, 1 March 1985.

For the Commission

Frans ANDRIESEN

Vice-President

(*) OJ No L 56, 29. 2. 1980, p. 22.

COUNCIL REGULATION (EEC) No 487/85

of 26 February 1985

opening, allocating and providing for the administration of a Community tariff quota for rum, arrack and tafia falling within subheading 22.09 C 1 of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community (1 March to 30 June 1985)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community (1), as amended by Decision 85/159/EEC (2), and in particular Annex IX thereto,

Having regard to the proposal from the Commission,

Whereas Annex IX to Decision 80/1186/EEC provides that rum, arrack and tafia shall be imported into the Community free of customs duties within the limits of a Community tariff quota; whereas the annual size of the quota is to be fixed by reference to a basic annual quantity, calculated in hectolitres of pure alcohol, to which a growth rate of 18 % is to be applied, equal to the amount of imports during the best of the past three years for which statistics are available; whereas this rate may be modified in the light of certain criteria; whereas, pursuant to Article 141 of the aforementioned Decision, this rate should be increased to 27 %; whereas the quota period lasts from 1 July to 30 June of the following year; whereas, however, the Community has already opened a tariff quota by Regulation (EEC) No 1835/84 (3) for the products in question for the period 1 July 1984 to 28 February 1985; whereas a tariff quota should therefore be opened for the period 1 March to 30 June 1985;

Whereas Community statistics for the years 1981 to 1983 show that the highest volume of imports into the Community of the products in question originating in the said countries and territories, namely 52 283 hectolitres of pure alcohol, occurred in 1981; whereas since the end of 1983 there has been no further production of the products in question in the overseas countries and territories; whereas Community imports

in 1983 therefore amounted to only 13 293 hectolitres; whereas in these circumstances it seems advisable to open only a tariff quota large enough to allow, on the one hand, the import of the remainder of the stock and, on the other hand, to take into account the possibility of the installation of a new production unit; whereas the volume of the Community tariff quota for the period 1 March to 30 June 1985 should therefore be fixed at 5 000 hectolitres of pure alcohol;

Whereas, owing to the special character of the products in question and their sensitivity on Community markets, exceptional provision should be made for a method of use based on a single division among Member States;

Whereas, taking into account actual trends on the markets for the products in question, the needs of the Member States and the economic prospects for the period under consideration, the percentage shares in the quota volume may be laid down approximately as follows:

Benelux	10
Denmark	20
Germany	24
Greece	1
France	10
Ireland	10
Italy	5
United Kingdom	20

Whereas the development of imports of these products into the Community should be recorded and imports accordingly monitored;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the share allocated to that economic union may be carried out by any one of its members,

(1) OJ No L 361, 31. 12. 1980, p. 1.

(2) See page 25 of this Official Journal.

(3) OJ No L 172, 30. 6. 1984, p. 8.

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 March to 30 June 1985 rum, arrack and tafia falling within subheading 22.09 C 1 of the Common Customs Tariff and originating in the countries and territories referred to in Article 1 of Decision 80/1186/EEC shall be imported free of customs duty into the Community within the limits of a Community tariff quota of 5 000 hectolitres of pure alcohol.

2. The rules of origin applicable to the products referred to in paragraph 1 shall be those set out in Annex II to Decision 80/1186/EEC.

3. Within the limit of its share as indicated in Article 2, the Hellenic Republic shall apply customs duties calculated in accordance with the relevant provisions of the 1979 Act of Accession and of Regulation (EEC) No 439/81 ⁽¹⁾.

Article 2

The tariff quota referred to in Article 1 shall be shared among the Member States as follows:

	<i>(hectolitres of pure alcohol)</i>
Benelux	500
Denmark	1 000
Germany	1 200
Greece	50
France	500
Ireland	500
Italy	250
United Kingdom	1 000

Article 3

1. Member States shall manage the shares allocated to them in accordance with their own arrangements.

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

Done at Brussels, 26 February 1985.

2. The extent to which the Member States have used up their shares shall be determined on the basis of the imports of the products in question, originating in the said countries and territories, entered at customs in declarations for free circulation.

Article 4

1. In accordance with Article 6 of Annex IX to Decision 80/1186/EEC, the Community shall monitor imports of the products in question originating in the said countries and territories.

2. Member States shall forward to the Commission, not later than the 15th day of each month, statements of imports of the products in question actually charged against the tariff quota during the preceding month. Only products entered at customs in declarations for free circulation and accompanied by a movement certificate conforming to the rules referred to in Article 1 (2) shall be taken into consideration for this purpose.

3. The Commission shall regularly inform the Member States of the extent to which the tariff quota has been used up.

4. Where necessary, consultations may be held at the request of a Member State or on the initiative of the Commission.

Article 5

The Commission shall take all necessary measures, in close cooperation with the Member States, to ensure the implementation of this Regulation.

Article 6

This Regulation shall enter into force on 1 March 1985.

For the Council

The President

F. PANDOLFI

⁽¹⁾ OJ No L 53, 27. 2. 1981, p. 19.

COUNCIL REGULATION (EEC) No 1816/85
of 27 June 1985

opening, allocating and providing for the administration of a Community tariff quota for rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories with the European Economic Community (1 July 1985 to 30 June 1986)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community (⁽¹⁾), as amended by Decision 85/159/EEC (⁽²⁾), and in particular Annex IX thereto,

Having regard to the proposal from the Commission,

Whereas Annex IX to Decision 80/1186/EEC provides that rum, arrack and tafia shall be imported into the Community free of customs duties within the limits of a Community tariff quota; whereas the annual size of the quota is to be fixed on the basis of a basic annual quantity, calculated in hectolitres of pure alcohol, equal to the amount of imports during the best of the past three years for which statistics are available, to which quantity a certain growth rate is to be applied; whereas this growth rate should be fixed at 27%; whereas the quota period lasts from 1 July to 30 June of the following year;

Whereas Community statistics for the years 1982 to 1984 show that the highest volume of imports into the Community of the products in question originating in the said countries and territories, namely 43 506 hectolitres of pure alcohol, occurred in 1982; whereas, since the end of 1983 there has been no further production of the products in question in the overseas countries and territories; whereas Community imports in 1984 therefore amounted to only 5 515 hectolitres; whereas in these circumstances it seems advisable to open only a tariff quota large enough to allow, on the one hand, the import of the remainder of the stock and, on the other hand, to take into account the possibility of the installation of a new production unit; whereas the volume of the Community tariff quota for the period 1 July 1985 to 30 June 1986 should therefore be fixed at 15 000 hectolitres of pure alcohol;

Whereas, owing to the special character of the products in question and their sensitivity on Community markets, exceptional provision should be made for a method of use based on a single division among Member States;

Whereas, taking into account actual trends on the markets for the products in question, the needs of the Member States and the economic prospects for the period under consideration, the percentage shares in the quota volume may be laid down approximately as follows:

Benelux	47,33
Denmark	13,33
Germany	18,20
Greece	0,13
France	0,67
Ireland	6,67
Italy	0,33
United Kingdom	13,34

Whereas the development of imports into the Community of these products should be recorded and imports accordingly monitored;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the share allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1985 to 30 June 1986 rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating in the countries and territories referred to in Article 1 of Decision 80/1186/EEC shall be imported free of customs duty into the Community within the limits of a Community tariff quota of 15 000 hectolitres of pure alcohol.

2. The rules of origin applicable to the products referred to in paragraph 1 shall be those set out in Annex II to Decision 80/1186/EEC.

(¹) OJ No L 361, 31. 12. 1980, p. 1.

(²) OJ No L 61, 1. 3. 1985, p. 25.

3. Within the limit of its share as indicated in Article 2, the Hellenic Republic shall apply customs duties calculated in accordance with the relevant provisions of the 1979 Act of Accession and of Regulation (EEC) No 439/81⁽¹⁾.

Article 2

The tariff quota referred to in Article 1 shall be shared among the Member States as follows :

	<i>(hectolitres of pure alcohol)</i>
Benelux	7 100
Denmark	2 000
Germany	2 730
Greece	20
France	100
Ireland	1 000
Italy	50
United Kingdom	2 000

Article 3

1. Member States shall manage the shares allocated to them in accordance with their own arrangements.

2. The extent to which the Member States have used up their shares shall be determined on the basis of the imports of the products in question, originating in the said countries and territories, entered at customs under declarations for free circulation.

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

Done at Luxembourg, 27 June 1985.

Article 4

1. In accordance with Article 6 of Annex IX to Decision 80/1186/EEC, the Community shall monitor imports of the products in question originating in the said countries and territories.

2. Member States shall forward to the Commission, not later than the 15th day of each month, statements of imports of the products in question actually charged against the tariff quota during the preceding month. Only products entered at customs under declarations for free circulation and accompanied by a movement certificate conforming to the rules referred to in Article 1 (2) shall be taken into consideration for this purpose.

3. The Commission shall regularly inform the Member States of the extent to which the tariff quota has been used up.

4. Where necessary, consultation may be held at the request of a Member State or on the initiative of the Commission.

Article 5

The Commission shall take all necessary measures, in close cooperation with the Member States, to ensure the implementation of this Regulation.

Article 6

This Regulation shall enter into force on 1 July 1985.

For the Council

The President

A. BIONDI

⁽¹⁾ OJ No L 53, 27. 2. 1981, p. 19.

COUNCIL

COUNCIL DECISION

of 4 June 1985

amending Annex II to Decision 80/1186/EEC on the association of the overseas countries and territories with the European Economic Community

(85/273/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to the draft Decision submitted by the Commission,

Whereas Decision 80/1186/EEC ⁽¹⁾, as last amended by Decision 85/159/EEC ⁽²⁾, continues to apply until the entry into force of new provisions applying the principles set out in Articles 131 to 135 of the Treaty and at the latest until 28 February 1986, without prejudice to more favourable provisions to be adopted by the Community in respect of imports of products from the overseas countries and territories;

Whereas it is laid down in Article 4 of Decision No 2/85 of the ACP-EEC Council of Ministers on transitional measures valid from 1 March 1985, brought into force in the Community by Regulation (EEC) No 485/85 ⁽³⁾, that the provisions concerning the procedure for derogating from the rules of origin, contained in Article 30 of Protocol 1 to the Third ACP-EEC Convention signed in Lomé on 8 December 1984 shall be applied in advance; whereas the effect of these provisions is to improve the derogation procedure;

Whereas the same improvements should be introduced in the context of trade between the Community

and the overseas countries and territories; whereas to this end it is necessary to amend Annex II to Decision 80/1186/EEC,

HAS DECIDED AS FOLLOWS:

Article 1

Article 28 of Annex II to Decision 80/1186/EEC is hereby replaced by the following:

Article 28

1. Derogations from this Annex may be adopted by the Council where the development of existing industries in a country or territory or the creation of new industries in a country or territory justifies them.

The Member State concerned or, where appropriate, the competent authority of the country or territory concerned, shall notify the Community of its request for a derogation together with the reasons for the request in accordance with Explanatory Note 10.

2. The examination of requests shall in particular take into account:

(a) the level of development or the geographical situation of the country or territory concerned;

⁽¹⁾ OJ No L 361, 31. 12. 1980, p. 1.

⁽²⁾ OJ No L 61, 1. 3. 1985, p. 25.

⁽³⁾ OJ No L 61, 1. 3. 1985, p. 1.

- (b) cases where the application of the existing rules of origin would affect significantly the ability of an existing industry in a country or territory to continue its exports to the Community, with particular reference to cases where this could lead to cessation of its activities;
 - (c) specific cases where it can be clearly demonstrated that significant investment in an industry could be deterred by the rules of origin and where a derogation favouring the realization of the investment programme would enable these rules to be satisfied by stages.
3. In every case an examination shall be made to ascertain whether the rules relating to cumulation of origin do not provide a solution to the problem.

In addition, when a request for derogation concerns a least-developed country or territory, its examination shall be carried out with a favourable bias having particular regard to:

- (a) the economic and social impact of the decision to be taken, especially in respect of employment;
- (b) the need to apply the derogation for a period taking into account the particular situation of the least-developed country or territory concerned and its difficulties.

4. The examination of requests shall in particular take into account on a case-by-case basis the possibility of conferring originating status on products which include in their composition products originating in neighbouring developing countries or least-developed countries provided that satisfactory administrative cooperation can be established.

5. Without prejudice to paragraphs 1 to 4, the derogation shall be granted where the value added to the non-originating products used in the country or territory, or countries or territories, concerned, is at least 60 % of the value of the

finished product, provided that the derogation is not such as to cause serious injury to an economic sector of the Community or of one or more Member States.

6. The Council, on the basis of a report from the Committee on Origin, shall examine these requests as soon as possible and take the necessary steps to ensure that a decision is reached as quickly as possible and in any case no later than three months after the request has been received.

7. (a) The derogations shall be valid for a period which shall generally be of three years; this period may be extended to a maximum of five years to take account of the particular situation of the requesting country or territory.

- (b) Subject to the conditions laid down in paragraph 6, the derogation decision may provide for renewals for periods of a maximum of two years, without exceeding a total period of five years and without the necessity of a further Council decision, provided that the countries or territories concerned submit, three months before the end of each period, proof that they are still unable to meet the conditions of this Annex which have been derogated from.

Article 2

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

It shall take effect on 1 March 1985.

Done at Luxembourg, 4 June 1985.

For the Council

The President

L. GRANELLI

COUNCIL DECISION

of 4 June 1985

revising the amounts for the documentary requirements in Annex II concerning the definition of the concept of 'originating products' and methods of administrative cooperation to Decision 80/1186/EEC on the association of the overseas countries and territories with the European Economic Community

(85/274/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Decision 80/1186/EEC of
16 December 1980 on the accession of the overseas
countries and territories with the European Economic
Community⁽¹⁾, as last amended by Decision
85/273/EEC⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to the recommendation from the
Commission,

Whereas Article 6 of Annex II to Decision
80/1186/EEC provides that the Community may,
where necessary, revise the amounts for determining
when forms EUR 2 may be used instead of movement
certificates EUR 1 or when no documentary evidence
of origin is required as laid down in Article 16 of that
Annex; whereas the amounts in question were most
recently revised by Decision 83/544/EEC⁽³⁾;

Whereas as a consequence of the automatic change,
which takes place every two years, of the base date
provided for in the said Annex II, the effective value of
the limits expressed in the national currencies
concerned, which correspond to the amounts laid
down in Articles 6 and 16 of the said Annex, would be

reduced; whereas in order to offset such a reduction it
is necessary to increase the amounts in question,

HAS DECIDED AS FOLLOWS:

Article 1

Annex II to Decision 80/1186/EEC is hereby
amended as follows:

- the amount laid down in Article 6 (1), point (b) is
hereby increased to 2 355 ECU;
- the amounts laid down in Article 16 (2) are hereby
increased to 165 ECU and 470 ECU respectively.

Article 2

This Decision shall apply from 1 May 1985.

Done at Luxembourg, 4 June 1985.

For the Council

The President

L. GRANELLI

⁽¹⁾ OJ No L 361, 31. 12. 1980, p. 1.

⁽²⁾ See page 29 of this Official Journal.

⁽³⁾ OJ No L 309, 10. 11. 1983, p. 29.

Part 2

FRENCH OVERSEAS DEPARTMENTS

TRADE

COMMISSION REGULATION (EEC) No 3659/85

of 23 December 1985

fixing for the second six months of 1985 the representative yields applying to soya beans in the French overseas departments

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

Having regard to Council Regulation No 1491/85 of 23 May 1985 laying down special measures in respect of soya beans⁽¹⁾ and in particular Article 2 (6) thereof,

Having regard to Council Regulation (EEC) No 2194/85 of 2 August 1985 adopting general rules concerning special measures for soya beans⁽²⁾ and in particular Article 7 (2) thereof,

Whereas, for the purpose of granting aid to any producer of soya beans harvested in the French overseas departments, it is necessary to establish a production figure by applying a representative yield to the areas on which soya beans have been sown and harvested, differentiated according to the method of cultivation used and to the yields recorded in the different French overseas departments;

Whereas, Article 15 (1) of Commission Regulation (EEC) No 2329/85 of 12 August 1985 laying down detailed rules for the application of the special measures for soya beans⁽³⁾ as modified by Regulation (EEC) No 3463/85⁽⁴⁾, provides for aid to be granted for soya beans harvested in the French overseas departments during the first six months of a given year with the aid applicable being that

from the 16 March of that year; and for the second six months of a given year with the aid applicable being that from the 16 August of that year;

Whereas, following the notification by France to the Commission of soya bean yields recorded in the various overseas departments, differentiated according to method of cultivation; the representative yields shall be fixed as specified in the Annex hereto;

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

1. The representative yields applying to the areas sown with soya beans and harvested in the French overseas departments shall be as specified in the Annex hereto.

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, 23 December 1985.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.
⁽²⁾ OJ No L 204, 2. 8. 1985, p. 1.
⁽³⁾ OJ No L 218, 15. 8. 1985, p. 16.
⁽⁴⁾ OJ No L 332, 10. 12. 1985, p. 27.

ANNEX

French overseas Department	Period applicable	Method of cultivation	Representative yield of soya beans of standard quality 100 kg/ha
Guyana	second six months of 1985	without irrigation	20

COUNCIL REGULATION (EEC) No 8/85

of 19 December 1984

laying down certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200-nautical-mile zone off the coast of the French department of Guyana

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources ⁽¹⁾, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas under the terms of Article 2 of Regulation (EEC) No 170/83 it is incumbent upon the Council to formulate, in the light of the available scientific advice the conservation measures necessary to achieve the aims set out in Article 1 of that Regulation;

Whereas since 1977 the Community has operated a system of conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200-nautical-mile zone off the coast of the French department of Guyana most recently laid down by Council Regulation (EEC) No 1449/84 ⁽²⁾; whereas the latter Regulation expires on 31 December 1984;

Whereas the continuity of the system should be assured, in particular by maintaining the restriction on shrimp fishing in the zone in order to conserve the stock and ensure adequate profitability for the fishermen concerned;

Whereas the shrimp-processing industry based in the French department of Guyana depends on landings from vessels of non-member countries operating in the fishing zone off that department;

Whereas, therefore, it is necessary to ensure that those vessels which are under contract to land their shrimp catches in the French department of Guyana can continue to fish;

Whereas fishing licences calculated on the basis of scientific advice have been issued to non-member countries whose vessels fish in the zone off the said department;

Whereas, therefore, a number of those licences are subject to changes on the basis of that scientific advice;

Whereas the technical and control measures applicable under Regulation (EEC) No 1499/84 should be maintained;

Whereas the measures applicable in 1985 to vessels flying the flag of certain non-member countries will come into effect as from 1 January 1985; whereas the very short period of time now remaining before they come into effect means that an initial period of application, limited in time, will have to be provided for in order to enable the Council to confirm, before the end of that period, the decisions taken,

HAS ADOPTED THIS REGULATION:

Article 1

Vessels flying the flag of one of the countries listed in Annex 1 shall be authorized, during the period from 1 January to 31 December 1985 to fish for the species listed in the said Annex in the part of the 200-nautical-mile fishing zone off the coast of the French department of Guyana that lies more than 12 nautical miles from the base lines, in conformity with the conditions laid down in this Regulation.

Article 2

1. Fishing in the fishery zone referred to in Article 1 shall be subject to the possession on board of a licence, issued by the Commission on behalf of the Community, and to the observance of the conditions set out in that licence and the control measures and other provisions regulating fishing activities in that zone.

2. Where no application for the grant of a licence has been submitted within a period of 30 days from the date of entry into force of this Regulation, the Commission, at the request of the French authorities, may issue licences to the shipowners of the relevant non-member countries on the basis of the contracts carrying the endorsement referred to in Article 7 (2).

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 145, 31. 5. 1984, p. 1.

3. The registration letters and numbers of a vessel in possession of a licence must be clearly marked on both sides of the prow and on both sides of the superstructure at the most visible point. The letters and numbers must be painted in a colour that contrasts with the colour of the hull or superstructure and must not be effaced, altered, covered or masked in any other way.

Article 3

1. The maximum number of licences, as well as the maximum number of temporary renewable licences that may be issued for shrimp fishing on the basis of scientific advice to vessels flying the United States or Japanese flag and which are under contract to land all their catches in the French department of Guyana, is specified in point 1 of Annex I.

2. The licences referred to in paragraph 1 shall cease to be valid when the contract stipulating the obligation to land the catches comes to an end, and in any event not later than 31 December 1985.

The duration of the validity of temporary licences shall be limited to three-month periods.

3. The number of licences referred to in paragraph 1 may be revised if the scientific advice states that there has been a substantial change in stocks.

Article 4

1. Licences may be issued for shrimp fishing to vessels which fly the flag of one of the countries listed in point 2 of Annex I. The catch quantities authorized under such licences, the maximum number of licences and the maximum number of days at sea during which such licences are valid shall be as specified for each country in point 2 of Annex I.

2. The licences referred to in paragraph 1 shall be issued on the basis of a fishing plan submitted by the authorities of the country concerned, approved by the Commission and not exceeding the limits for the country concerned specified in point 2 of Annex I.

3. The period of validity of each of the licences referred to in paragraph 1 shall be limited to the fishing period provided for in the fishing plan on the basis of which the licence was issued.

4. All licences referred to in paragraph 1 issued to vessels of a non-member country shall cease to be valid as soon as it is established that the quota laid down in point 2 of Annex I for that country has been used up.

Article 5

1. Licences may be issued for the fishing of species other than shrimps to vessels flying the flag of one of the countries listed in point 3 of Annex I. The maximum number of such licences for each country shall be as specified in point 3 of Annex I.

2. Licences for fishing thunnidae shall be granted subject to an undertaking by the owner of the vessel concerned to permit an observer to come aboard at the Commission's request.

3. Licences for fishing snapper shall be granted subject to the twofold undertaking by the owner of the vessel concerned:

- to land 50 % of the catches in the French department of Guyana or 75 % for the case mentioned at point 3 (b) in Annex I,
- to permit an observer to come aboard at the Commission's request.

Article 6

1. The following information shall accompany applications for licences submitted to the Commission:

- (a) name of the vessel;
- (b) registration number;
- (c) external identification letters and numbers;
- (d) port of registration;
- (e) name and address of the owner or charterer;
- (f) gross tonnage and overall length;
- (g) engine power;
- (h) call sign and radio frequency;
- (i) intended method of fishing;
- (j) species intended to be fished;
- (k) period for which a licence is requested.

2. Each licence shall be valid for one vessel only. Where several vessels are taking part in the same fishing operation, each vessel must be in possession of a licence.

Article 7

1. To obtain a licence as referred to in Article 3, proof must be produced, in respect of each of the vessels concerned, that a valid contract exists between the shipowner applying for the licence and a shrimp-processing undertaking situated in the French department of Guyana and that it includes an obligation to land all catches of shrimps from the vessel concerned in that department so that they may be processed, packed and stored in that undertaking's plant.

2. The contract referred to in paragraph 1 must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guyanan economy, as well as with the entry into service of shrimp fishing vessels registered in Guyana.

3. Where the endorsement referred to in paragraph 2 is refused, the French authorities shall give notification of this refusal and state there reasons for it to the party concerned and the Commission.

Article 8

1. To obtain a licence for snapper fishing as referred to in Article 5, proof must be produced, in respect of each of the vessels concerned, that a valid contract exists between the shipowner applying for the licence and a processing undertaking situated in the French department of Guyana and that it includes an obligation to land 50 or 75 % of all snapper catches from the vessel concerned in that department so that they may be processed in that undertaking's plant.

2. The contract referred to in paragraph 1 must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guyanan economy.

3. Where the endorsement referred to in paragraph 2 is refused, the French authorities shall give notification of this refusal and state their reasons for it to the party concerned and the Commission.

Article 9

1. A licence application shall be submitted at least one month before the desired date of commencement of validity.

2. Licences may be cancelled with a view to the issuing of new licences. Such cancellation shall take effect on the first day of the month following that in which the licences are returned to the Commission.

New licences shall be issued in accordance with paragraph 1.

Article 10

1. Shrimp fishing in the fishing zone referred to in Article 1 shall be prohibited in waters less than 30 metres deep.

2. Except for the taking of shrimp by-catches by vessels using a trawl, only vessels using long lines shall be permitted to fish for species other than shrimp.

Article 11

A log-book, a model of which appears in Annex II, shall be completed after each fishing operation.

A copy of this log-book shall be sent to the Commission within 30 days of the last day of each fishing trip.

Article 12

1. The master of each vessel in possession of a licence referred to in Articles 4 and 5 shall observe the special conditions set out in Annex III, and in particular the obligation to forward the information specified in the Annex via the radio station indicated therein. These conditions shall form an integral part of the licence.

2. The master of each vessel in possession of a licence as referred to in Article 3 shall, on landing the catch after each trip, submit to the French authorities a declaration, for whose accuracy the master alone is responsible, stating the quantities of shrimp caught and kept on board since the last declaration. This declaration shall be made using the form of which a model appears in Annex IV.

Article 13

1. The French authorities shall take all appropriate measures to verify the accuracy of the declarations referred to in Article 12 (2), by checking them in particular against the log-book referred to in Article 11. The declaration shall be signed by the competent official after it has been verified.

2. The French authorities shall ensure that all landings of shrimps in the French department of Guyana by vessels in possession of a licence as referred to in Articles 3 and 5 (3) shall be the subject of a declaration as referred to in Article 12 (2).

3. Before the end of each month, the French authorities shall send to the Commission all the declarations referred to in paragraph 2 relating to the preceding month.

Article 14

1. The French authorities shall take appropriate measures to ensure control of the implementation of this Regulation, including the regular inspection of vessels.

2. Where an infringement is formally ascertained, the French authorities shall, without delay, inform the Commission of the name of the vessel concerned and of any action they may have taken.

Article 15

1. Licences for vessels which have not complied with the obligations provided for in this Regulation, including the obligation to land all or part of the catches laid down in a contract as referred to in Articles 7 and 8 may be withdrawn.

2. Where a vessel fishes without a valid licence in the zone referred to in Article 1, and where that vessel belongs to a shipowner or is managed by a natural or legal person who has or exercises the management of one or more other vessels to which licences have been issued, one of those licences may be withdrawn.

3. A vessel which has failed to comply with the obligations provided for in this Regulation, or with the landing obligation laid down in a contract as referred to in Articles 7 and 8, shall not be granted a licence for a period of from four to 12 months from the date when the infringement was committed.

4. No licence shall be issued during the period referred to in paragraph 3 to a vessel belonging to a shipowner who also owns a vessel whose licence has been

withdrawn under this Article or which has fished without a licence in the zone referred to in Article 1.

Article 16

1. If, for a period of one month, the Commission receives no communication as referred to in Article 12 (1) concerning a vessel in possession of a licence referred to in Articles 4 and 5, the licence of such vessel shall be withdrawn.

2. If, for a period of one month, a vessel in possession of a licence as referred to in Article 3 has made no use of it, the licence of such vessel shall be withdrawn, except:

- if the vessel is under repair,
- in cases of *force majeure*.

Article 17

The period of validity of licences valid on 31 December 1984 pursuant to Article 1 of Regulation (EEC) No 1499/84 may be extended, at the request of the authorities of the country concerned, until 31 January 1985. Licences thus extended shall be counted against the number of corresponding licences laid down in Annex I for the duration of the extension without that total being exceeded.

Article 18

This Regulation shall enter into force on 1 January 1985.

It shall apply until 20 January 1985, subject to the Council's taking a decision before that date.

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

Done at Brussels, 19 December 1984.

For the Council

The President

P. O'TOOLE

ANNEX I

1. Licences referred to in Article 3

Vessels flying the flag of	Maximum number of licences	Of which: maximum number of renewable licences
USA	} 58	} 8
Japan		

2. Licences referred to in Article 4

Vessels flying the flag of	Quantity of authorized catches in tonnes	Maximum number of vessels with a licence	Maximum number of days at sea
Barbados	token entry	token entry	token entry
Guyana	token entry	token entry	token entry
Surinam	130	16	1 200
Trinidad and Tobago	60	8	600

3. Licences referred to in Article 5

Species	Vessels flying the flag of	Maximum number of licences
(a) Tuna	Japan	token entry
	Korea	token entry
(b) Snappers and others	Venezuela	10 if they land 50 % of the snapper catches in the French department of Guyana 15 if they land 75 % of the snapper catches in the French department of Guyana
	Barbados	5

ANNEX III

Special conditions

1. Vessels in possession of a licence referred to in Articles 4 and 5 must communicate information to the Commission of the European Communities in Brussels (address : telex 24189 FISEU-B) via the Cayenne radio station (call sign PFI) at the following times :
 - (a) on each entry into zones extending up to 200 nautical miles off the coast of the French department of Guyana, hereinafter called 'the zone' ;
 - (b) whenever leaving the zone ;
 - (c) whenever entering a port of a Member State ;
 - (d) whenever leaving a port of a Member State ;
 - (e) every week in respect of the previous week from the date of entry into the zone referred to in (a) or from the date of leaving the port referred to in (d).
2. Communications transmitted in accordance with the conditions of the licence at the times specified in 1 above should include the following particulars, where appropriate, and should be transmitted in the following order :
 - name of vessel,
 - radio call sign,
 - licence number,
 - chronological number of the transmission for the trip in question,
 - indication of which of the types of transmission, as set out in paragraph 1, is involved,
 - date,
 - time,
 - geographical position,
 - for vessels in possession of a licence referred to in Article 3, the activity of the vessel during the period (under way, fishing, at anchor, in harbour, unloading, under repair, others),
 - quantity of each species caught during the fishing operation (in kilograms),
 - quantity of each species caught since the previous transmission of information (in kilograms),
 - the geographical coordinates of the position where the catches were made,
 - quantities of catches, by species, transferred to other vessels (in kilograms) since the previous information,
 - the name, call sign and, where applicable, licence number of the vessel to which the catch was transferred,
 - the master's name.
3. The following code must be used in reporting species caught in accordance with paragraph 2 :
 - S : Brown shrimp (Penaeidae) ;
 - Z : Tunny ;
 - R : Other.
4. In cases where, for reasons of *force majeure*, the communication cannot be transmitted by the vessel in possession of a licence, the message may be transmitted by another vessel on behalf of the former.

ANNEX IV

Declaration pursuant to Article 12 (2)

LANDING DECLARATION (*)

Name of vessel :

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Registration No :

--

Name of master :

--

Name of agent :

--

Master's signature :

--

--

Voyage made from the _____

to the _____

Port of landing :

--

Quantity of shrimps landed (in live weight)			
Head off shrimp :		kg	
	or (× 1,6) =		kg (head on shrimp)
Head on shrimp :		kg	
Thunnidae :	kg	Snapper (Lutjanidae) :	kg
Other :	kg		

(*) One copy is kept by the master, one copy is kept by the control officer, and one copy is to be sent to the Commission of the European Communities.

European Communities — Council

Association of the Overseas countries and territories — French Overseas departments

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