

ACP-EC COUNCIL OF MINISTERS  
Brussels

# **COMPILATION OF TEXTS**

## **XXII**

**ACP-EC CONVENTIONS OF LOMÉ**

**1 January 1997-31 December 1997**

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Luxembourg: Office for Official Publications of the European Communities, 1999

ISBN 92-824-1638-0

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*Printed in Belgium*

PRINTED ON WHITE CHLORINE-FREE BLEACHED PAPER



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## **I. ACP-EC Acts**

### **1. Acts of the Council of Ministers**





**DECISION No 1/97 OF THE ACP-EC COUNCIL OF MINISTERS  
of 24 April 1997**

approving the Protocol governing  
the accession of the Republic of South Africa  
to the Fourth ACP-EC Convention of Lomé  
as amended by the Agreement signed in  
Mauritius on 4 November 1995

**THE ACP-EC COUNCIL OF MINISTERS,**

Having regard to the Fourth ACP-EC Convention of Lomé as amended by the Agreement signed in Mauritius on 4 November 1995, hereinafter referred to as "the Convention", and in particular Article 364 thereof;

Whereas in a letter dated 17 November 1994 sent to the Co-Presidents of the ACP-EC Council of Ministers, South Africa requested to establish the closest possible relationship with the Convention;

Whereas the Council of the European Union by a Decision of 19 June 1995 and the ACP Council of Ministers by Decision No 3 of 30 May 1995 have invited South Africa to accede to the Convention on terms and conditions to be laid down in a Protocol to the Convention;

Whereas Article 364 of the Convention provides that the ACP-EC Council of Ministers shall act on the outcome of the accession negotiations and take a decision on the terms and conditions of accession, having regard to the specific characteristics of South Africa;

Whereas in accordance with Article 294 of the Convention, South African companies are eligible for tenders financed under the 8th European Development Fund,

HAS DECIDED AS FOLLOWS:

Article 1

The accession of the Republic of South Africa to the Fourth ACP-EC Convention of Lomé as amended by the Agreement signed in Mauritius on 4 November 1995 is hereby approved.

Article 2

The terms and conditions of the accession are set out in the Protocol attached to this Decision.

Article 3

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

Article 4

The accession of South Africa shall enter into force on the same date as the Agreement amending the Fourth ACP-EC Convention of Lomé, signed in Mauritius on 4 November 1995.

Article 5

This Decision shall enter into force on the day of its adoption.

Done at Luxembourg, 24 April 1997

For the ACP-EC Council of Ministers  
The President

RABUKA



\_\_\_\_\_

**PROTOCOL No 11**

**governing the accession of the  
Republic of South Africa to the  
Fourth ACP-EC Convention of Lomé  
as amended by the Agreement  
signed in Mauritius  
on 4 November 1995**

**Article 1**

**Qualified Accession**

The Contracting Parties to the Convention agree that the accession of South Africa to the Convention will be subject to certain qualifications as set out in this Protocol.

**Article 2**

**Financial Resources**

1. With the exception of assistance referred to under Article 255 of the Convention, all references in the Convention to the use of financial resources under the Convention shall not apply to South Africa.

2. Assistance under Article 255 may be granted in the event of an influx of refugees from neighbouring ACP states into South Africa.

3. All other assistance which may be made available by the Community to South Africa will be drawn from sources outside the financial resources of the Convention.

### Article 3

#### Trade Cooperation

All references in the Convention to trade cooperation and to the use of trade cooperation shall not apply to South Africa. This is without prejudice to the provisions on cumulation of origin set out in Article 6(5) of Protocol No 1 and Annex LXXXVI to the Convention.

### Article 4

#### Applicability

The table hereunder sets out those articles of the Convention which shall apply to South Africa and those which shall not apply.

Amended Lomé IV Convention Part/Chapter/Article	Applicability to South Africa	
	Applicable	Not Applicable
<b>PART ONE: GENERAL PROVISIONS OF ACP-EC COOPERATION</b>		
Ch 1: Objectives and Principles of cooperation (Articles 1-12a)	1-12a	-
Ch 2: Objectives and guidelines of the Convention in the main areas of cooperation (Articles 13-19)	13-19	-
Ch 3: Widening participation in cooperation activities (Articles 20-22 deleted)	-	-
Ch 4: Principles governing the instruments of cooperation (Articles 23-28)	23, 26-27	24-25, 28
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Title VI: Mining development (Articles 99-104)	99-104	-
Title VII: Energy development (Articles 105-109)	105-109	-
Title VIII: Enterprise development (Articles 110-113)	110-113	-
Title IX: Development of services (Articles 114-134)	114-134	-
Title X: Trade development (Articles 135-138)	135-138	-
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<b>PART THREE: The Instruments of ACP-EC COOPERATION</b>		
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- Implementation procedures (Articles 281-310)	294-302 304-310	281-293 303
- Management and executing agents (Articles 311-327)	311-327	-
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<b>PART FOUR: OPERATION OF THE INSTITUTIONS</b>		
- The Council of Ministers (Articles 338-345)	338-345	-
- The Committee of Ambassadors (Articles 346-347)	346-347	-
- Common provisions (Articles 348-349)	348-349	-
- The Joint Assembly (Articles 350-351)	350-351	-
- Other provisions (Articles 352-355)	352-355	-
<b>PART FIVE: FINAL PROVISIONS</b>		
(Articles 356-369)	356-369	-

PROTOCOLS		
– Second Financial Protocol	Article 255 resources	Rest of Second Financial Protocol
– Protocol 1 Definition of the concept of “originating products” and methods of administrative co-operation	–	Protocol 1
– Protocol 2 Operating expenditure of Joint Institutions	Protocol 2	–
– Protocol 3 Privileges and immunities	Protocol 3	–
– Protocol 4 Safeguard measures	–	Protocol 4
– Protocol 5 Bananas	–	Protocol 5
– Protocol 6 Rum	–	Protocol 6
– Protocol 7 Beef and veal	–	Protocol 7
– Protocol 8 Sugar	–	Protocol 8
– Protocol 9 ECSC	–	Protocol 9
– Protocol 10 Forest Resources	Protocol 10	–



## ANNEXES TO THE PROTOCOL OF ACCESSION

### Annex 1

Joint Declaration by the Community and its Member States, the ACP States and South Africa  
on the Joint Declarations annexed to the Fourth ACP-EC Convention of Lomé

The Community and its Member States, the ACP States and South Africa agree that the joint declarations contained in the annexes to the Fourth ACP-EC Convention of Lomé listed below are also relevant to South Africa: Annexes I, II, IV, V, VI, VII, VIII, IX, XII, XIII, XIV, XV, XVI, XXII, XXIII, XXV, XXVI, XXXII, L, LII, LIII, LIV, LV, LVI, LVII, LXVIII, LXXIII, LXXIX, LXXX, LXXXII, LXXXIII, LXXXIX together with the joint declarations contained in the following annexes to the Minutes of the signing of the fourth ACP-EEC Convention: Annexes I and II.

### Annex 2

Community Declaration on the Community Declarations annexed to the  
Fourth ACP-EC Convention of Lomé.

The Community considers that the Community Declarations contained in the annexes to the Fourth ACP-EC Convention of Lomé listed below are also relevant to South Africa: Annexes III, IIIA, XVIIIA, XIX, LXIX, LXX, LXXI, LXXII.

### Annex 3

#### Declaration by South Africa on the ACP Declarations annexed to the Fourth ACP-EC Convention of Lomé

South Africa hereby associates itself with the ACP declarations contained in the annexes to the Fourth ACP-EC Convention of Lomé listed below: Annexes XVIIIB, XVIII, XXIV, LI.

### Annex 4

#### Declaration by South Africa on Cumulation

South Africa wishes to reiterate the importance of economic integration between ACP states as being of key relevance in promoting their development. This is especially true in the Southern African region where the Southern African Customs Union (SACU) and the Southern Africa Development Community (SADC) Trade Protocol underline attempts to promote such integration.

South Africa, furthermore, wishes to draw attention to the fact that it is now listed as a developing country by the Development Aid Committee of the OECD.

With a view to reducing the element of uncertainty which might affect investors and other economic operators, thereby also negatively affecting the aforementioned economic integration and its accompanying stimulation of development, South Africa calls upon the other Contracting Parties to clarify at the earliest time the conditions under which inputs originating in South Africa shall be considered eligible to the cumulation procedure set out in Article 6(5) of Protocol 1.

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**DECISION No 2/97 OF THE ACP/EC COUNCIL OF MINISTERS  
of 24 April 1997**

**amending Protocol No 1 to the Fourth ACP-EC Convention of Lomé  
to take account of changes to the Harmonized Commodity  
Description and Coding System and the adoption of  
rules of origin for petroleum products**

**THE ACP-EC COUNCIL OF MINISTERS,**

**Having regard to the Fourth ACP-EC Convention of Lomé signed at Lomé on  
15 December 1989, and in particular Article 34 of Protocol No 1 thereto,**

Whereas Annex II to the said Protocol lists working or processing to be carried out on non-originating materials in order that the product manufactured can obtain originating status;

Whereas the list of working or processing is based on the product descriptions and codes used in the Harmonized Commodity Description and Coding System (the "Harmonized System"); whereas changes to the Harmonized System applying with effect from 1 January 1996 should be incorporated in the said Annex II;

Whereas Article 33 of Protocol No 1 provides for the temporary exclusion of petroleum products from the scope of the Protocol;

Whereas it is therefore desirable to define the conditions upon which petroleum products may acquire originating status for the purposes of the Fourth ACP-EC Convention;

Whereas a number of linguistic adjustments are also required in order to take account of the accession to the European Union of new Member States,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol No 1 to the Fourth ACP-EC Convention of Lomé is hereby amended as follows:

- 1) Article 33 shall be repealed.
- 2) The following terms shall be added to Articles 13 and 14:

"ANNETTU JÄLKIKÄTEEN"

"UTFÄRDAT I EFTERHAND" (Article 13)

"KAKSOISKAPPALE" (Article 14).

- 3) Annex I shall be supplemented by the Note 8 which is set out in Annex I to this Decision.
- 4) Annex II shall be replaced by the Annex II set out in Annex II to this Decision.
- 5) Annex VIII shall be repealed.

Article 2

This Decision shall enter into force on the day on which it is adopted.

It shall apply with effect from 1 January 1996.

Done at Luxembourg, 24 April 1997



For the ACP-EC Council of Ministers

The President

RABUKA

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Note 8 <sup>(1)</sup>

8.1 Appendix 1

For the purposes of heading Nos ex 2707, 2713 to 2715, ex 2901, ex 2902 and ex 3403, the "specific processes" are the following:

- (a) vacuum distillation;
- (b) redistillation by a very thorough fractionation process <sup>(2)</sup>;
- (c) cracking;
- (d) reforming;
- (e) extraction by means of selective solvents;
- (f) the process comprising all the following operations: processing with concentrated sulphuric acid, oleum or sulphuric anhydride; neutralization with alkaline agents; decolorization and purification with naturally active earth, activated earth, activated charcoal or bauxite;
- (g) polymerization;
- (h) alkylation;
- (i) isomerization.

8.2 Appendix 2

For the purposes of heading Nos 2710 to 2712, the "specific processes" are the following:

- (a) vacuum distillation;
- (b) redistillation by a very thorough fractionation process <sup>(2)</sup>;
- (c) cracking;
- (d) reforming;
- (e) extraction by means of selective solvents;

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<sup>(1)</sup> This example is given solely for the purposes of explanation. It has no legal force.

<sup>(2)</sup> See Additional Explanatory Note 4(b) to Chapter 27 of the Combined Nomenclature.

- (f) the process comprising all the following operations: processing with concentrated sulphuric acid, oleum or sulphuric anhydride; neutralization with alkaline agents; decolorization and purification with naturally active earth, activated earth, activated charcoal or bauxite;
- (g) polymerization;
- (h) alkylation;
- (i) isomerization;
- (k) in respect of heavy oils falling within heading No ex 2710 only, desulphurization with hydrogen resulting in a reduction of at least 85 per cent of the sulphur content of the products processed (ASTM D 1266-59 T method);
- (l) in respect of products falling within heading No 2710 only, deparaffining by a process other than filtering;
- (m) in respect of heavy oils falling within heading No ex 2710 only, treatment with hydrogen at a pressure of more than 20 bar and a temperature of more than 250 °C with the use of a catalyst, other than to effect desulphurization, when the hydrogen constitutes an active element in a chemical reaction. The further treatment with hydrogen of lubricating oils of heading No ex 2710 (e.g. hydrofinishing or decolorization) in order, more especially, to improve colour or stability shall not, however, be deemed to be a specific process;
- (n) in respect of fuel oils falling within heading No ex 2710 only, atmospheric distillation, on condition that less than 30 per cent of these products distils, by volume, including losses, at 300 °C by the ASTM D 86 method;
- (o) in respect of heavy oils other than gas oils and fuel oils falling within heading No ex 2710 only, treatment by means of a high-frequency electrical brush-discharge.

8.3 For the purposes of heading Nos ex 2707, 2713 to 2715, ex 2901, ex 2902 and ex 3403, simple operations such as cleaning, decanting, desalting, water separation, filtering, colouring, marking, obtaining a sulphur content as a result of mixing products with different sulphur contents, any combination of these operations or like operations, do not confer origin.

**ANNEX II**

"ANNEX II

LIST OF WORKING OR PROCESSING REQUIRED TO BE CARRIED OUT  
ON NON-ORIGINATING MATERIALS IN ORDER THAT THE PRODUCT  
MANUFACTURED CAN OBTAIN ORIGINATING STATUS



HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

Chapter 01	Live animals	All the animals of Chapter 1 used must be wholly obtained
Chapter 02	Meat and edible meat offal	Manufacture in which all the materials of Chapters 1 and 2 used must be wholly obtained
Chapter 03	Fish and crustaceans, molluscs and other aquatic invertebrates	Manufacture in which all the materials of Chapter 3 used must be wholly obtained
ex Chapter 04	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included; except for:	Manufacture in which all the materials of Chapter 4 used must be wholly obtained
0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa	Manufacture in which: - all the materials of Chapter 4 used must be wholly obtained; - any fruit juice (except those of pineapple, lime or grapefruit) of heading No 2009 used must already be originating; - the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
ex Chapter 05	Products of animal origin, not elsewhere specified or included; except for:	Manufacture in which all the materials of Chapter 5 used must be wholly obtained
ex 0502	Prepared pigs', hogs' or boars' bristles and hair	Cleaning, disinfecting, sorting and straightening of bristles and hair
Chapter 06	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage	Manufacture in which: - all the materials of Chapter 6 used must be wholly obtained; - the value of all the materials used does not exceed 50% of the ex-works price of the product
Chapter 07	Edible vegetables and certain roots and tubers	Manufacture in which all the materials of Chapter 7 used must be wholly obtained
Chapter 08	Edible fruit and nuts; peel of citrus fruits or melons	Manufacture in which: - all the fruit and nuts used must be wholly obtained; - the value of any materials of Chapter 17 used does not exceed 30% of the value of the ex-works price of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

ex Chapter 09	Coffee, tea, maté and spices; except for:	Manufacture in which all the materials of Chapter 9 used must be wholly obtained
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion	Manufacture from materials of any heading
0902	Tea, whether or not flavoured	Manufacture from materials of any heading
ex 0910	Mixtures of spices	Manufacture from materials of any heading
Chapter 10	Cereals	Manufacture in which all the materials of Chapter 10 used must be wholly obtained
ex Chapter 11	Products of the milling industry; malt; starches; inulin; wheat gluten; except for:	Manufacture in which all the cereals, edible vegetables, roots and tubers of heading No 0714 or fruit used must be wholly obtained
ex 1106	Flour, meal and powder of the dried, shelled leguminous vegetables of heading No 0713	Drying and milling of leguminous vegetables of heading No 0708
Chapter 12	Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder	Manufacture in which all the materials of Chapter 12 used must be wholly obtained
1301	Lac; natural gums, resins, gum-resins and oleoresins (for example, balsams)	Manufacture in which the value of any materials of heading No 1301 used may not exceed 50% of the ex-works price of the product
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:  - Mucilages and thickeners, modified, derived from vegetable products  - Other	Manufacture from non-modified mucilages and thickeners  Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

Chapter 14	Vegetable plaiting materials; vegetable products not elsewhere specified or included	Manufacture in which all the materials of Chapter 14 used must be wholly obtained
ex Chapter 15	Animal or vegetable fats and oils and their cleavage products; prepared edible fats; animals or vegetable waxes; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
1501	<p>Pig fat (including lard) and poultry fat, other than that of heading no. 0209 or 1503:</p> <ul style="list-style-type: none"> <li>- Fats from bones or waste</li> <li>- Other</li> </ul>	<p>Manufacture from materials of any heading except those of heading Nos 0203, 0206 or 0207 or bones of heading No 0506</p> <p>Manufacture from meat or edible offal of swine of heading No 0203 or 0206 or of meat and edible offal of poultry of heading No 0207</p>
1502	<p>Fats of bovine animals, sheep or goats, other than those of heading No 1503</p> <ul style="list-style-type: none"> <li>- Fats from bones or waste</li> <li>- Other</li> </ul>	<p>Manufacture from materials of any heading except those of heading Nos 0201, 0202, 0204 or 0206 or bones of heading No 0506</p> <p>Manufacture in which all the materials of Chapter 2 used must be wholly obtained</p>
1504	<p>Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified:</p> <ul style="list-style-type: none"> <li>- Solid fractions</li> <li>- Other</li> </ul>	<p>Manufacture from materials of any heading including other materials of heading No 1504</p> <p>Manufacture in which all the materials of Chapters 2 and 3 used must be wholly obtained</p>
ex 1505	Refined lanolin	Manufacture from crude wool grease of heading No 1505

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
1506	<p>Other animals fats and oils and their fractions, whether or not refined, but not chemically modified:</p> <ul style="list-style-type: none"> <li>- Solid fractions</li> <li>- Other</li> </ul>	<p>Manufacture from materials of any heading including other materials of heading No 1506</p> <p>Manufacture in which all the materials of Chapter 2 used must be wholly obtained</p>
1507 to 1515	<p>Vegetable oils and their fractions:</p> <ul style="list-style-type: none"> <li>- Soya, ground nut, palm, copra, palm kernel, babassu, tung and oiticica oil, myrtle wax and Japan wax, fractions of jojoba oil and oils for technical or industrial uses other than the manufacture of foodstuffs for human consumption</li> <li>- Solid fractions, except for that of jojoba oil</li> <li>- Other</li> </ul>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product</p> <p>Manufacture from other materials of heading Nos 1507 to 1515</p> <p>Manufacture in which all the vegetable materials used must be wholly obtained</p>
1516	<p>Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinized, whether or not refined, but not further prepared</p>	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials of Chapter 2 used must be wholly obtained;</li> <li>- all the vegetable materials used must be wholly obtained. However, materials of headings 1507, 1508, 1511 and 1513 may be used</li> </ul>
1517	<p>Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, other than edible fats or oils or their fractions of heading No 1516</p>	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials of Chapters 2 and 4 used must be wholly obtained;</li> <li>- all the vegetable materials used must be wholly obtained. However, materials of headings 1507, 1508, 1511 and 1513 may be used</li> </ul>
Chapter 16	<p>Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates</p>	<p>Manufacture from animals of Chapter 1. All the materials of Chapter 3 used must be wholly obtained</p>

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

ex Chapter 17	Sugars and sugar confectionery; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 1701	Cane or beet sugar and chemically pure sucrose, in solid form, flavoured or coloured	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
1702	<p>Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:</p> <ul style="list-style-type: none"> <li>- Chemically pure maltose and fructose</li> <li>- Other sugars in solid form, flavoured or coloured</li> <li>- Other</li> </ul>	<p>Manufacture from materials of any heading including other materials of heading No 1702</p> <p>Manufacture in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product</p> <p>Manufacture in which all the materials used must already be originating</p>
ex 1703	Molasses resulting from the extraction or refining of sugar, flavoured or coloured	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
1704	Sugar confectionery (including white chocolate), not containing cocoa	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product;</li> <li>- the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product</li> </ul>
Chapter 18	Cocoa and cocoa preparations	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product;</li> <li>- the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product</li> </ul>

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
1901	<p>Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40% by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa or containing less than 5% by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:</p> <ul style="list-style-type: none"> <li>- Malt extract</li> <li>- Other</li> </ul>	<p>Manufacture from cereals of Chapter 10</p> <p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product;</li> <li>- the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product</li> </ul>
1902	<p>Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared:</p> <ul style="list-style-type: none"> <li>- Containing 20% or less by weight of meat, meat offal, fish, crustaceans or molluscs</li> <li>- Containing more than 20% by weight of meat, meat offal, fish, crustaceans or molluscs</li> </ul>	<p>Manufacture in which all the cereals and derivatives (except durum wheat and its derivatives) used must be wholly obtained</p> <p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all cereals and derivatives (except durum wheat and its derivatives) used must be wholly obtained;</li> <li>- all the materials of Chapters 2 and 3 used must be wholly obtained</li> </ul>
1903	<p>Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or in similar forms</p>	<p>Manufacture from materials of any heading except potato starch of heading No 1108</p>

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, other than maize (corn) in grain form, or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included	<b>Manufacture:</b> - from materials not classified within heading No 1806; - in which all the cereals and flour (except durum wheat and its derivatives) used must be wholly obtained; - in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	Manufacture from materials of any heading except those of Chapter 11
ex Chapter 20	Preparations of vegetables, fruit, nuts or other parts of plants; except for:	Manufacture in which all the fruit, nuts or vegetables used must be wholly obtained
ex 2001	Yams, sweet potatoes and similar edible parts of plants containing 5% or more by weight of starch, prepared or preserved by vinegar or acetic acid	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 2004 and ex 2005	Potatoes in the form of flour, meal or flakes, prepared or preserved otherwise than by vinegar or acetic acid	Manufacture in which all the materials used are classified within a heading other than that of the product
2006	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallized)	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter	<b>Manufacture in which:</b> - all the materials used are classified within a heading other than that of the product; - the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
ex 2008	- Nuts, not containing added sugar or spirits  - Peanut butter; mixtures based on cereals; palm hearts; maize (corn)	Manufacture in which the value of the originating nuts and oil seeds of heading Nos 0801, 0802 and 1202 to 1207 used exceeds 60% of the ex-works price of the product  Manufacture in which all the materials used are classified within a heading other than that of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
	<p>- Other except for fruit and nuts cooked otherwise than by steaming or boiling in water, not containing added sugar, frozen</p>	<p>Manufacture in which:                      - all the materials used are classified within a heading other than that of the product;                      - the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product</p>
2009	<p>Fruit juices and vegetable juices (including grape must), unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter</p>	<p>Manufacture in which:                      - all the materials used are classified within a heading other than that of the product;                      - the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product</p>
ex Chapter 21	<p>Miscellaneous edible preparations; except for:</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product</p>
2101	<p>Extracts, essences and concentrates, of coffee, tea, maté, roasted chicory and other coffee substitutes</p>	<p>Manufacture in which:                      - all the materials used are classified within a heading other than that of the product;                      - all the chicory used must be wholly obtained</p>
2103	<p>Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:</p>	
	<p>- Sauces and preparations therefor; mixed condiments and mixed seasonings</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, mustard flour or meal or prepared mustard may be used</p>
	<p>- Mustard flour and meal and prepared mustard</p>	<p>Manufacture from materials of any heading</p>
ex 2104	<p>Soups and broths and preparations therefor</p>	<p>Manufacture from materials of any heading except prepared or preserved vegetables of heading Nos 2002 to 2005</p>
2106	<p>Food preparations not elsewhere specified or included</p>	<p>Manufacture in which:                      - all the materials used are classified within a heading other than that of the product;                      - the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product</p>



HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

ex Chapter 22	Beverages, spirits and vinegar; except for:	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - all the grapes or any material derived from grapes used must be wholly obtained
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product; - any fruit juice used (except for pineapple, lime and grapefruit juices) must already be originating
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol; spirits, liqueurs and other spirituous beverages	Manufacture: - from materials not classified within heading Nos 2207 or 2208, - in which all the grapes or any material derived from grapes used must be wholly obtained or if all the other materials used are already originating, arrack may be used up to a limit of 5% by volume
ex Chapter 23	Residues and waste from the food industries; prepared animal fodder; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 2301	Whale meal; flours, meals and pellets of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption	Manufacture in which all the materials of Chapters 2 and 3 used must be wholly obtained
ex 2303	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product, exceeding 40% by weight	Manufacture in which all the maize used must be wholly obtained
ex 2306	Oil cake and other solid residues resulting from the extraction of olive oil, containing more than 3% of olive oil	Manufacture in which all the olives used must be wholly obtained

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
2309	Preparations of a kind used in animal feeding	Manufacture in which: - all the cereals, sugar or molasses, meat or milk used must already be originating; - all the materials of Chapter 3 used must be wholly obtained
ex Chapter 24	Tobacco and manufactured tobacco substitutes; except for:	Manufacture in which all the materials of Chapter 24 used must be wholly obtained
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes	Manufacture in which at least 70% by weight of the unmanufactured tobacco or tobacco refuse of heading No 2401 used must already be originating
ex 2403	Smoking tobacco	Manufacture in which at least 70% by weight of the unmanufactured tobacco or tobacco refuse of heading No 2401 used must already be originating
ex 2504	Natural crystalline graphite, with enriched carbon content, purified and ground	Enriching of the carbon content, purifying and grinding of crude crystalline graphite
ex 2515	Marble, merely cut by sawing or otherwise into blocks or slabs of a rectangular (including square) shape, of a thickness not exceeding 25cm	Cutting, by sawing or otherwise, of marble (even if already sawn) of a thickness exceeding 25cm
ex 2516	Granite, porphyry, basalt, sandstone and other monumental and building stone, merely cut by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape, of a thickness not exceeding 25cm	Cutting, by sawing or otherwise, of stones (even if already sawn) of a thickness exceeding 25cm
ex 2518	Calcined dolomite	Calcination of dolomite not calcined
ex 2519	Crushed natural magnesium carbonate (magnesite), in hermetically sealed containers, and magnesium oxide, whether or not pure, other than fused magnesia or dead burned (sintered) magnesia	Manufacture in which all the materials used are classified within a heading other than that of the product. However, natural magnesium carbonate (magnesite) may be used
ex 2520	Plasters specially prepared for dentistry	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 2524	Natural asbestos fibres	Manufacture from asbestos concentrate

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

ex 2525	Mica powder	Grinding of mica or mica waste
ex 2530	Earth colours, calcined or powdered	Calcination or grinding of earth colours
ex 2707	Oils in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents, being oils similar to mineral oils obtained by distillation of high temperature coal tar, of which more than 65% by volume distils at a temperature of up to 250 °C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels	Operations of refining and/or one or more specific process(es) in accordance with Appendix 1 <sup>(1)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
ex 2709	Crude oils obtained from bituminous minerals	Destructive distillation of bituminous materials
2710	Petroleum oils and oils obtained from bituminous materials, other than crude, preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous materials, these oils being the basic constituents of the preparations	Operations of refining and/or one or more specific process(es) in accordance with Appendix 2 <sup>(2)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
2711	Petroleum gases and other gaseous hydrocarbons	Operations of refining and/or one or more specific process(es) in accordance with Appendix 2 <sup>(2)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product

<sup>(1)</sup> For the special conditions relating to "specific processes" see Introductory Notes 8.1 and 8.3.

<sup>(2)</sup> For the special conditions relating to "specific processes" see Introductory Note 8.2.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

2712	Petroleum jelly; paraffin wax, microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes and similar products obtained by synthesis or by other processes, whether or not coloured	Operations of refining and/or one or more specific process(es) in accordance with Appendix 2 <sup>(1)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous materials	Operations of refining and/or one or more specific process(es) in accordance with Appendix 1 <sup>(2)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
2714	Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphaltites and asphaltic rocks	Operations of refining and/or one or more specific process(es) in accordance with Appendix 1 <sup>(2)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product

<sup>(1)</sup> For the special conditions relating to "specific processes" see Introductory Note 8.2.

<sup>(2)</sup> For the special conditions relating to "specific processes" see Introductory Notes 8.1 and 8.3.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

2715	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch	Operations of refining and/or one or more specific process(es) in accordance with Appendix 1 <sup>(1)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
ex Chapter 28	Inorganic chemicals; organic or inorganic compounds or precious metals, of rare-earth metals, of radioactive elements or of isotopes; except for headings Nos ex 2811 and ex 2833 for which the rules are set out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product
ex 2811	Sulphur trioxide	Manufacture from sulphur dioxide
ex 2833	Aluminium sulphate	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex Chapter 29	Organic chemicals; except for heading Nos ex2901, ex2902, ex2905, 2915, ex 2932, 2933 and 2934, for which the rules are set out below:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product
ex 2901	Acyclic hydrocarbons for use as power or heating fuels	Operations of refining and/or one or more specific process(es) in accordance with Appendix 1 <sup>(1)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product

<sup>(1)</sup> For the special conditions relating to "specific processes" see Introductory Notes 8.1 and 8.3.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

ex 2902	Cyclanes and cyclenes (other than azulenes), benzene, toluene, xylenes, for use as power or heating fuels	Operations of refining and/or one or more specific process(es) in accordance with Appendix 1 <sup>(1)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used, provided their value does not exceed 50% of the ex-works price of the product
ex 2905	Metal alcoholates of alcohols of this heading and of ethanol or glycerol	Manufacture from materials of any heading, including other materials of heading No 2905. However, metal alcoholates of this heading may be used, provided their value does not exceed 20% of the ex-works price of the product
2915	Saturated acyclic monocarboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading. However, the value of all the materials of headings Nos 2915 and 2916 used may not exceed 20% of the ex-works price of the product
ex 2932	- Internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives  - Cyclic acetals and internal hemiacetals and their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading However, the value of all the materials of heading No 2909 used may not exceed 20% of the ex-works price of the product.  Manufacture from materials of any heading
2933	Heterocyclic compounds with nitrogen heteroatom(s) only:	Manufacture from materials of any heading. However, the value of all the materials of headings Nos 2932 and 2933 used may not exceed 20% of the ex-works price of the product
2934	Nucleic acids and their salts; other heterocyclic compounds	Manufacture from materials of any heading. However, the value of all the materials of headings Nos 2932, 2933 and 2934 used may not exceed 20% of the ex-works price of the product

<sup>(1)</sup> For the special conditions relating to "specific processes" see Introductory Notes 8.1 and 8.3.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

ex Chapter 30	Pharmaceutical products; except for heading Nos 3002, 3003 and 3004, for which the rules are set out below:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product
3002	<p>Human blood; animal blood prepared for therapeutic, prophylactic or diagnostic uses; antisera and other blood fractions and modified immunological products, whether or not obtained by means of biotechnological processes; vaccines, toxins, cultures of micro-organisms (excluding yeasts) and similar products:</p> <ul style="list-style-type: none"> <li>- Products consisting of two or more constituents which have been mixed together for therapeutic or prophylactic uses or unmixed products for these uses, put up in measured doses or in forms or packings for retail sale</li> <li>- Other: <ul style="list-style-type: none"> <li>- human blood</li> <li>- animal blood prepared for therapeutic or prophylactic uses.</li> <li>- blood fractions other than antisera, haemoglobin and serum globulin</li> </ul> </li> </ul>	<p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product</p>

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

3003 and 3004	<p>- haemoglobin, blood globulin and serum globulin</p> <p>- other</p> <p>Medicaments (excluding goods of heading Nos 3002, 3005 and 3006)</p>	<p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product</p> <p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product. However, materials of heading No 3003 or 3004 may be used provided their value, taken together, does not exceed 20% of the ex-works price of the product, and</li> <li>- the value of all the materials used does not exceed 50% of the ex-works price of the product</li> </ul>
ex Chapter 31	Fertilizers; except for heading Nos ex 3103 and ex3105, for which the rules are set out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product
ex 3103	Crushed and powdered calcined natural aluminium calcium phosphates	Crushing and powdering of calcined natural aluminium calcium phosphates



HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

ex 3105	<p>Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorus and potassium; other fertilizers; goods of this Chapter, in tablets or similar forms or in packages of a gross weight not exceeding 10 kg, except for:</p> <ul style="list-style-type: none"> <li>- sodium nitrate</li> <li>- calcium cyanamide</li> <li>- potassium sulphate</li> <li>- magnesium potassium sulphate</li> </ul>	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product, and</li> <li>- the value of all the materials used does not exceed 50% of the ex-works price of the product</li> </ul>
ex Chapter 32	<p>Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks; except for heading Nos ex 3201 and 3205, for which the rules are set out below</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product</p>
ex 3201	<p>Tannins and their salts, esters, ethers, and other derivatives</p>	<p>Manufacture from tanning extracts of vegetable origin</p>
3205	<p>Colour lakes; preparations as specified in Note 3 to this Chapter based on colour lakes <sup>(1)</sup></p>	<p>Manufacture from materials of any heading, except headings Nos 3202 and 3204 provided the value of any materials classified in heading No 3205 does not exceed 20% of the ex-works price of the product</p>
ex Chapter 33	<p>Essential oils and resinoids; perfumery, cosmetic or toilet preparations; except for heading No ex 3301, for which the rule is set out below</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product</p>

<sup>(1)</sup> Note 3 to Chapter 32 says that these preparations are those of a kind used for colouring any material or used as ingredients in the manufacturing of colouring preparations, provided they are not classified in another heading in Chapter 32.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils	Manufacture from materials of any heading, including materials of a different "group" <sup>(1)</sup> in this heading. However, materials of the same group may be used, provided their value does not exceed 20% of the ex-works price of the product
ex Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, "dental waxes" and dental preparations with a basis of plaster; except for heading Nos ex3403 and 3404, for which the rules are set out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product
ex 3403	Lubricating preparations containing petroleum oils or oils obtained from bituminous minerals, provided they represent less than 70% by weight	Operations of refining and/or one or more specific process(es) in accordance with Appendix 1 <sup>(2)</sup> or
		Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
ex 3404	Artificial waxes and prepared waxes: - With a basis of paraffin, petroleum waxes, waxes obtained from bituminous minerals, slack wax or scale wax	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product

<sup>(1)</sup> A "group" is regarded as any part of the heading separated from the rest by a semi-colon.

<sup>(2)</sup> For the special conditions relating to "specific processes" see Introductory Notes 8.1 and 8.3.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

	<p>- Other</p>	<p>Manufacture from materials of any heading, except:</p> <ul style="list-style-type: none"> <li>- hydrogenated oils having the character of waxes of heading No 1516</li> <li>- fatty acids not chemically defined or industrial fatty alcohols having the character of waxes of heading No 3823</li> <li>- materials of heading No 3404</li> </ul> <p>However, these materials may be used provided their value does not exceed 20% of the ex-works price of the product</p>
ex Chapter 35	<p>Albuminoidal substances; modified starches; glues; enzymes; except for heading Nos 3505 and ex 3507 for which the rules are set out below</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product</p>
3505	<p>Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrins or other modified starches:</p> <ul style="list-style-type: none"> <li>- Starch ethers and esters</li> </ul>	<p>Manufacture from materials of any heading, including other materials of heading No 3505</p>
ex 3507	<ul style="list-style-type: none"> <li>- Other</li> </ul> <p>Prepared enzymes not elsewhere specified or included</p>	<p>Manufacture from materials of any heading, except those of heading No 1108</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product</p>
Chapter 36	<p>Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product</p>

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
ex Chapter 37	Photographic or cinematographic goods; except for heading Nos 3701, 3702 and 3704 for which the rules are out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product
3701	Photographic plates and film in the flat, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in the flat, sensitized, unexposed, whether or not in packs	Manufacture in which all the materials used are classified in a heading other than heading No 3702
3702	Photographic film in rolls, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in rolls, sensitized, unexposed	Manufacture in which all the materials used are classified within a heading other than heading Nos 3701 or 3702
3704	Photographic plates, film paper, paperboard and textiles, exposed but not developed	Manufacture in which all the materials used are classified within a heading other than heading Nos 3701 to 3704
ex Chapter 38	Miscellaneous chemical products; except for heading Nos ex 3801, ex 3803, ex 3805, ex 3806, ex 3807, ex 3811, ex 3823 and 3824 for which the rules are set out below:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product
ex 3801	<p>- Colloidal graphite in suspension in oil and semicolloidal graphite; carbonaceous pastes for electrodes</p> <p>- Graphite in paste form, being a mixture of more than 30% by weight of graphite with mineral oils</p>	<p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product</p> <p>Manufacture from materials of any heading. However, the value of the materials of heading No 3403 used must not exceed 20% of the ex-works price of the product</p>
ex 3803	Refined tall oil	Refining of crude tall oil
ex 3805	Spirits of sulphate turpentine, purified	Purification by distillation or refining of raw spirits of sulphate turpentine

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

ex 3806	Ester gums	Manufacture from resin acids
ex 3807	Wood pitch (wood tar pitch)	Distillation of wood tar
ex 3811	Prepared additives for lubricating oil, containing petroleum oils or oils obtained from bituminous minerals	Manufacture in which the value of all the materials of heading No 3811 used does not exceed 50% of the ex-works price of the product
ex 3823	Industrial fatty alcohols having the character of artificial waxes	Manufacture from materials of any heading including fatty acids of heading No 3823
3824	<ul style="list-style-type: none"> <li>- The following of heading No 3824:</li> <li>- Prepared binders for foundry moulds or cores based on natural resinous products</li> <li>- Naphthenic acids, their water insoluble salts and their esters</li> <li>- Sorbitol other than that of heading No 2905</li> <li>- Petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanolamines; thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts</li> <li>- Ion exchangers</li> <li>- Getters for vacuum tubes</li> <li>- Alkaline iron oxide for the purification of gas</li> <li>- Sulphonaphthenic acids, their water insoluble salts and their esters</li> <li>- Mixtures of salts having different anions</li> </ul>	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

3901 to 3915	<ul style="list-style-type: none"> <li>- Copying pastes with a basis of gelatin, whether or not on a paper of textile backing</li> <li>- Other</li> </ul> <p>Plastics in primary forms, waste, parings and scrap, of plastic:</p> <ul style="list-style-type: none"> <li>- Addition homopolymerization products</li> <li>- Other</li> </ul>	<p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product</p> <p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- the value of all the materials used does not exceed 50% of the ex-works price of the product, and</li> <li>- the value of any materials of Chapter 39 used does not exceed 20% of the ex-works price of the product <sup>(1)</sup></li> </ul> <p>Manufacture in which the value of the materials of Chapter 39 used does not exceed 20% of the ex-works price of the product <sup>(1)</sup></p>
3916 to 3921	<p>Semi-manufactures of plastics:</p> <ul style="list-style-type: none"> <li>- Flat products, further worked than only surface-worked or cut into forms other than rectangles; other products, further worked than only surface-worked</li> <li>- Other:</li> <li>-- Addition homopolymerization products</li> <li>-- Other</li> </ul>	<p>Manufacture in which the value of any materials of Chapter 39 used does not exceed 50% of the ex-works price of the product</p> <p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- the value of all the materials used does not exceed 50% of the ex-works price of the product, and</li> <li>- the value of any materials of Chapter 39 used does not exceed 20% of the ex-works price of the product <sup>(1)</sup></li> </ul> <p>Manufacture in which the value of any materials of Chapter 39 used does not exceed 20% of the ex-works price of the product <sup>(1)</sup></p>

<sup>(1)</sup> In the case of the products composed of materials classified within both heading Nos 3901 to 3906, on the one hand, and within heading Nos 3907 to 3911, on the other hand, this restriction only applies to that group of materials which predominates by weight in the product.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
3922 to 3926	Articles of plastics	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 4001	Laminated slabs or crepe rubber for shoes	Lamination of sheets of natural rubber
4005	Compounded rubber, unvulcanized, in primary forms or in plates, sheets or strip	Manufacture in which the value of all the materials used, except natural rubber, does not exceed 50% of the ex-works price of the product
4012	Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, interchangeable tyre treads and tyre flaps, of rubber	Manufacture from materials of any heading, except those of heading Nos 4011 or 4012
ex 4017	Articles of hard rubber	Manufacture from hard rubber
ex 4102	Raw skins of sheep or lambs, without wool on	Removal of wool from sheep or lamb skins, with wool on
4104 to 4107	Leather, without hair or wool, other than leather of heading Nos 4108 or 4109	Retanning of pre-tanned leather or Manufacture in which all the materials used are classified within a heading other than that of the product
4109	Patent leather and patent laminated leather; metallized leather	Manufacture from leather of heading Nos 4104 to 4107 provided its value does not exceed 50% of the ex-works price of the product
ex 4302	Tanned or dressed furskins, assembled:	
	- Plates, crosses and similar forms	Bleaching or dyeing, in addition to cutting and assembly of non-assembled tanned or dressed furskins
	- Other	Manufacture from non-assembled, tanned or dressed furskins
4303	Articles of apparel, clothing accessories and other articles of fur skin	Manufacture from non-assembled, tanned or dressed furskins, of heading No 4302
ex 4403	Wood roughly squared	Manufacture from wood in the rough, whether or not stripped of its bark or merely roughed down
ex 4407	Wood sawn or chipped lengthwise, sliced or peeled, of a thickness exceeding 6 mm, planed, sanded or finger-jointed	Planing, sanding or finger-jointing

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
ex 4408	Veneer sheets and sheets for plywood, of a thickness not exceeding 6 mm, spliced, and other wood sawn lengthwise, sliced or peeled of a thickness not exceeding 6 mm, planed, sanded or finger-jointed	Splicing, planing, sanding or finger-jointing
ex 4409	- Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges or faces, sanded or finger-jointed  - Beadings and mouldings	Sanding or finger-jointing  Beadings or moulding
ex 4410 to ex 4413	Beadings and mouldings, including moulded skirting and other moulded boards	Beadings or moulding
ex 4415	Packing cases, boxes, crates, drums and similar packings, of wood	Manufacture from boards not cut to size
ex 4416	Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood	Manufacture from riven staves, not further worked than sawn on the two principal surfaces
ex 4418	- Builders' joinery and carpentry of wood  - Beadings and mouldings	Manufacture in which all the materials used are classified within a heading other than that of the product. However, cellular wood panels, shingles and shakes may be used  Beadings or moulding
ex 4421	Match splints; wooden pegs or pins for footwear	Manufacture from wood of any heading except drawn wood of heading No 4409
4503	Articles of natural cork	Manufacture from cork of heading No 4501
ex 4811	Paper and paperboard, ruled, lined or squared only	Manufacture from paper-making materials of Chapter 47



HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
4816	Carbon paper, self-copy paper and other copying or transfer papers (other than those of heading No 4809), duplicator stencils and offset plates, of paper, whether or not put up in boxes	Manufacture from paper-making materials of Chapter 47
4817	Envelopes, letter cards, plain postcards and correspondence cards, of paper or paperboard; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing an assortment of paper stationery	Manufacturing in which: - all the materials used are classified within a heading other than that of the product, and - the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 4818	Toilet paper	Manufacture from paper-making materials of Chapter 47
ex 4819	Cartons, boxes, cases, bags and other packing containers, of paper, paperboard, cellulose wadding or webs of cellulose fibres	Manufacture in which: - all the materials used are classified within a heading other than that of the product, and - the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 4820	Letter pads	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 4823	Other paper, paperboard, cellulose wadding and webs of cellulose fibres, cut to size or shape	Manufacture from paper-making materials of Chapter 47
4909	Printed or illustrated postcards; printed cards bearing personal greetings, messages or announcements, whether or not illustrated, with or without envelopes or trimmings	Manufacture from materials not classified within heading Nos 4909 or 4911
4910	Calendars of any kind, printed, including calendar blocks:  - Calendars of the "perpetual" type or with replaceable blocks mounted on bases other than paper or paperboard	Manufacture in which: - all the materials used are classified within a heading other than that of the product, and - the value of all the materials used does not exceed 50% of the ex-works price of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

	- Other	Manufacture from materials not classified in heading Nos 4909 or 4911
ex 5003	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock), carded or combed	Carding or combing of silk waste
5501 to 5507	Man-made staple fibres	Manufacture from chemical materials or textile pulp
ex Chapter 50 to Chapter 55	Yarn, monofilament and thread	Manufacture from <sup>(1)</sup> ; - natural fibres not carded or combed or otherwise processed for spinning, - chemical materials or textile pulp, or - paper-making materials
ex Chapter 50 to Chapter 55	Woven fabrics:	
	- Incorporating rubber thread	Manufacture from single yarn <sup>(1)</sup>
	- Other	Manufacture from <sup>(1)</sup> : - coir yarn, - natural fibres, - man-made staple fibres not carded or combed or otherwise processed for spinning, - chemical materials or textile pulp, or - paper
		or
		Printing accompanied by at least a finishing operation (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product

<sup>(1)</sup> For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.



HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

	<ul style="list-style-type: none"> <li>- Rubber thread and cord, textile covered</li> <li>- Other</li> </ul>	<p>Manufacture from rubber thread or cord, not textile covered</p> <p>Manufacture from <sup>(1)</sup>:</p> <ul style="list-style-type: none"> <li>- natural fibres not carded or combed or otherwise processed for spinning,</li> <li>- chemical materials or textile pulp, or</li> <li>- paper-making materials</li> </ul>
5605	Metallized yarn, whether or not gimped, being textile yarn, or strip or the like of heading No 5404 or 5405, combined with metal in the form of thread, strip or powder or covered with metal	<p>Manufacture from <sup>(1)</sup>:</p> <ul style="list-style-type: none"> <li>- natural fibres,</li> <li>- man-made staple fibres not carded or combed or otherwise processed for spinning,</li> <li>- chemical materials or textile pulp, or</li> <li>- paper-making materials</li> </ul>
5606	Gimped yarn, and strip and the like of heading No 5404 or 5405, gimped (other than those of heading No 5605 and gimped horsehair yarn); chenille yarn (including flock chenille yarn); loop wale-yarn	<p>Manufacture from <sup>(1)</sup>:</p> <ul style="list-style-type: none"> <li>- natural fibres,</li> <li>- man-made staple fibres not carded or combed or otherwise processed for spinning,</li> <li>- chemical materials or textile pulp, or</li> <li>- paper-making materials</li> </ul>

<sup>(1)</sup> For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

Chapter 57	<p>Carpets and other textile floor coverings:</p> <ul style="list-style-type: none"> <li>- Of needleloom felt</li> <li>- Of other felt</li> <li>- Other</li> </ul>	<p>Manufacture from <sup>(1)</sup>:</p> <ul style="list-style-type: none"> <li>- natural fibres, or</li> <li>- chemical materials or textile pulp</li> </ul> <p>However:</p> <ul style="list-style-type: none"> <li>- polypropylene filament of heading No 5402,</li> <li>- polypropylene fibres of heading No 5503 or 5506 or</li> <li>- polypropylene filament tow of heading No 5501,</li> </ul> <p>of which the denomination in all cases of a single filament or fibre is less than 9 decitex may be used provided their value does not exceed 40% of the ex-works price of the product</p> <p>Manufacture from <sup>(1)</sup>:</p> <ul style="list-style-type: none"> <li>- natural fibres not carded or combed or otherwise processed for spinning, or</li> <li>- chemical materials or textile pulp</li> </ul> <p>Manufacture from <sup>(1)</sup>:</p> <ul style="list-style-type: none"> <li>- coir yarn,</li> <li>- synthetic or artificial filament yarn,</li> <li>- natural fibres, or</li> <li>- man-made staple fibres not carded or combed or otherwise processed for spinning</li> </ul>
ex Chapter 58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery; except for heading Nos 5805 and 5810; the rule for heading No 5810 is set out below:	

<sup>(1)</sup> For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

	<ul style="list-style-type: none"> <li>- Combined with rubber thread</li> <li>- Other</li> </ul>	<p>Manufacture from single yarn <sup>(1)</sup>:</p> <p>Manufacture from <sup>(1)</sup>:</p> <ul style="list-style-type: none"> <li>- natural fibres,</li> <li>- man-made staple fibres not carded or combed or otherwise processed for spinning, or</li> <li>- chemical materials or textile pulp, or</li> </ul> <p>Printing accompanied by at least a finishing operation (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product</p>
5810	Embroidery in the piece, in strips or in motifs	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations	Manufacture from yarn
5902	<p>Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon:</p> <ul style="list-style-type: none"> <li>- containing not more than 90% by weight of textile materials</li> <li>- Other</li> </ul>	<p>Manufacture from yarn</p> <p>Manufacture from chemical materials or textile pulp</p>
5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading No 5902	Manufacture from yarn

<sup>(1)</sup> For special conditions relating to products made of a mixture of textile materials, see Introductory Note 3.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
5904	Linoleum, whether or note cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape	Manufacture from yarn <sup>(1)</sup>
5905	Textile wall coverings:  - Impregnated, coated, covered or laminated with rubber, plastics or other materials  - Other	Manufacture from yarn  Manufacture from <sup>(1)</sup> : - coir yarn, - natural fibres, - man-made staple fibres not carded or combed or otherwise processed for spinning, or - chemical materials or textile pulp,  or
5906	Rubberized textile fabrics, other than those of heading No 5902:  - Knitted or crocheted fabrics  - Other fabrics made of synthetic filament yarn, containing more than 90% by weight of textile materials  - Other	Printing accompanied by at least a finishing operation (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product  Manufacture from <sup>(1)</sup> : - natural fibres, - man-made staple fibres not carded or combed or otherwise processed for spinning, or - chemical materials or textile pulp  Manufacture from chemical materials  Manufacture from yarn

<sup>(1)</sup> For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

5907	Textile fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio backcloths or the like	Manufacture from yarn
ex 5908	Incandescent gas mantles, impregnated	Manufacture from tubular knitted gas mantle fabric
5909 to 5911	Textile articles of a kind suitable for industrial use:  - Polishing discs or rings other than of felt of heading No 5911  - Other	Manufacture from yarn or waste fabrics or rags of heading No 6310  Manufacture from <sup>(1)</sup> : - coir yarn, - natural fibres, - man-made staple fibres not carded or combed or otherwise processed for spinning, or - chemical materials or textile pulp
Chapter 60	Knitted or crocheted fabrics	Manufacture from <sup>(1)</sup> : - natural fibres, - man-made staple fibres not carded or combed or otherwise processed for spinning, or - chemical materials or textile pulp
Chapter 61	Articles of apparel and clothing accessories, knitted or crocheted:  - Obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form	Manufacture from yarn <sup>(2)</sup>

<sup>(1)</sup> For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

<sup>(2)</sup> See Introductory Note 7 for the treatment of textile trimmings and accessories.



HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

	- Other	<p>Manufacture from <sup>(1)</sup>:</p> <ul style="list-style-type: none"> <li>- natural fibres,</li> <li>- man-made staple fibres not carded or combed or otherwise processed for spinning, or</li> <li>- chemical materials or textile pulp</li> </ul>
ex Chapter 62	Articles of apparel and clothing accessories, not knitted or crocheted; except for heading Nos ex 6202, ex 6204, ex 6206, ex 6209, ex 6210, 6213, 6214, ex 6216 and ex 6217 for which the rules are set out below:	Manufacture from yarn <sup>(2)</sup>
ex 6202, ex 6204, ex 6206, ex 6209 and ex 6217	Women's, girls' and babies' clothing and 'other made-up clothing accessories', embroidered	<p>Manufacture from yarn <sup>(2)</sup></p> <p>or</p> <p>Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product <sup>(1)</sup></p>
ex 6210 ex 6216 and ex 6217	Fire-resistant equipment of fabric covered with foil of aluminized polyester	<p>Manufacture from yarn <sup>(2)</sup></p> <p>or</p> <p>Manufacture from uncoated fabric provided the value of the uncoated fabric used does not exceed 40% of the ex-works price of the product <sup>(2)</sup></p>
6213 and 6214	Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like:	
	- Embroidered	<p>Manufacture from unbleached single yarn <sup>(1)</sup></p> <p>or</p> <p>Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product <sup>(1)</sup></p>
	- Other	<p>Manufacture from unbleached single yarn <sup>(1)</sup></p> <p><sup>(2)</sup></p>

<sup>(1)</sup> For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

<sup>(2)</sup> See Introductory Note 7 for the treatment of textile trimmings and accessories.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
6301 to 6304	<p>Blankets, travelling rugs, bed linen etc.; curtains etc.; other furnishing articles:</p> <ul style="list-style-type: none"> <li>- Of felt, of non-wovens</li> <li>- Other: <ul style="list-style-type: none"> <li>-- Embroidered</li> <li>-- Other</li> </ul> </li> </ul>	<p>Manufacture from <sup>(1)</sup>:</p> <ul style="list-style-type: none"> <li>- natural fibres, or</li> <li>- chemical materials or textile pulp</li> </ul> <p>Manufacture from unbleached single yarn <sup>(1)</sup> or</p> <p>Manufacture from unembroidered fabric (other than knitted or crocheted) provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product <sup>(2)</sup></p> <p>Manufacture from unbleached single yarn <sup>(1)</sup></p>
6305	Sacks and bags, of a kind used for the packing of goods	<p>Manufacture from <sup>(1)</sup>:</p> <ul style="list-style-type: none"> <li>- natural fibres,</li> <li>- man-made staple fibres not carded or combed or otherwise processed for spinning, or</li> <li>- chemical materials or textile pulp</li> </ul>
6306	<p>Tarpaulins, sails for boats, sailboards or landcraft, awnings, sunblinds, tents and camping goods:</p> <ul style="list-style-type: none"> <li>- Of non-wovens</li> <li>- Other</li> </ul>	<p>Manufacture from <sup>(1)</sup>:</p> <ul style="list-style-type: none"> <li>- natural fibres, or</li> <li>- chemical materials or textile pulp</li> </ul> <p>Manufacture from unbleached single yarn <sup>(1)</sup></p>
6307	Other made-up articles, including dress patterns	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
6308	Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes or similar textile articles, put up in packings for retail sale	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated provided their total value does not exceed 15% of the ex-works price of the set

<sup>(1)</sup> For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

<sup>(2)</sup> See Introductory Note 7 for the treatment of textile trimmings and accessories.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

6401 to 6405	Footwear	Manufacture from materials of any heading except for assemblies of uppers affixed to inner soles or to other sole components of heading No 6406
6503	Felt hats and other felt headgear, made from the hat bodies, hoods or plateaux of heading No 6501, whether or not lined or trimmed	Manufacture from yarn or textile fibres <sup>(1)</sup>
6505	Hats and other headgear, knitted or crocheted, or made up from lace, felt or other textile fabric, in the piece (but not in strips), whether or not lined or trimmed; hair-nets of any material, whether or not lined or trimmed	Manufacture from yarn or textile fibres <sup>(1)</sup>
6601	Umbrellas and sun umbrellas (including walking-stick umbrellas, garden umbrellas and similar umbrellas)	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 6803	Articles of slate or of agglomerated slate	Manufacture from worked slate
ex 6812	Articles of asbestos or of mixtures with a basis of asbestos or with a basis of asbestos and magnesium carbonate	Manufactured from fabricated asbestos fibres or from mixtures with a basis of asbestos or with a basis of asbestos and magnesium carbonate
ex 6814	Articles of mica, including agglomerated or reconstituted mica, on a support of paper, paperboard or other materials	Manufacture from worked mica (including agglomerated or reconstituted mica)
ex 7003 ex 7004 ex 7005	Glass with a non-reflecting layer	Manufacture from materials of heading No 7001
7006	Glass of heading No 7003, 7004 or 7005, bent, edge-worked, engraved, drilled, enamelled or otherwise worked, but not framed or fitted with other materials	Manufacture from materials of heading No 7001
7007	Safety glass, consisting of toughened (tempered) or laminated glass	Manufacture from materials of heading No 7001
7008	Multiple-walled insulating units of glass	Manufacture from materials of heading No 7001
7009	Glass mirrors, whether or not framed, including rear-view mirrors	Manufacture from materials of heading No 7001

<sup>(1)</sup> See Introductory Note 7 for the treatment of textile trimmings and accessories.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
7010	Carboys, bottles, flasks, jars, pots, phials, ampoules and other containers, of glass, of a kind used for the conveyance or packing of goods; preserving jars of glass; stoppers, lids and other closures, of glass	Manufacture in which all the materials used are classified within a heading other than that of the product or Cutting of glassware, provided the value of the uncut glassware does not exceed 50% of the ex-works price of the product
7013	Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading No 7010 or 7018)	Manufacture in which all the materials used are classified within a heading other than that of the product or Cutting of glassware, provided the value of the uncut glassware does not exceed 50% of the ex-works price of the product or Hand-decoration (with the exception of silk-screen printing) of hand-blown glassware, provided the value of the hand-blown glassware does not exceed 50% of the ex-works price of the product
ex 7019	Articles (other than yarn) of glass fibres	Manufacture from: - uncoloured slivers, rovings, yarn or chopped strands, or - glass wool
ex 7101	Natural or cultured pearls, graded and temporarily strung for convenience of transport	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 7102, ex 7103 and ex 7104	Worked precious or semi-precious stones (natural, synthetic or reconstructed)	Manufacture from unworked precious or semi-precious stones
7106, 7108 and 7110	Precious metals: - Unwrought  - Semi-manufactured or in powder form	Manufacture from materials not classified within heading No 7106, 7108 or 7110 or Electrolytic, thermal or chemical separation of precious metals of heading No 7106, 7108 or 7110 or Alloying of precious metals of heading No 7106, 7108 or 7110 with each other or with base metals  Manufacture from unwrought precious metals

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

ex 7107, ex 7109 and ex 7111	Metals clad with precious metals, semi-manufactured	Manufacture from metals clad with precious metals, unwrought
7116	Articles of natural or cultured pearls, precious or semi-precious stones (natural, synthetic or reconstructed)	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
7117	Imitation jewellery	Manufacture in which all the materials used are classified within a heading other than that of the product or Manufacture from base metal parts, not plated or covered with precious metals, provided the value of all the materials used does not exceed 50% of the ex-works price of the product
7207	Semi-finished products of iron or non-alloy steel	Manufacture from materials of heading No 7201, 7202, 7203, 7204 or 7205
7208 to 7216	Flat rolled products, bars and rods, angles, shapes and sections of iron or non-alloy steel	Manufacture from ingots or other primary forms of heading No 7206
7217	Wire of iron or non-alloy steel	Manufacture from semi-finished materials of heading No 7207
ex 7218, 7219 to 7222	Semi-finished products, flat rolled products, bars and rods, angles, shapes and sections of stainless steel	Manufacture from ingots or other primary forms of heading No 7218
7223	Wire of stainless steel	Manufacture from semi-finished materials of heading No 7218
ex 7224, 7225 to 7227	Semi-finished products, flat rolled products, bars and rods, in irregularly wound coils, of other alloy steel	Manufacture from ingots or other primary forms of heading No 7224
ex 7227	Semi-finished products whose cross-sections is in the shape of "flattened circles" or "modified rectangles"	Manufacture from ingots or other primary forms of heading No 7206, 7218 or 7224
7228	Other bars and rods of other alloy steel; angles, shapes and sections, of other alloy steel; hollow drill bars and rods, of alloy or non-alloy steel	Manufacture from ingots or other primary forms of heading No 7206, 7218 or 7224
7229	Wire of other alloy steel	Manufacture from semi-finished materials of heading No 7224
ex 7301	Sheet piling	Manufacture from materials of heading No 7203

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
7302	Railway or tramway track construction materials of iron or steel, the following: rails, checkrails and rack rails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fishplates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialized for jointing or fixing rails	Manufacture from materials of heading No 7206
7304, 7305 and 7306	Tubes, pipes and hollow profiles, of iron (other than cast iron) or steel	Manufacture from materials of heading No 7206, 7207, 7218 or 7224
7308	Structures (excluding prefabricated buildings of heading No 9406) and parts of structures (for example, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, doors and windows and their frames and thresholds for doors, shutters, balustrades, pillars and columns), of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	Manufacture in which all the materials used are classified within a heading other than that of the product. However, welded angles, shapes and sections of heading No 7301 may not be used
ex 7315	Skid chains	Manufacture in which the value of all the materials of heading No 7315 used does not exceed 50% of the ex-works price of the product
ex 7322	Radiators for central heating, not electrically heated	Manufacture in which the value of all the materials of heading No 7322 used does not exceed 5% of the ex-works price of the product
ex Chapter 74	Copper and articles thereof; except for heading Nos 7401 to 7405; the rule for heading No ex 7403 is set out below	Manufacture in which: - all the materials used are classified within a heading other than that of the product, and - the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 7403	- Copper alloys, unwrought	Manufacture from refined copper, unwrought, or waste and scrap

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
ex Chapter 75	Nickel and articles thereof; except for heading Nos 7501 to 7503 :	Manufacture in which: - all the materials used are classified within a heading other than that of the product, and - the value of all the materials used does not exceed 50% of the ex-works price of the product
ex Chapter 76	Aluminium and articles thereof; except for heading Nos 7601 and 7602; the rule for heading No ex 7601 is set out below:	Manufacture in which: - all the materials used are classified within a heading other than that of the product, and - the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 7601	- Aluminium alloys  - 'Super-pure' aluminium (ISO No AI 99,99)	Manufacture from aluminium, not alloyed, or waste and scrap  Manufacture from aluminium, not alloyed (ISO No AI 99,8)
ex Chapter 78	Lead and articles thereof; except for heading Nos 7801 and 7802; the rule for heading No 7801 is set out below:	Manufacture in which: - all the materials used are classified within a heading other than that of the product, and - the value of all the materials used does not exceed 50% of the ex-works price of the product
7801	Unwrought lead:  - Refined lead  - Other	Manufacture from "bullion" or "work" lead  Manufacture in which all the materials used are classified in a heading other than that of the product. However, waste and scrap of heading No 7802 may not be used

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
ex Chapter 79	Zinc and articles thereof; except for heading Nos 7901 and 7902; the rule for heading No 7901 is set out below	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified in a heading other than that of the product, and</li> <li>- the value of all the materials used does not exceed 50% of the ex-works price of the product</li> </ul>
7901	Unwrought zinc	<p>Manufacture in which all the materials used are classified in a heading other than that of the product. However, waste and scrap of heading No 7902 may not be used</p>
ex Chapter 80	Tin and articles thereof; except for heading Nos 8001, 8002 and 8007 the rule for heading No 8001 is set out below:	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified in a heading other than that of the product, and</li> <li>- the value of all the materials used does not exceed 50% of the ex-works price of the product</li> </ul>
8001	Unwrought tin	<p>Manufacture in which all the materials used are classified in a heading other than that of the product. However, waste and scrap of heading No 8002 may not be used</p>
ex Chapter 81	Other base metals, wrought; articles thereof	<p>Manufacture in which the value of all the materials classified in the same heading as the product used does not exceed 50% of the ex-works price of the product</p>
8206	Tools of two or more of the heading Nos 8202 to 8205, put up in sets for retail sale	<p>Manufacture in which all the materials used are classified in a heading other than heading Nos 8202 to 8205. However, tools of heading Nos 8202 to 8205 may be incorporated into the set provided their value does not exceed 15% of the ex-works price of the set</p>



HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

8207	Interchangeable tools for hand tools, whether or not power-operated, or for machine-tools (for example, for pressing, stamping, punching, tapping, threading, drilling, boring, broaching, milling, turning, or screwdriving), including dies for drawing or extruding metal, and rock drilling or earth boring tools	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified in a heading other than that of the product, and</li> <li>- the value of all the materials used does not exceed 40% of the ex-works price of the product</li> </ul>
8208	Knives and cutting blades, for machines or for mechanical appliances	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified in a heading other than that of the product, and</li> <li>- the value of all the materials used does not exceed 40% of the ex-works price of the product</li> </ul>
ex 8211	Knives with cutting blades, serrated or not (including pruning knives), other than knives of heading No 8208	Manufacture in which all the materials used are classified in a heading other than that of the product. However, knife blades and handles of base metal may be used
8214	Other articles of cutlery (for example, hair clippers, butchers' or kitchen cleavers, choppers and mincing knives, paper knives); manicure or pedicure sets and instruments (including nail files)	Manufacture in which all the materials used are classified in a heading other than that of the product. However, handles of base metal may be used
8215	Spoons, forks, ladles, skimmers, cake-servers, fish-knives, butter-knives, sugar tongs and similar kitchen or tableware	Manufacture in which all the materials used are classified in a heading other than that of the product. However, handles of base metal may be used
ex 8306	Statuettes and other ornaments, of base metal	Manufacture in which all the materials used are classified within a heading other than that of the product. However, the other materials of heading No 8306 may be used provided their value does not exceed 30% of the ex-works price of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

ex Chapter 84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof; except for those falling within the following headings or parts of headings for which the rules are set out below: 8402, 8403, ex 8404, 8406 to 8409, 8411, 8412, ex 8413, ex 8414, 8415, 8418, ex 8419, 8420, 8423, 8425 to 8430, ex 8431, 8439, 8441, 8444 to 8447, ex 8448, 8452, 8456 to 8466, ex 8467, 8469 to 8472, 8480, 8482, ex 8483, 8484 and 8485	Manufacture in which: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 15% of the ex-works price of the product
8402	Steam or other vapour generating boilers (other than central heating hot water boilers capable also of producing low pressure steam); super-heated water boilers	Manufacture in which: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 15% of the ex-works price of the product
8403 and ex 8404	Central heating boilers other than those of heading No 8402 and auxiliary plant for central heating boilers	Manufacture in which all the materials used are classified in a heading other than heading No 8403 or 8404. However, materials which are classified in heading No 8403 or 8404 may be used provided their value, taken together, does not exceed 15% of the ex-works price of the product
8406	Steam turbines and other vapour turbines	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8407	Spark-ignition reciprocating or rotary internal combustion piston engines	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
8409	Parts suitable for use solely or principally with the engines of heading No 8407 or 8408	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8411	Turbo-jets, turbo-propellers and other gas turbines	Manufacture in which: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 15% of the ex-works price of the product
8412	Other engines and motors	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 8413	Rotary positive displacement pumps	Manufacture : - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 15% of the ex-works price of the product
ex 8414	Industrial fans, blowers and the like	Manufacture : - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 15% of the ex-works price of the product
8415	Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

8418	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading No 8415	<p><b>Manufacture :</b></p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 15% of the ex-works price of the product, and</li> <li>- where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>
ex 8419	Machines for the wood, paper pulp and paperboard industries	<p><b>Manufacture:</b></p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25% of the ex-works price of the product</li> </ul>
8420	Calendering or other rolling machines, other than for metals or glass, and cylinders therefor	<p><b>Manufacture:</b></p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25% of the ex-works price of the product</li> </ul>
8423	Weighing machinery (excluding balances of a sensitivity of 5 cg or better), including weight operated counting or checking machines; weighing machine weights of all kinds	<p><b>Manufacture:</b></p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 15% of the ex-works price of the product</li> </ul>

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

8425 to 8428	Lifting, handling, loading or unloading machinery	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified in heading No 8431 are only used up to a value of 15% of the ex-works price of the product</li> </ul>
8429	<p>Self-propelled bulldozers, angledozers, graders, levellers, scrapers, mechanical shovels, excavators, shovel loaders, tamping machines and road rollers:</p> <ul style="list-style-type: none"> <li>- Road rollers</li> <li>- Other</li> </ul>	<p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p> <p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the value of the materials classified within heading No 8431 are only used up to a value of 15% of the ex-works price of the product</li> </ul>
8430	Other moving, grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery, for earth, minerals or ores; pile-drivers and pile-extractors; snow-ploughs and snow-blowers	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the value of the materials classified within heading No 8431 are only used up to a value of 15% of the ex-works price of the product</li> </ul>
ex 8431	Parts for road rollers	<p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

8439	Machinery for making pulp of fibrous cellulosic material or for making or finishing paper or paperboard	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25% of the ex-works price of the product</li> </ul>
8441	Other machinery for making up paper pulp, paper or paperboard, including cutting machines of all kinds	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25% of the ex-works price of the product</li> </ul>
8444 to 8447	Machines of these headings for use in the textile industry	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 8448	Auxiliary machinery for use with machines of headings Nos 8444 and 8445	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8452	<p>Sewing machines, other than book-sewing machines of heading No 8440; furniture, bases and covers specially designed for sewing machines; sewing machine needles:</p> <ul style="list-style-type: none"> <li>- Sewing machines (lock stitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg with motor</li> </ul>	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product,</li> <li>- where the value of all the non-originating materials used in assembling the head (without motor) does not exceed the value of the originating materials used, and</li> <li>- the thread tension, crochet and zigzag mechanisms used are already originating</li> </ul>

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

	- Other	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8456 to 8466	Machine-tools and machines and their parts and accessories of heading Nos 8456 to 8466	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 8467	Hydraulic tools for working in the hand without a self-contained non-electric motor	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the value of the materials classified within heading No 8431 are only used up to a value of 15% of the ex-works price of the product</li> </ul>
8469 to 8472	Office machines (for example, typewriters, calculating machines, automatic data processing machines, duplicating machines, stapling machines)	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8480	Moulding boxes for metal foundry; mould bases; moulding patterns; moulds for metal (other than ingot moulds), metal carbides, glass, mineral materials, rubber or plastics	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
8482	Ball or roller bearings	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 15% of the ex-works price of the product</li> </ul>
ex 8483	Roller screws	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

8484	Gaskets and similar joints of metal sheeting combined with other material or of two or more layers of metal; sets or assortments of gaskets and similar joints, dissimilar in composition, put up in pouches, envelopes or similar packings; mechanical seals.	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8485	Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features, not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles; except for those falling within the following headings or parts of headings for which the rules are set out below: 8501, 8502, ex 8504, ex 8517, ex 8522, 8523 to 8524, ex 8525, 8526 to 8529, 8535 to 8537, 8542, 8544 to 8547 and ex 8548	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10% of the ex-works price of the product
8501	Electric motors and generators (excluding generating sets)	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified within heading No 8503 are only used up to a value of 10% of the ex-works price of the product
8502	Electric generating sets and rotary converters	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified within heading No 8501 or 8503, taken together, are only used up to a value of 10% of the ex-works price of the product



HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
ex 8504	Power supply units for automatic data-processing machines	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 8517	videophones	Manufacture : - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where the value of all the non-originating materials used does not exceed the value of the originating materials used
ex 8522	Parts and accessories of cinematographic sound recorders or reproducers for film of 16 mm or more	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8523	Prepared unrecorded media for sound recording or similar recording of other phenomena, other than products of Chapter 37	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8524	Records, tapes and other recorded media for sound or other similarly recorded phenomena, including matrices and masters for the production of records, but excluding products of Chapter 37:	
	- Matrices and masters for the production of records	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
	- Other	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified within heading No 8523 are only used up to a value of 10% of the ex-works price of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

8525	Transmission apparatus for radio-telephony, radio-telegraphy, radio-broadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras;.	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product</li> </ul>
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>
8527	Reception apparatus for radio-telephony, radio-telegraphy or radio broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>
8528	Reception apparatus for television, whether or not incorporating radio broadcast receivers or sound or video recording or reproducing apparatus; video monitors and video projectors	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>
8529	Parts suitable for use solely or principally with the apparatus of heading Nos 8525 to 8528:	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
8535 and 8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified within heading No 8538 are only used up to a value of 10% of the ex-works price of the product</li> </ul>
8537	Boards, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading No 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of Chapter 90, and numerical control apparatus, other than switching apparatus of heading No 8517	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified within heading No 8538 are only used up to a value of 10% of the ex-works price of the product</li> </ul>
ex 8541	Diodes, transistors and similar semi-conductor devices, except wafers not yet cut into chips	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified within the same heading as the products are only used up to a value of 10% of the ex-works price of the product</li> </ul>
8542	Electronic integrated circuits and microassemblies	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified within heading No 8541 or 8542, taken together, are only used up to a value of 10% of the ex-works price of the product</li> </ul>
8544	Insulated (including enamelled or anodised) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors	<p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
8545	Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8546	Electrical insulators of any material	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8547	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating materials apart from any minor components of metal (for example, threaded sockets) incorporated during moulding solely for purposes of assembly other than insulators of heading No 8546; electrical conduit tubing and joints therefor, of base metal lined with insulating material	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8548	Electrical parts of machinery or apparatus, not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8601 to 8607	Railway or tramway locomotives, rolling-stock and parts thereof	Manufacture in which the value of all materials used does not exceed 40% of the ex-works price of the product
8608	Railway or tramway track fixtures and fittings; mechanical (including electromechanical) signalling, safety or traffic control equipment for railways, tramways, roads, inland waterways, parking facilities, port installations or airfields; parts of the foregoing	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10% of the ex-works price of the product
8609	Containers (including containers for the transport of fluids) specially designed and equipped for carriage by one or more modes of transport	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

ex Chapter 87	Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof; except for those falling within the following headings or parts of headings for which the rules are set out below: 8709 to 8711, ex 8712, 8715 and 8716	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8709	Works trucks, self-propelled, not fitted with lifting or handling equipment, of the type used in factories, warehouses, dock areas or airports for short distance transport of goods; tractors of the type used on railway station platforms; parts of the foregoing vehicles	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10% of the ex-works price of the product
8710	Tanks and other armoured fighting vehicles, motorized, whether or not fitted with weapons, and parts of such vehicles	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10% of the ex-works price of the product
8711	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars:	Manufacture : - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where the value of all the non-originating materials used does not exceed the value of the originating materials used
ex 8712	Bicycles without ball bearings	Manufacture from materials not classified within heading No 8714

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
8715	Baby carriages and parts thereof	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10% of the ex-works price of the product</li> </ul>
8716	Trailers and semi-trailers; other vehicles, not mechanically propelled; parts thereof	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10% of the ex-works price of the product</li> </ul>
8803	Parts of goods of heading Nos 8801 or 8802	Manufacture in which the value of all the materials of heading No 8803 used does not exceed 5% of the ex-works price of the product
8804	Parachutes (including dirigible parachutes and paragliders) and rotochutes; parts thereof and accessories thereto:	
	<ul style="list-style-type: none"> <li>- Rotochutes</li> <li>- other</li> </ul>	<p>Manufacture from materials of any heading including other materials of heading No 8804</p> <p>Manufacture in which the value of all the materials of heading 8804 used does not exceed 10% of the ex-works price of the product</p>
8805	Aircraft launching gear; deck-arrestor or similar gear; ground flying trainers; parts of the foregoing articles	Manufacture in which the value of all the materials of heading 8805 used does not exceed 5% of the ex-works price of the product
Chapter 89	Ships, boats and floating structures	Manufacture in which all the materials used are classified within a heading other than that of the product. However, hulls of heading No 8906 may not be used

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

ex Chapter 90	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof; except for those falling within the following headings or parts of headings for which the rules are set out below: 9001, 9002, 9004, ex 9006, ex 9014, 9015 to 9020 and 9024 to 9033	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10% of the ex-works price of the product
9001	Optical fibres and optical fibre bundles; optical fibre cables other than those of heading No 8544; sheets and plates of polarizing material, lenses (including contact lenses), prisms, mirrors and other optical elements, of any material, unmounted, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9002	Lenses, prisms, mirrors and other optical elements, of any materials, mounted, being parts of or fittings for instruments or apparatus, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9004	Spectacles, goggles and the like, corrective, protective or other	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 9006	Photographic (other than cinematographic) cameras; other than the following: - Cameras of a kind used for preparing printing plates or cylinders - Cameras of a kind used for recording documents on microfilm, microfiche or other microforms - Cameras specially designed for underwater use, for aerial survey or for medical or surgical examination of internal organs, comparison cameras for forensic or criminological purposes	Manufacture: - in which the value of all the materials used does not exceed 45% of the ex-works price of the product, and - where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 10% of the ex-works price of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
	<ul style="list-style-type: none"> <li>- Instant print cameras</li> <li>- Other cameras:               <ul style="list-style-type: none"> <li>- With a through-the-lens viewfinder (single lens reflex (SLR)), for roll film of a width not exceeding 35 mm</li> <li>- Other, for roll film of a width less than 35 mm</li> <li>- Other, for roll film of a width of 35 mm</li> </ul> </li> </ul>	
ex 9014	Other navigational instruments and appliances	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9015	Surveying (including photogrammetrical surveying), hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses; rangefinders	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9016	Balances of a sensitivity of 5 cg or better, with or without weights	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9017	Drawing, marking-out or mathematical calculating instruments (for example, drafting machines, pantographs, protractors, drawing sets, slide rules, disc calculators); instruments for measuring length, for use in the hand (for example, measuring rods and tapes, micrometers, callipers), not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 9018	Dentists' chairs incorporating dental appliances or dentists' spittoons	Manufacture from materials of any heading, including other materials of heading No 9018



HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
9019	Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; ozone therapy, oxygen therapy, aerosol therapy, artificial respiration or other therapeutic respiration apparatus	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 10% of the ex-works price of the product</li> </ul>
9020	Other breathing appliances and gas masks, excluding protective masks having neither mechanical parts nor replaceable filters	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>- in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and</li> <li>- where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10% of the ex-works price of the product</li> </ul>
9024	Machines and appliances for testing the hardness, strength, compressibility, elasticity or other mechanical properties of materials (for example, metals, wood, textiles, paper, plastics)	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9025	Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9026	Instruments and apparatus for measuring or checking the flow, level, pressure or other variables of liquids or gases (for example, flow meters, level gauges, manometers, heat meters), excluding instruments and apparatus of heading No 9014, 9015, 9028 or 9032	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3
9027	Instruments and apparatus for physical or chemical analysis (for example, polarimeters, refractometers, spectrometers, gas or smoke analysis apparatus); instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension or the like; instruments and apparatus for measuring or checking quantities of heat, sound or light (including exposure meters); microtomes	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9028	Gas, liquid or electricity supply or production meters, including calibrating meters therefor:	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9029	Revolution counters, production counters, taximeters, milometers, pedometers and the like; speed indicators and tachometers, other than those of heading Nos 9104 or 9015; stroboscopes	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9030	Oscilloscopes, spectrum analysers and other instruments and apparatus for measuring or checking electrical quantities, excluding meters of heading No 9028; instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionizing radiations	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9031	Measuring or checking instruments, appliances and machines, not specified or included elsewhere in this Chapter; profile projectors	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9032	Automatic regulating or controlling instruments and apparatus	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9033	Parts and accessories (not specified or included elsewhere in this Chapter) for machines, appliances, instruments or apparatus of Chapter 90	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

ex Chapter 91	Clocks and watches and parts thereof; except for those falling under the following headings for which the rules are set out below: 9101 to 9105 and 9110 to 9113	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9101 to 9105	Watches and clocks	Manufacture in which the value of all the materials used does not exceed 45% of the ex-works price of the product
9110	Complete watch or clock movements, unassembled or partly assembled (movement sets); incomplete watch or clock movements, assembled; rough watch or clock movements	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified within heading No 9114 are only used up to a value of 10% of the ex-works price of the product
9111	Watch cases and parts thereof	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10% of the ex-works price of the product
9112	Clock cases and cases of a similar type for other goods of this Chapter, and parts thereof	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product, and - where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10% of the ex-works price of the product
9113	Watch straps, watch bands and watch bracelets, and parts thereof:  - Of base metal, whether or not plated, or clad with precious metal	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

	- Other	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
Chapter 92	Musical instruments; parts and accessories of such articles	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
Chapter 93	Arms and ammunition; parts and accessories thereof	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 9401 and ex 9403	Base metal furniture, incorporating unstuffed cotton cloth of a weight of 300 g/m <sup>2</sup> or less	<p>Manufacture in which all the materials used are classified within a heading other than that of the product</p> <p>or</p> <p>Manufacture from cotton cloth already made up in a form ready for use of heading No 9401 or 9403, provided:</p> <ul style="list-style-type: none"> <li>- its value does not exceed 25% of the ex-works price of the product, and</li> <li>- all the other materials used are already originating and are classified within a heading other than heading No 9401 or 9403</li> </ul>
9405	Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
9406	Prefabricated buildings	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 9502	Dolls, with electric motors	Manufacture in which the electric motor used must be originating and all other materials used must be classified in a heading other than that of the product

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

9503	Other toys; reduced-size ("scale") models and similar recreational models, working or not; puzzles of all kinds	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product, and</li> <li>- the value of all the materials used does not exceed 50% of the ex-works price of the product</li> </ul>
ex 9506	Finished golf club heads	Manufacture from roughly shaped blocks
ex 9507	<p>Fishing rods, fish-hooks and other line fishing tackle; fish landing nets, butterfly nets and similar nets; decoy "birds" (other than those of heading Nos 9208 or 9705) and similar hunting or shooting requisites:</p> <ul style="list-style-type: none"> <li>- mounted fish-hooks with artificial bait; mounted fishing lines including casts</li> </ul>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified in the same heading may be used provided their value does not exceed 25% of the ex-works price of the product</p>
ex 9601 and ex 9602	Articles of animal, vegetable or mineral carving materials	Manufacture from "worked" carving materials of the same heading
ex 9603	Brooms and brushes (except for besoms and the like and brushes made from marten or squirrel hair), hand-operated mechanical floor sweepers, not motorized, paint pads and rollers, squeegees and mops	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
9605	Travel sets for personal toilet, sewing or shoe or clothes cleaning	Each item in the set must satisfy the rule, which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided their total value does not exceed 15% of the ex-works price of the set

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
1	2	3

9606	Buttons, press-fasteners, snap-fasteners and press-studs, button moulds and other parts of these articles; button blanks	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product, and</li> <li>- the value of all the materials used does not exceed 50% of the ex-works price of the product</li> </ul>
ex 9608	<p>Ball point pens; felt tipped and other porous-tipped pens and markers, fountain pens, stylograph pens and other pens; duplicating stylos, propelling or sliding pencils; pen-holders, pencil-holders and similar holders; parts (including caps and clips) of the foregoing articles, other than those of heading No 9609;</p> <p>- fountain pens, stylograph pens and other pens with nibs</p>	<p>Manufacture in which all the materials used are classified in a heading other than that of the product. However, nibs or nib points may be used and the other materials classified within the same heading may also be used provided their value does not exceed 10% of the ex-works price of the product</p>
9612	Typewriter or similar ribbons, inked or otherwise prepared for giving impressions, whether or not on spools or in cartridges; ink-pads, whether or not inked, with or without boxes	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>- all the materials used are classified within a heading other than that of the product, and</li> <li>- the value of all the materials used does not exceed 50% of the ex-works price of the product</li> </ul>
ex 9614	Smoking pipes and pipe bowls	Manufacture from roughly shaped blocks

EUROPEAN COMMUNITIES

1. Supplier (*)	<b>INFORMATION CERTIFICATE</b> to facilitate the issue of a <b>MOVEMENT CERTIFICATE</b> for preferential trade between the  <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px auto; width: 80%;"> <b>EUROPEAN ECONOMIC COMMUNITY and THE ACP-STATES</b> </div>		
2. Consignee (*)			
3. Processor (*)	4. State in which the working or processing has been carried out		
6. Customs office of importation (*)	5. For official use		
7. Import document (*)  Form _____ No _____ Series _____ Date <input style="width: 20px; height: 15px;" type="text"/> <input style="width: 20px; height: 15px;" type="text"/> <input style="width: 20px; height: 15px;" type="text"/>			
<b>GOODS SENT TO THE MEMBER STATES OF DESTINATION</b>			
8. Marks, numbers, quantity and kind of package	9. Tariff heading number and description of goods	10. Quantity (*)	
		11. Value (*)	
<b>IMPORTED GOODS USED</b>			
12. Tariff heading number and description	13. Country of origin	14. Quantity (*)	15. Value (*) (*)
16. Nature of the working or processing carried out			
17. Remarks			
<b>18. CUSTOMS ENDORSEMENT</b>  Declaration certified Document: _____ Form _____ No _____ Customs office _____ Date <input style="width: 20px; height: 15px;" type="text"/> <input style="width: 20px; height: 15px;" type="text"/> <input style="width: 20px; height: 15px;" type="text"/>  _____ (Signature)		<b>19. DECLARATION BY THE SUPPLIER</b>  I, the undersigned, declare that the information on this certificate is accurate  _____ <input style="width: 20px; height: 15px;" type="text"/> (Place) (Date)  _____ (Signature)	

See footnotes on verso.

**DECISION No 3/97 OF THE ACP-EC COUNCIL OF MINISTERS  
of 14 July 1997**

**adopting the Rules of Procedure of  
the ACP-EC Development Finance Cooperation Committee**

**THE ACP-EC COMMITTEE OF AMBASSADORS,**

**Having regard to the Fourth ACP-EC Convention signed at Lomé on 15 December 1989, as amended by the Agreement amending the Fourth ACP-EC Convention of Lomé, signed in Mauritius on 4 November 1995, (hereinafter referred to as "the Convention") and in particular Article 325 thereof,**

**Having regard to the decision of the ACP-EC Council of Ministers of 27 and 28 June 1996 to mandate the Committee of Ambassadors to adopt the rules of procedure of the ACP-EC Development Finance Cooperation Committee provided for in Article 325 of the Convention,**



Whereas Article 325 of the Convention sets up a Development Finance Cooperation Committee (hereinafter referred to as "the Committee") within the Council of Ministers;

Whereas it is for the Council of Ministers to lay down the Rules of Procedure of the Committee, in accordance with Article 326(2) of the Convention,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Committee shall be composed, on the one hand, of a Minister from each Member State of the European Community and a member of the Commission of the European Communities and, on the other hand, on a basis of parity, of Ministers of the ACP States.
2. Every year the Council of Ministers shall designate the representatives of the Community and of the ACP States on the Committee.
3. Every member of the Committee shall designate his authorized representative. He shall notify the Committee's secretariat thereof.
4. Any member of the Committee unable to attend a meeting may be represented. The representative shall exercise all the rights of the member who is unable to attend.
5. The co-Chairmen of the Committee of Ambassadors or their representatives shall attend meetings of the Committee.
6. The Directors of the Centre for the Development of Industry and the Technical Centre for Agricultural and Rural Cooperation or their representative shall attend the Committee's proceedings on issues which concern them.

7. As provided for in Article 326(1) of the Convention, a representative of the European Investment Bank shall be present at the Committee's meetings.
8. The members of the Committee and their authorized representatives may be assisted by advisers.

#### Article 2

1. The Committee shall meet every quarter either at ministerial or at authorized representatives' level.
2. The Committee shall meet at ministerial level at least once a year, generally on the occasion and at the venue of a meeting of the Council of Ministers.
3. Other meetings at ministerial level shall be held upon request by either party and at a venue to be agreed by both parties.
4. Meetings at the level of authorized representatives shall be held at the normal venues of meetings of the Council of the European Union, at the General Secretariat of the Group of ACP States or at such other venue to be decided by the Committee.

#### Article 3

1. A working party shall be set up for the purpose of preparing the technical work and all documents to be submitted to meetings of the Committee.
2. The working party shall include, inter alia, a representative of each of the co-Chairmen of the Committee, of the Commission of the European Communities and of the Secretariat of the Committee. A representative of the European Investment Bank shall participate as appropriate in the work of the working party. The co-Chairmen may be assisted by other members of the Committee.

Article 4

The Committee shall be chaired by the ACP States and the Community in turn for a period of six months each.

Article 5

The Committee shall exercise the powers conferred on it under the relevant Articles of the Convention.

Article 6

In the exercise of its powers as referred to in Article 5, the Committee shall take decision by common accord between the ACP States on the one hand and the Community on the other.

Article 7

The Committee's proceedings shall be valid only if at least half the representatives of the Member States of the Community, a Commission representative and at least half the representatives of the ACP States are present.

Article 8

1. The Committee shall be convened by its Chairman either on his own initiative or at the request of the ACP States or the Community.
2. At least three weeks before the date fixed for each meeting, the Committee's Secretariat shall send the members of the Committee a draft agenda, to which any documents required shall be attached.

3. The agenda shall be adopted by the Committee at the start of each meeting. In urgent cases, the Committee may decide, at the request of the representatives of the ACP States or the Community, to include items on the agenda for which the deadline specified in paragraph 2 has not been observed.

#### Article 9

1. Unless otherwise decided, meetings of the Committee shall not be public.
2. Without prejudice to other provisions applicable, deliberations of the Committee shall be covered by the obligation of professional secrecy unless the Committee decides otherwise.

#### Article 10

1. The Secretariat for the Committee shall be provided by the co-secretaries of the Council of Ministers.
2. After each meeting of the Committee, the record of the meeting shall be sent to the members of the Committee within three weeks of the date of the meeting. The record of each meeting shall be submitted at the start of the next meeting for approval.

#### Article 11

The annual report of the Committee provided for in Article 327(2) of the Convention shall be prepared by the Committee's Secretariat. It shall be submitted to the Committee for approval before being forwarded to the Council of Ministers.

**Article 12**

This Decision shall enter into force on the same day as the Agreement amending the Fourth ACP-EC Convention.

Done at Harare, on 14 July 1997

For the ACP-EC Council of Ministers  
N. SHAMUYARIRA



The Chairman

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**DECISION No 4/97 OF THE ACP-EC COUNCIL OF MINISTERS  
of 14 July 1997**

**appointing members, at ministerial level,  
of the ACP-EC Development Finance Cooperation Committee**

**THE ACP-EC COUNCIL OF MINISTERS,**

Having regard to the Fourth ACP-EC Convention signed at Lomé on 15 December 1989, as amended by the Agreement amending the Fourth ACP-EC Convention of Lomé, signed in Mauritius on 4 November 1995 (hereinafter referred to as "the Convention") and in particular Article 325 thereof,

Having regard to Decision No 3/97 of the ACP-EC Council of Ministers of 14 July 1997 adopting the Rules of Procedure of the ACP-EC Development Finance Cooperation Committee, hereinafter referred to as "the Committee", and in particular Article 1(1) and (2) thereof,

Whereas the Council of Ministers is required to appoint each year the representatives of the Community and of the ACP States within the Committee meeting at ministerial level; whereas a Minister for each Member State, a member of the Commission of the European Communities and, on the basis of parity, Ministers of the ACP States should be appointed;

Whereas it is appropriate to take account, in this Decision of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden,

HAS DECIDED AS FOLLOWS:

Article 1

The following shall be appointed members of the Committee sitting at ministerial level:

A. Representatives of the Community

(a) Member States

1. Belgium : the Minister for Foreign Affairs, Brussels
2. Denmark : the Minister for Foreign Affairs, Copenhagen
3. Germany : the Federal Minister for Economic Cooperation and Development, Bonn
4. Greece : the Minister for Foreign Affairs, Athens
5. Spain : the Minister for Foreign Affairs, Madrid

6. France : the Minister for Foreign Affairs, Paris
7. Ireland : the Minister for Foreign Affairs, Dublin
8. Italy : the Minister for Foreign Affairs, Rome
9. Luxembourg : the Minister for Foreign Affairs, Luxembourg
10. Netherlands : the Minister for Foreign Affairs, the Hague
11. Austria : the Federal Minister for Foreign Affairs, Vienna
12. Portugal : the Minister for Foreign Affairs, Lisbon
13. Finland : the Minister for Foreign Affairs, Helsinki
14. Sweden : the Minister for Foreign Affairs, Stockholm
15. United Kingdom : the Minister for Overseas Development, London

(b) Commission

The Commission Member responsible for development, Brussels.



**B. Representatives of the ACP States**

A representative at ministerial level from each of the following ACP States:

(a) Central Africa

1. Congo
2. Chad
3. Zaire

(b) East Africa

4. Eritrea
5. Ethiopia
6. Kenya

(c) West Africa

7. Côte d'Ivoire
8. Ghana
9. Senegal

(d) Southern Africa

10. Botswana
11. Lesotho
12. Malawi

(e) Caribbean

13. Guyana

14. Trinidad and Tobago

(f) Pacific

15. Papua New Guinea

16. Western Samoa

Article 2

A representative of the European Investment Bank shall be present at the Committee's meetings.

Article 3

This Decision shall enter into force on the same day as the Agreement amending the Fourth ACP-EC Convention.

Done at Harare, 14 July 1997,

By the ACP-EC Council of Ministers

N. SHAMUYARIRA



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**DECISION No 5/97  
OF THE ACP-EC COUNCIL OF MINISTERS  
of 19 December 1997**

adopting special financial arrangements to ensure the  
continued operation of the Centre for the Development of Industry and the Joint Assembly  
in 1998

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the Fourth ACP-EC Convention signed at Lomé on 15 December 1989 and  
the Financial Protocol thereto, and in particular the second subparagraph of Article 366(2)  
thereof,

Whereas the Agreement amending the Fourth ACP-EC Lomé Convention, signed at Mauritius on 4 November 1995, is unlikely to enter into force until some time in 1998;

Whereas the amount allocated to the Centre for the Development of Industry (CDI) and to the Joint Assembly under Article 3(2)(i) and (ii) of the First Financial Protocol is exhausted;

Whereas, pending the entry into force of the Internal Financing Agreement, the CDI and the Joint Assembly will lack financial resources to cover their requirements for 1998;

Whereas the last subparagraph of Article 366(2) of the Fourth ACP-EC Convention provides, *inter alia*, that "the Council of Ministers shall adopt any transitional measures that may be required in respect of the amended provisions until they come into force";

Whereas unallocated grants from the first five EDFs could meet the requirements of the CDI and the Joint Assembly during 1998;

Whereas these resources can be made available only temporarily, however, in the form of an advance on the eighth EDF,

HAS DECIDED AS FOLLOWS:

Article 1

Existing and future unallocated grants from the first five EDFs, leaving aside outstanding amounts intended for funding the eighth EDF in accordance with the 8th EDF Internal Agreement, shall be transferred to the unallocated grant resources of the seventh EDF.

Article 2

By way of an advance on the eighth EDF, pending its entry into force, the following maximum amount shall be taken from the unallocated grant resources of the seventh EDF:

- ECU 11 787 955,39 to finance the CDI's budget in 1998,
- ECU 600 000 to cover the Joint Assembly's running costs in 1998.

The amount thus taken shall be restored to the seventh EDF once the Second Financial Protocol enters into force.

Article 3

Should the Second Financial Protocol still not have entered into force on 1 January 1999, any remaining resources from funds intended to finance the CDI and the Joint Assembly which have not been spent in the 1998 financial year shall be automatically carried over to 1999.

Article 4

This Decision shall enter into force on the day it is approved.

It shall apply until the date on which the Second Financial Protocol enters into force.

Done at Brussels, 19 December 1997

For the ACP-EC Council of Ministers  
The President



F. BODEN

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**FOURTH ACP-EC CONVENTION OF LOME  
AS REVISED BY THE AGREEMENT  
signed in Mauritius on 4 November 1995**

**Rules of Procedure of the  
COUNCIL OF MINISTERS**

## RULES OF PROCEDURE OF THE COUNCIL OF MINISTERS

### Article 1

1. The Council of Ministers, hereinafter called the "Council", shall be convened by its President for the annual meeting provided for in Article 341(1) of the Fourth ACP-EC Convention, hereinafter referred to as the "Convention" on a date to be fixed by the President after consulting the members of the Council.

2. The Council shall likewise meet, in special session, at the request either of the ACP States or of the Community, on a date to be fixed by the President after consulting the members of the Council.

### Article 2

The Council shall meet either where the meetings of the Council of the European Union are usually held or at the seat of the General Secretariat of the ACP Group of States or in a city of one of the ACP States, in accordance with the decision taken by the Council.

### Article 3

1. The provisional agenda for each meeting shall be drawn up by the President. It shall be communicated to the other members of the Council at least thirty days before the beginning of the meeting.

The provisional agenda shall consist of those items in respect of which a request for inclusion has reached the President at least thirty days before the beginning of the meeting.

The only items to appear on the provisional agenda shall be those in respect of which the relevant documentation has been transmitted to the Secretariat of the Council in time to be forwarded to the members of the Council and to the members of the Committee of Ambassadors, hereinafter called the "Committee", at least twenty-one days before the beginning of the meeting.



2. The agenda shall be adopted by the Council at the beginning of each meeting. In urgent cases the Council may decide, at the request of the ACP States or of the Community, to include on the agenda items in respect of which the time-limits laid down in paragraph 1 have not been observed.

3. The provisional agenda may be divided into a part A and a part B.

Items entered in part A shall be those on which approval by the Council is possible without debate.

Items entered in part B are those matters which require debate by the Council. In this context, the Council may hold a thorough examination of major areas of cooperation, if need be after preparatory work in accordance with Article 342(6) of the Convention.

4. The Ministers present at a Council meeting may decide to have an exchange of views on certain items of common interest (C items) which will be of an informal nature and which shall not be part of the formal business of the Council.

#### Article 4

1. The members of the Council may be accompanied by advisers to assist them.

2. The composition of each delegation shall be communicated to the President before the beginning of each meeting.

3. The proceedings of the Council shall be valid only if at least half the members of the Council of the European Union, one member of the Commission and two-thirds of the members representing the Governments of the ACP States are present.

4. Any member of the Council unable to attend may be represented. In this case he shall inform the President and shall indicate the person or delegation authorized to represent him. The representative shall exercise all the rights of the member unable to attend.

5. A representative of the European Investment Bank, hereafter referred to as the "Bank" shall be present at meetings of the Council when matters from the areas which concern the Bank are on the agenda.

#### Article 5

1. Representatives of Signatory States to the Convention, which on the date of entry into force of the Convention have not yet completed the procedures referred to in Article 359 thereof, may participate in Council meetings.

2. They may in this case be authorized to take part in Council debates.

3. These Rules of Procedure, and in particular Article 4(1), (2) and (4) thereof, shall also apply to such representatives.

#### Article 6

1. Unless otherwise decided, meetings of the Council shall not be public. Entry to meetings of the Council shall be subject to the showing of a pass.

2. Without prejudice to such other provisions as may apply, the deliberations of the Council shall be covered by the obligation of professional secrecy unless the Council should decide otherwise.

#### Article 7

The Council may be required to reach a decision on an urgent matter by correspondence in cases where agreement is given to the use of this procedure. Agreement may be obtained either during a meeting of the Council or in the Committee or in accordance with the conditions laid down by it.

At the same time as this procedure is decided upon, a time-limit may be fixed within which replies shall be given. On the expiry of this time-limit, the Chairman of the Council shall decide, on the basis of a report from the two Secretaries of the Council, whether, in view of the replies received, joint agreement may be considered to have been reached.

Where the procedure provided for in this Article is used, the Council shall take its decision in accordance with Article 338 of the Convention.

#### Article 8

The Presidents of the two parties, assisted by advisers, may hold regular consultations and exchanges of views between meetings of the Council.

#### Article 9

All communications provided for in these Rules of Procedure shall be transmitted through the Secretariat of the Council to the Representatives of the ACP States, the General Secretariat of the ACP Group of States, the Permanent Representatives of the Member States, the General Secretariat of the Council of the European Union and the General Secretariat of the Commission.

Such communications shall also be sent to the President of the European Investment Bank when they concern the Bank.

#### Article 10

Minutes shall be kept of each meeting mentioning in particular the decisions taken by the Council.

After their approval by the Council, the minutes shall be signed by the President-in-Office and by the two Secretaries of the Council and shall be kept in the archives of the Council. A copy of the minutes shall be forwarded to the recipients referred to in Article 9.

#### Article 11

Unless otherwise decided, the Council shall base its deliberations on documentation prepared in Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish.

Any member of the Council may object to the discussion of a text proposed during a meeting if that text is not made available in one of the languages referred to in the first paragraph which he specifies.

#### Article 12

All decisions, resolutions, recommendations and opinions within the meaning of Article 342 of the Convention shall be divided into Articles.

The acts referred to in the preceding paragraph shall end with the formula "Done at ....., .....", the date to be inserted being that on which they are adopted by the Council.

#### Article 13

Decisions within the meaning of Article 342(2) of the Convention shall be entitled "Decision", followed by a serial number, date of adoption and a description of their subject.

Decisions shall specify the date on which they are to enter into force. They shall incorporate the following sentence: "The ACP States, the Member States and the Community shall be required, each for its own part, to take the necessary steps to implement this Decision".

#### Article 14

Resolutions, declarations, recommendations and opinions within the meaning of Article 342(3) of the Convention shall be entitled "Resolution", "Declaration", "Recommendation" or "Opinion", followed by a serial number, date of adoption and a description of their subject.

### Article 15

1. Acts adopted by the Council shall be signed by the President and shall be kept in the archives of the Council.
2. These acts shall be transmitted, through the two Secretaries of the Council, to the recipients referred to in Article 9.

### Article 16

The office of President of the Council shall be held alternately as follows:

- from 1 April to 30 September by a member of the Government of an ACP State,
- from 1 October to 31 March by a member of the Council of the European Union.

### Article 17

The Council may delegate to the Committee some of its powers pursuant to Article 345 of the Convention.

### Article 18

1. The conditions under which the Committee meets shall be laid down in its Rules of Procedure.
2. The Committee shall be responsible for preparing the meetings of the Council and for carrying out any mandate which the Council may entrust to it.

3. The Convention, and in particular Article 338 thereof, as well as Articles 7 and 12 to 15 of these Rules of Procedure, shall apply to acts adopted by the Committee pursuant to paragraph 2 of this Article.

#### Article 19

When the Council participates in the proceedings of the Joint Assembly in the context of the first paragraph of Article 350 of the Convention, it shall be represented by its President. Should the President be unable to attend, he shall designate the member who is to take his place.

#### Article 20

1. When a Contracting Party requests consultations pursuant to the third paragraph of Article 11 of the Convention, such consultations shall be held within the Council as soon as possible and as a general rule within thirty days of the request.
2. The body responsible may be the Council, the Committee or an ad hoc Working Party.

#### Article 21

1. When the ACP States request consultations pursuant to the second paragraph of Article 12 of the Convention, such consultations shall be held promptly, as a general rule within 15 days of the request.
2. The body responsible may be the Council, the Committee or an ad hoc Working Party.

### Article 22

Regional economic groupings of the ACP States may be represented at meetings of the Council and Committee as observers subject to a prior decision of the Council in accordance with Annex VII to the Final Act of the Convention.

### Article 23

1. When consultations are requested pursuant to Article 366a(2) of the Convention, they must begin no later than fifteen days after the request and as a rule last no longer than thirty days.
2. For the purposes of such consultations:
  - the Community side shall be represented by its Presidency, assisted by the previous and next Member States to hold the Presidency, together with the Commission;
  - the ACP side shall be represented by the ACP State holding the co-Presidency, assisted by the previous and next ACP States to hold the co-Presidency. In addition to the ACP party concerned, two additional members of the Council chosen by that party shall also take part in the consultations.
3. By mutual agreement between the parties concerned, the consultations may be held at a level other than Council level.
4. By mutual agreement between the parties concerned, any person referred to in paragraph 2 may send a representative.

Article 24

The Secretariat of the Council and of the Committee shall be run jointly by two Secretaries.

These two Secretaries shall be appointed after joint consultation, one by the ACP States and the other by the Community.

The Secretaries shall perform their duties in complete independence with a view solely to the interests of the Convention and shall neither seek nor take instructions from any Government, organization or authority other than the Council and the Committee.

Correspondence intended for the Council shall be sent to the President thereof at the seat of the Council Secretariat.

Done at Luxembourg, 24 April 1997



For the ACP-EC Council of Ministers

The President

RABUKA



**FOURTH ACP-EC CONVENTION OF LOME**  
**AS REVISED BY THE AGREEMENT**  
**signed in Mauritius on 4 November 1995**

**Rules of Procedure of the**  
**COMMITTEE OF AMBASSADORS**

## RULES OF PROCEDURE OF THE COMMITTEE OF AMBASSADORS

### Article 1

The Committee of Ambassadors, hereinafter called the "Committee" shall meet on a date to be fixed by it by mutual agreement between the ACP States and the Community.

The Committee may, in urgent cases, meet on another date at the request either of the ACP States or of the Community. The Chairman shall decide on the new date after consulting the other members of the Committee.

### Article 2

The Committee shall meet at the places where the meetings of the Council of the European Union are usually held or at the seat of the General Secretariat of the ACP Group of States. However, it may, by special decision, meet in a city of an ACP State.

### Article 3

1. The provisional agenda for each meeting shall be drawn up by the Chairman. It shall be communicated to the other members of the Committee at least eight days before the date of the meeting.

The provisional agenda shall consist of those items in respect of which a request for inclusion has reached the Chairman ten days before the date of the meeting.

The only items to appear on the provisional agenda shall be those in respect of which relevant documentation has been transmitted to the Secretariat of the Council of Ministers, hereafter referred to as the "Council" in time to be forwarded to the members of the Committee at least eight days before the date of the meeting.

2. The agenda shall be adopted by the Committee at the beginning of each meeting. In urgent cases, the Committee may decide, at the request of the ACP States or of the Community, to include on the agenda items in respect of which the time-limits laid down in paragraph 1 have not been observed.
3. When the Committee meets in the circumstances referred to in the second paragraph of Article 1, the time-limits laid down in paragraph 1 of this Article may be shortened.

#### Article 4

1. The members of the Committee may be accompanied by advisers.

Any member of the Committee unable to attend may be represented by persons appointed by them. The representative shall exercise all the rights of the member who is unable to attend.

2. A representative of the European Investment Bank hereafter referred to as the "Bank" shall attend meetings of the Committee when matters from the areas which concern the Bank are on the agenda.

#### Article 5

1. Representatives of Signatory States to the Fourth ACP-EC Convention, hereafter referred to as the "Convention", which on the date of entry into force of the Convention have not yet completed the procedures referred to in Article 359 thereof, may participate in Committee meetings.
2. They may in this case be authorized to take part in Committee debates.
3. These Rules of Procedure, and in particular Article 4(1), shall also apply to such representatives.

#### Article 6

1. Unless otherwise decided, meetings of the Committee shall not be public.
2. Without prejudice to such other provisions as may apply, the deliberations of the Committee shall be covered by the obligation of professional secrecy unless the Committee should decide otherwise.

#### Article 7

All communications provided for in these Rules of Procedure shall be transmitted through the Council Secretariat to the representatives of the ACP States, to the General Secretariat of the ACP Group of States, to the Permanent Representatives of the Member States, to the General Secretariat of the Council of the European Union and to the General Secretariat of the Commission.

Such communications shall also be sent to the President of the Bank when they concern the Bank.

#### Article 8

Minutes shall be kept of each meeting, mentioning in particular the decisions taken by the Committee.

After their approval by the Committee, the minutes shall be signed by the Chairman of the Committee and by the Secretaries of the Council and shall be kept in the archives of the Council. A copy of the minutes shall be forwarded to the recipients referred to in Article 7.

#### Article 9

The office of Chairman of the Committee shall be held alternately for periods of six months, by the ACP States and by the Community, under the conditions laid down in Article 347(1) of the Convention.

Article 10

Correspondence intended for the Committee shall be sent to the Chairman thereof at the seat of the Council Secretariat.

Article 11

1. Unless otherwise decided, the Committee shall base its deliberations on documentation prepared in Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish.

2. Any member of the Committee may object to the discussion of a text proposed during a meeting if that text is not made available in one of the languages referred to in paragraph 1 which he specifies.

Article 12

The proceedings of the Committee shall be valid only if at least half of the Permanent Representatives of the Member States of the Community, one Commission representative and half of the Members of the Committee of ACP Ambassadors are present.

Article 13

The Convention, and in particular Article 338 thereof, as well as Articles 7 and 12 to 15 of the Rules of Procedure of the Council of Ministers, shall apply to acts adopted by the Committee.

#### Article 14

The Committee shall be assisted by the following subcommittees, in addition to the Commodities Committee provided for in Article 75 of the Convention, the Committee on Industrial Cooperation provided for in Article 87 of the Convention, the Development Finance Cooperation Committee provided for in Article 325, the Customs Cooperation Committee provided for in Article 30 of Protocol No 1 to the Convention and the Permanent Joint Group on Bananas provided for in Protocol No 5 to the Convention:

- (i) Subcommittee for Cooperation on Agricultural and Rural Development;
- (ii) Subcommittee on Trade Cooperation;
- (iii) Subcommittee on the Stabilization of Export Earnings;
- (iv) Subcommittee on Sugar;
- (v) Subcommittee for the special problems of the least-developed, landlocked and island countries.

The Committee may, if necessary, set up other subcommittees.

#### Article 15

Each Committee or Subcommittee and the Group referred to in Article 14 shall be composed of at least five ACP Ambassadors or their representatives and, as regards the Community, of at least one Permanent Representative of the Member States of the Community and/or a representative of the Commission.

A representative of the Bank shall be present at meetings of those Committees or Subcommittees and the Group when matters which concern the Bank appear on the agenda.

#### Article 16

Without prejudice to Article 15, any member of the Committee or his representative may participate in any meetings of the Committees or Subcommittees and the Group referred to in Article 14.

#### Article 17

1. Each Committee or Subcommittee and the Group referred to in Article 14 shall be presided over jointly by an Ambassador, on the ACP side and, on the Community side, by a Permanent Representative. A Director-General or Deputy Director-General of the Commission may be Chairman on the Community side when he is personally designated by the Community to represent it.

2. Without prejudice to paragraph 1, each co-Chairman may, in exceptional circumstances and by mutual agreement, be represented by any person whom he may designate.

#### Article 18

Each Committee or Subcommittee and the Group referred to in Article 14 shall meet at the request of either of the parties and after consultation between the Chairmen following a period of notice which, except in urgent cases, shall be seven days.

#### Article 19

The Committees or Subcommittees and the Group referred to in Article 14 shall submit reports on their work to the Committee.

Article 20

Members of the Committee or Subcommittees and the Group referred to in Article 14 may be assisted by experts.

Article 21

With the approval of the Committee, the Customs Cooperation Committee, the Committee on Industrial Cooperation, the Permanent Joint Group on Bananas and the Subcommittee for Cooperation on Agricultural and Rural Development may draw up their own rules of procedure.

Article 22

Secretarial and other work required for the functioning of the Committee and of the Committees or Subcommittees and the Group referred to in Article 14 (preparation of agendas and circulation of documents relating thereto, etc.) shall be carried out by the Council Secretariat.

Article 23

The Secretariat shall, as soon as possible after each meeting of the Committees or Subcommittees and the Group referred to in Article 14, draw up the record of the meeting.

This record shall be transmitted by the Council Secretariat to the Representatives of the ACP States, the General Secretariat of the ACP Group of States, the Permanent Representatives of the Member States, the General Secretariat of the Council of the European Union and the General Secretariat of the Commission.

Done at Luxembourg, 24 April 1997

For the ACP-EC Council of Ministers

The Chairman

RABUKA





COUNCIL DECISION

of 22 April 1997

approving the Agreement in the form of an exchange of letters between the Community and the ACP States concerning Annex XL to the fourth ACP-EC Convention relating to the Joint Declaration concerning agricultural products referred to in Article 168 (2) (a) (ii)

(97/683/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement in the form of an exchange of letters between the Community and the ACP States concerning Annex XL to the fourth ACP-EC Convention relating to the Joint Declaration concerning agricultural products referred to in Article 168 (2) (a) (ii) should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an exchange of letters between the Community and the ACP States concerning Annex XL to the fourth ACP-EC Convention relating to the Joint Declaration concerning agricultural products

referred to in Article 168 (2) (a) (ii) is hereby approved on behalf of the Community and shall apply with effect from 1 January 1996.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council shall notify the ACP States of the Agreement in the form of an exchange of letters on behalf of the European Community.

*Article 3*

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

Done at Luxembourg, 22 April 1997.

*For the Council*

*The President*

J. VAN AARTSEN



ANNEX

to the Commission Regulation of 20 October 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code (*)	Standard import value
0702 00 40	052	92,9
	204	54,5
	999	73,7
0709 90 79	052	70,2
	999	70,2
0805 30 30	052	83,5
	388	56,0
	524	54,2
	528	57,5
	999	62,8
0806 10 40	052	86,7
	064	50,9
	400	225,5
	504	265,3
	999	157,1
0808 10 92, 0808 10 94, 0808 10 98	052	59,0
	060	55,3
	064	47,7
	388	79,3
	400	79,0
	404	75,4
	528	52,4
	800	156,1
	999	75,5
	0808 20 57	052
064		81,2
400		73,0
999		80,4

(\*) Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ L 14, 19. 1. 1996, p. 6). Code '999' stands for 'of other origin'.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the Community and the ACP States concerning Annex XL to the fourth ACP-EC Convention relating to the Joint Declaration concerning agricultural products referred to in Article 168 (2) (a) (ii)

*A. Letter from the Community*

Brussels, 12 June 1997.

Sir,

Annex XL set out in the fourth ACP-EC Convention is replaced by the text set out in point 81 of the Agreement amending the fourth ACP-EC Convention of Lomé, signed in Mauritius on 4 November 1995.

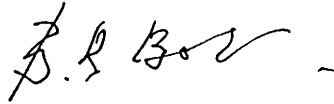
However, in its present form the text will have to be adapted to take account of the results of the Uruguay Round negotiations which have been transposed into the Common Customs Tariff adopted by the Community in consequence.

Aware of that, the Community has undertaken to bring the text of Annex XL signed in Mauritius up to date and has consulted the ACP States on this matter over the last few months.

I enclose the final revised text in annex and should be obliged if you would confirm that the ACP States have taken note thereof.

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

*On behalf of the Council  
of the European Union*



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*ANNEX*

*ANNEX XL*

**Joint Declaration concerning agricultural products referred to in Article 168 (2) (a) (ii)**

The Contracting Parties have taken note that the Community intends to take the measures mentioned in the Annex, and which are laid down at the date of signing of the Convention, with a view to granting ACP States the preferential treatment provided for in Article 168 (2) (a) (ii), for certain agricultural and processed products.

They have taken note that the Community declares that it will take all the measures required to ensure that the corresponding agricultural regulations are adopted in good time and that, wherever possible, they come into force at the same time as the interim arrangements which will be introduced after the signing of the Agreement amending the fourth ACP-EC Convention of Lomé, signed in Mauritius on 4 November 1995.

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Import treatment applicable to agricultural products and foodstuffs originating in the ACP States

Common organization of market	Special treatment for the ACP States
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1 BEEF AND VEAL

CN code:

- 0102 90 05
- 0102 90 21
- 0102 90 29
- 0102 90 41
- 0102 90 49
- 0102 90 51
- 0102 90 59
- 0102 90 61
- 0102 90 69
- 0102 90 71
- 0102 90 79
- 0201
- 0202
- 0206 10 91
- 0206 10 95
- 0206 10 99
- 0206 21 00
- 0206 22 90
- 0206 29 91
- 0206 29 99
- 0210 20
- 0210 90 41
- 0210 90 49
- 0210 90 90
- cx 1502 00 90
- 1602 50 10
- 1602 50 31
- 1602 50 39
- 1602 50 80
- 1602 90 61
- 1602 90 69

- cx 1602 10 00
- cx 1602 20 90
- cx 1602 90 10

Exemption from *ad valorem* customs duties for the following products covered by the common organization of the market:

Where, in the course of a year, imports of beef and veal falling within CN codes 0201, 0202, 0206 10 95, 0206 29 91, 1602 50 10 and 1602 90 61, originating in an ACP State exceed the greatest quantity of Community imports recorded for one year between 1969 and 1974 inclusive for the origin in question, plus an annual growth rate of 7 %, exemption from customs duties on the products of that origin shall be partially or totally suspended.

In such case, the Commission shall report to the Council of Ministers of the European Union, who acting by a qualified majority on a proposal from the Commission, shall decide on the treatment to be applied to the imports concerned.

16 % reduction in the customs duty for the following products:

- Homogenized preparations of beef and veal
- Preparations of cows' or calves' liver
- Preparations of cows' or calves' blood

2. SHEEPMEAT AND GOATMEAT

CN code:

- 0104
- 0204
- 0206 80 99
- 0206 90 99
- 0210 90 11
- 0210 90 19
- 0210 90 60
- cx 1502 00 90
- 1602 90 72
- 1602 90 74
- 1602 90 76
- 1602 90 78

Exemption from *ad valorem* customs duties for the following products covered by the common organization of the market

Non-application of specific CCT duties for an annual quota of 100 tonnes for CN codes:

- (a) 0104 10 30
- 0104 10 80
- 0104 20 90
- (other than pure-bred breeding animals);

- (b) 0204
- 0210 90 11
- 0210 90 19
- (other than meat of domestic sheep).

For this meat, reduction 65 % of specific CCT duties for an annual quota of 500 tonnes

Common organization of market	Special treatment for the ACP States
ex 1602 10 00 ex 1602 20 90 ex 1602 90 10	16 % reduction in the customs duty for the following products: Homogenized preparations of sheepmeat and goatmeat Preparations of sheep's or goats' liver Preparations of sheep's or goats' blood

3. POULTRY MEAT

CN code:

0105 11 11  
 0105 11 19  
 0105 11 91  
 0105 11 99  
 0105 92 00  
 0105 93 00  
  
 0105 12 00  
 0105 19 20  
 0105 99 20  
 0105 99 30  
  
 0105 19 90  
 0105 99 10  
 0105 99 50  
  
 0209 00 90  
  
 0210 90 71  
 0210 90 79  
  
 1501 00 90

0207  
 1602 31  
 1602 32 11  
 1602 32 19  
 1602 32 30  
 1602 32 90  
 1602 39

16 % reduction in the customs duty for the following products:

- Fowl of the species *Gallus domesticus*
  
- Geese and turkeys
  
- Ducks and guinea fowls
  
- Poultry fat, fresh, chilled or frozen
- Offal of poultry livers
  
- Poultry fat, rendered
  
- Reduction of the CCT duty by 65 % for:
  - poultry meat up to an annual quota of 400 tonnes
  - other preserved or prepared poultry meat and offal up to an annual quota of 500 tonnes

4. DAIRY PRODUCTS

CN code:

0401  
  
 0403 10 11  
 0403 10 13  
 0403 10 19  
 0403 10 31  
 0403 10 33  
 0403 10 39  
  
 0403 90 11 to  
 0403 90 69  
  
 0404 10  
  
 0404 90  
  
 0405  
  
 1702 11 00  
 1702 19 00  
  
 2106 90 51

16 % reduction in import duties for the following products:

- Milk and cream, non-concentrated nor containing added sugar or other sweetening matter
- Yogurt, not flavoured nor containing added fruit, nuts or cocoa
  
- Other fermented or acidified milk and cream, not flavoured nor containing added fruit, nuts or cocoa
- Whey and modified whey
- Products consisting of natural milk constituents
- Butter and other fats and oils derived from milk
- Lactose and lactose syrup
- Lactose syrup, flavoured or coloured

Common organization of market	Special treatment for the ACP States
2309 10 15 2309 10 19 2309 10 39 2309 10 59 2309 10 70	Dog or cat food containing more than 50 % of milk products
2309 90 35 2309 90 39 2309 90 49 2309 90 59 2309 90 70	Other preparations of a kind used for animal feeding containing more than 50 % of milk products
0402	Reduction of third country customs duties by 65 % for: — milk and cream, concentrated or containing added sugar within the limits of an annual quota of 1 000 tonnes
0406	— cheese and curd within the limits of an annual quota of 1 000 tonnes
5. EGGS	
CN code:	16 % reduction in customs duties for products covered by the common organizations of the markets:
0407 00 11 0407 00 19 0407 00 30	Poultry eggs
0408 11 80 0408 19 81 0408 19 89	Yolks of birds' eggs
0408 91 80 0408 99 80	Birds' eggs
6. PIGMEAT	
CN code:	16 % reduction in customs duties on the following products:
0103 91 10 0103 92 11 0103 92 19	Live swine other than pure-bred breeding animals
1501 00 11 1501 00 19	Pig fat (including lard)
ex 1602 10 00 ex 1602 20 90 1602 41 10 1602 42 10 1602 49	Prepared or preserved meat of swine
ex 1602 90 10 1602 90 51 1902 20 30	Stuffed pasta, whether or not cooked or otherwise prepared, containing more than 20 % by weight of sausages and the like, of meat and meat offal of any kind, including fats of any kind or origin
0203 11 10 0203 12 11 0203 12 19 0203 19 11 0203 19 13 0203 19 15	50 % reduction in customs duty within an annual quota of 500 tonnes for the following products: Meat of swine, fresh or chilled

Common organization of market	Special treatment for the ACP States
ex 0203 19 55 0203 19 59	except tenderloin, presented singly
0203 21 10 0203 22 11 0203 22 19 0203 29 11 0203 29 13 0203 29 15	Meat of swine, frozen
ex 0203 29 55 0203 29 59	except tenderloin, presented singly
0206 30 21 0206 30 31	Offal of domestic swine, fresh or chilled
0206 41 91 0206 49 91	Offal of domestic swine, frozen
0209 00 11 0209 00 19 0209 00 30	Pig fat
0210 11 11 to 0210 11 39	Hams, shoulders and cuts thereof, with bone in, of domestic swine salted, dried or smoked
0210 12 11 0210 12 19	Bellies of domestic swine, salted, dried or smoked
0210 19 10 to 0210 19 89	Other cuts of domestic swine, salted, dried or smoked
0210 90 31 0210 90 39	Edible flours and meals of offal of domestic swine
1601 00	Reduction of customs duty by 65 % within an annual quota of 500 tonnes for: — Sausages and similar products of meat, meat offal and blood

7. FISHERY PRODUCTS

CN code:

03  
1604  
1605  
1902 20 10  
2301 20 00

Exemption of customs duties for all products covered by the common organization of the market

8. SUGAR

CN code:

1212 91 20  
1212 91 80  
1212 92 00  
1702 20 10  
1702 20 90  
1702 30 10  
1702 40 10  
1702 60 10  
1702 60 90  
1702 90 30  
1702 90 60  
1702 90 71  
1702 90 80  
1702 90 99

16 % reduction in customs duties for the following products:

Sugar beet  
  
Sugar cane  
Maple sugar and maple syrup  
Isoglucose  
Other fructose and fructose syrup  
Other, including invert sugar



Common organization of market	Special treatment for the ACP States
2106 90 30 2106 90 59	Isoglucose syrups Sugar syrups as food preparations  This reduction will not be applicable when the Community, in accordance with its Uruguay Round commitments, applies additional duties  Exemption from third country customs duty within the limits of an annual quota of 600 000 tonnes for:  — molasses
1703	

9. OIL SEEDS AND OLEAGINOUS FRUIT

CN code:

1201 00 90  
 1202 10 90  
 1202 20 00  
 1203 00 00  
 1204 00 90  
 1205 00 90  
 1206 00 91  
 1206 00 99  
 1207 10 90  
 1207 20 90  
 1207 30 90  
 1207 40 90  
 1207 50 90  
 1207 60 90  
 1207 91 90  
 1207 92 90  
 1207 99 91  
 1207 99 99  
 1208  
 1504  
 1507  
 1508  
 1509 90 00  
 1510 00 90  
 1511  
 1512  
 1513  
 1514  
 1515 11 00  
 1515 19  
 1515 21  
 1515 29  
 1515 50  
 1515 90 21  
 1515 90 29  
 1515 90 31  
 1515 90 39  
 1515 90 40  
 1515 90 51  
 1515 90 59  
 1515 90 60  
 1515 90 91  
 1515 90 99  
 1516 10  
 1516 20 91  
 1516 20 95  
 1516 20 96  
 1516 20 98  
 1517 10 90

Exemption from customs duties for all products covered by the common organization of the market

Exemption from customs duties

Common organization of market		Special treatment for the ACP States
1517 90 91		
1517 90 99		
1518 00 31		
1518 00 39		
1522 00 91		
1522 00 99		
2304 00 00		
2305 00 00		
2306 10 00		
2306 20 00		
2306 30 00		
2306 40 00		
2306 50 00		
2306 60 00		
2306 70 00		
2306 90 90		
<b>10. CEREALS</b>		
CN code:		
0709 90 60	Sweet corn	Reduction of customs duty by ECU 1,81/tonne
0712 90 16		
1005 10 90		
1005 90 00		
1007 00	Sorghum	60 % reduction in customs duty within the limit of an annual ceiling of 100 000 tonnes
1008 20 00	Millet	Non-application of customs duty within the limit of an annual ceiling of 60 000 tonnes 50 % reduction in the customs duty can be reintroduced above the annual ceiling for sorghum and millet
1101 00		16 % reduction in customs duties on the following products: Wheat or meslin flour
1102 10 00		Rye flour
1103 11		Groats and meal of wheat
1103 21 00		Pellets of wheat 50 % reduction in the customs duty within a quota of 15 000 tonnes for the following products: Wheat and meslin, except spelt for sowing
1001 10 00		
1001 90 91		
1001 90 99		
1002 00 00		Rye
1003 00 10		Barley
1003 00 90		
1004 00 00		Oats
1008 10 00		Buckwheat
1008 30 00		Canary seed
1008 90 10		Triticale
1008 90 90		Other cereals
<b>11. RICE</b>		
CN Code:		
1006 10 21	Paddy rice, except for sowing	In compliance with common rules, reduction of customs duty per 1 000 kg: — for paddy rice, by 65 % and ECU 4,34
to		
1006 10 98		

Common organization of market		Special treatment for the ACP States
1006 20	Husked rice	— for husked rice, by 65 % and ECU 4,34
1006 30	Milled and semi-milled rice	— for milled and semi-milled rice, by ECU 16,78, subsequently reduced by 65 % and ECU 6,52
1006 40 00	Broken rice	— for broken rice, by 65 % and ECU 3,62
		This exception is valid only if a charge of an equivalent amount is levied at the time of export by the ACP State concerned.
		Should 125 000 tonnes (husked rice equivalent) of rice (CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30) and 20 000 tonnes of broken rice (CN code 1006 40 00) be exceeded, the general third-country arrangement shall apply.

## 12. CEREAL SUBSTITUTES AND PROCESSED CEREAL AND RICE PRODUCTS

CN code:	Exemption from customs duties for the following products:
0714 10 91	Manioc
0714 20	Sweet potatoes
0714 90 11	Arrowroot
ex 0714 90 19	
ex 1106 20	Arrowroot flour and meal
ex 1108 19 90	Arrowroot starch
2309 10 11	Dog or cat food, put up for retail sale
2309 10 31	
1108 14 00	50 % reduction in customs duties for the following products: <i>Note:</i> This reduction is additional to the per tonne ECU 24,8 reductions for these same products (see below).
ex 1108 19 90	Manioc starch
	Other starches, other than arrowroot
	ECU 6,19 reduction per tonne for the following products:
0714 10 99	Other roots and tubers
ex 0714 90 19	Other roots, other than arrowroot
	ECU 8,38 reduction per tonne for the following products:
0714 10 10	Manioc roots
	ECU 7,98 reduction per tonne for the following products:
ex 1106 20 10	Flour and meal of sago, roots or tubers of heading No 0714, denatured, other than arrowroot flour or meal
	ECU 29,18 reduction per tonne for the following products:
ex 1106 20 90	Flour and meal of sago, roots or tubers of heading No 0714, other than denatured, other than arrowroot flour or meal
	ECU 7,3 reduction per tonne for the following products:
1102 20 10	Maize flour
1102 90 10	Barley flour
1102 90 30	Rice flour
1103 12 00	Oat groats and meal
1103 13 10	Maize groats and meal

Common organization of market	Special treatment for the ACP States
1103 19 10	Rye groats and meal
1103 19 30	Barley groats and meal
1103 21 00	Wheat pellets
1103 29 10	Rye pellets
1103 29 20	Barley pellets
1103 29 30	Oat pellets
1103 29 40	Maize pellets
1104 11 90	Flaked barley
1104 12 90	Flaked oats
1104 19 10	Grains of wheat
1104 19 30	Grains of rye
1104 19 80	Grains of maize
1104 19 91	Flaked rice
1104 19 99	Other flaked grains
1104 21 50	Pearled grains of barley
1104 30	Germ of cereals
	ECU 3,6 reduction per tonne for the following products:
1102 20 90	Maize flour
1102 30 00	Rice flour
1102 90 90	Other cereal flours
1103 13 90	Maize groats and meal
1103 14 00	Rice groats and meal
1103 19 90	Groats and meal of other cereals
1103 29 50	Rice pellets
1103 29 90	Pellets of other cereals
1104 11 10	Rolled barley
1104 12 10	Rolled oats
1104 21 10	Hulled barley
1104 21 30	Hulled barley, sliced or kibbled
1104 21 90	Barley grains, not otherwise worked than kibbled
1104 21 99	Other barley grains
1104 22	Oat grains
1104 23	Maize grains
1104 29	Other cereal grains
	ECU 2,8 reduction per tonne for the following products:
1108 11 00	Wheat starch
1108 12 00	Maize starch
1108 13 00	Potato starch
1108 14 00	Manioc (cassava) starch
1108 19 90	Other starches, exc. rice
	ECU 37,2 reduction per tonne for:
1108 19 10	Rice starch
	ECU 219 reduction per tonne for the following products:
1109 00 00	Wheat gluten
2303 10 11	Residues of starch from maize
	ECU 117 reduction per tonne for the following products:
1702 30 51	Glucose and glucose syrup in the form of white crystalline powder
1702 30 91	Other glucose in the form of white crystalline powder
1702 90 75	Other sugars and molasses in powder form
	ECU 81 reduction per tonne for the following products:
1702 30 59	Other glucose and glucose syrup
1702 30 99	
1702 40 90	
1702 90 50	Maltodextrine and maltodextrine syrup
1702 90 79	Other sugars and molasses
2106 90 55	Glucose syrup and maltodextrine syrup

Common organization of market	Special treatment for the ACP States
<p>2302 10 2302 20 2302 30 2302 40</p> <p>2309 10 13 2309 10 33 2309 10 51 2309 10 53 2309 90 31 2309 90 33 2309 90 41 2309 90 43 2309 90 51 2309 90 53</p>	<p>ECU 7,2 reduction for the following products:</p> <p>Maize bran Rice bran Wheat bran Other cereal bran</p> <p>ECU 10,9 reduction per tonne for the following products:</p> <p>Dog or cat food, put up for retail sale</p> <p>Other preparation of a kind used in animal feeding</p>

### 13. FRESH OR CHILLED FRUIT AND VEGETABLES

CN code:

0706 90 30

ex 0706 90 90

ex 0706 90 90

ex 0707 00 10  
ex 0707 00 15  
ex 0707 00 20  
ex 0707 00 35  
ex 0707 00 40

0708

0709 30 00

0709 40 00

0709 51 90

0709 60 10

0709 90 71  
0709 90 73  
0709 90 75  
0709 90 77  
0709 90 79

0709 90 90

0802 31 00 and  
0802 32 00

0802 50 00

0802 90 10

0802 90 50  
0802 90 60  
0802 90 88

0804 30 00  
0804 40  
0804 50 00

0805 30 90

Exemption from customs duty for the following products:

Horse-radish

Salad beetroot

Radishes (*Raphanus sativus*), known as 'mooli'

Small winter cucumbers  
(Exemption limited to the *ad valorem* component of the customs duty)

Leguminous vegetables

Aubergines (egg-plants)

Celery, other than celeriac

Mushrooms, other

Sweet peppers

Courgettes  
(Exemption limited to the *ad valorem* component of the customs duty)

Other vegetables

Walnuts, in shell or shelled

Pistachios

Pecans

Pine nuts  
Macadamia nuts  
Other nuts

Pineapples  
Avocados  
Guavas, mangoes and mangosteens

Limes (*Citrus aurantifolia*)

Common organization of market	Special treatment for the ACP States
0805 40	Grapefruit
0805 90 00	Other citrus fruit
0807 11 00	Melons (including watermelons)
0807 19 00	
0807 20 00	Pawpaws
0809 40 90	Sloes
0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>
0810 90	Other fresh fruit
0813 50 31	Mixtures exclusively of nuts of headings CN code Nos 0801 and 0802
0813 50 39	
	Reduction in customs duties on the following products:
ex 0702 00 45	Tomatoes (other than cherry tomatoes) from 15 November to 30 April: reduction of the <i>ad valorem</i> component of the duty by 60 % within the limits of a quota of 2 000 tonnes
0702 00 50	
0702 00 15	
0702 00 20	
ex 0702 00 45	Cherry tomatoes from 15 November to 30 April: exemption from the <i>ad valorem</i> component of the duty within the limits of a quota of 2 000 tonnes
0702 00 50	
0702 00 15	
0702 00 20	
0703 10 19	Onions, other than sets, from 1 February to 15 May: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
0703 20 00	Garlic from 1 February to 31 May: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
ex 0704 90 90	Chinese cabbage from 1 November to 31 December: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
ex 0705 11 05	Iceberg lettuce from 1 July to 31 October: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
ex 0705 11 10	
ex 0705 11 80	
ex 0706 10 00	Carrots from 1 January to 31 March: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
0709 10	Artichokes from 1 October to 31 December: exemption from the <i>ad valorem</i> component of the customs duty. For the rest of the year, 15 % reduction in the customs duty.
0709 20 00	
	Asparagus:
	— exemption from the customs duty from 15 August to 15 January
	— 40 % reduction from 16 January to 31 January
	— 15 % reduction for the rest of the year
ex 0804 20 10	Figs (fresh) from 1 November to 30 April:
	— exemption from the customs duty within the limits of a ceiling of 200 tonnes
0805 10	Oranges:
	— exemption from the <i>ad valorem</i> component of the customs duty from 15 May to 30 September in the framework of a reference quantity of 25 000 tonnes
	— above this quantity and throughout the year an 80 % reduction in the <i>ad valorem</i> component of the customs duty

Common organization of market	Special treatment for the ACP States
0805 20	<p>Mandarins (including tangerines and satsumas), clementines, wilkings and other similar citrus hybrids:</p> <ul style="list-style-type: none"> <li>— exemption from the customs duty from 15 May to 30 September in the framework of a reference quantity of 4 000 tonnes</li> <li>— above this quantity and throughout the year an 80 % reduction in the <i>ad valorem</i> component of the customs duty</li> </ul>
ex 0806 10 29 ex 0806 10 69	Seedless table grapes: exemption from customs duties from 1 December to 31 January within the limits of a quota of 800 tonnes and from 1 February to 31 March within the limits of a reference quantity of 100 tonnes
0808 10	Apples: reduction in the <i>ad valorem</i> component of the customs duty by 30 % within the limits of a quota of 1 000 tonnes
ex 0808 20	Pears: reduction in the <i>ad valorem</i> component of the customs duty by 65 % within the limits of a quota of 2 000 tonnes
0809 10	Apricots: exemption from the customs duty from 1 September to 30 April. For the rest of the year, a 15 % reduction in the <i>ad valorem</i> component of the customs duty.
ex 0809 20 71 ex 0809 20 79 ex 0809 20 11 ex 0809 20 19	Cherries: exemption from the customs duty from 1 November to 31 March
0809 30	Peaches, including nectarines: exemption from the customs duty from 1 December to 31 March. For the rest of the year, a 15 % reduction in the <i>ad valorem</i> component of the customs duty
0809 40 10 to 0809 40 40	Plums: exemption from the customs duty from 15 December to 31 March. For the rest of the year, a 15 % reduction in the <i>ad valorem</i> component of the customs duty
ex 0810 10 05 ex 0810 10 80	Strawberries: exemption from 1 November to end February in the framework of a quota of 1 600 tonnes
0810 40 50	<p>Reduction of the customs duty to the following levels:</p> <ul style="list-style-type: none"> <li>— 3 % for fruit of the species <i>Vaccinium macrocarpum</i> and <i>Vaccinium corymbosum</i></li> <li>— 5 % for other fruits of the <i>Vaccinium</i> species</li> </ul>
0810 40 90	16 % reduction in customs duties for the following products:
0703 10 90	Shallots
0703 90 00	Leeks and other alliaceous vegetables
0704 10	Cauliflowers and headed broccoli
0704 20 00	Brussels sprouts
0704 90 10	White cabbages and red cabbages
0704 90 90	Other cabbages
0705 11	Cabbage lettuce, except iceberg
0705 19 00	Other lettuce
0705 21 00	Witloof chicory
0705 29 00	Other chicory
ex 0706 10 00	Turnips
0706 90 05	Celeriac
0706 90 11	
0706 90 17	
ex 0707 00 10	Winter cucumbers, other than small cucumbers
ex 0707 00 15	(Reduction limited to the <i>ad valorem</i> component of the customs duty)
ex 0707 00 20	
ex 0707 00 35	
ex 0707 00 40	

Common organization of market	Special treatment for the ACP States
0707 00 90	Gherkins
0709 51 10	Cultivated mushrooms
0709 51 30	Chanterelles
0709 51 50	Flap mushrooms
0709 52 00	Truffles
0709 70 00	Spinach, New Zealand spinach and orache spinach
0709 90 10	Salad vegetables other than lettuce and chicory
0709 90 20	Chard (or white beet) and cardoons
0709 90 40	Capers
0709 90 50	Fennel
0802 11 90	Almonds, other
0802 12 90	
0802 21 00	Hazelnuts
0802 22 00	
0802 40 00	Chestnuts
0808 20 90	Quinces
0810 20 10	Raspberries
0810 20 90	Blackberries, mulberries and loganberries
0810 30 10	Gooseberries and black-, white- or redcurrants
0810 30 30	
0810 30 90	

14. PROCESSED FRUIT AND VEGETABLE PRODUCTS

CN code:

- ex 0710
- ex 0711
- ex 0712
  - 0804 20 90
  - 0806 20
- ex 0811
- ex 0812
- ex 0813
  - 0814 00 00
  - 0904 20 10
- 1302 20
- ex 2001
- 2002
- 2003
- ex 2004
- ex 2005
- ex 2006 00
- ex 2007
- ex 2008
- ex 2009

Exemption from customs duties for all products covered by the common organization of the market (Council Regulation (EC) No 2201/96)

In addition, non-application of the specific component of custom duties for the following products:

Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter:

2007 10 10

— Homogenized preparations with a sugar content exceeding 13 % by weight



Common organization of market	Special treatment for the ACP States
2007 99 20 2007 99 31 2007 99 33 2007 99 35 2007 99 39 2007 99 51 2007 99 55 2007 99 58	— Purée and pastes
ex 2008 20 ex 2008 30 ex 2008 40 ex 2008 80 ex 2008 92 ex 2008 99	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included: — Pineapples — Grapefruit segments — Pears — Strawberries — Mixtures of tropical fruit — Grapes — Passionfruit, guava and tamarinds — Grapefruit juice
2009 20 11 2009 20 91	
ex 2009 40 ex 2009 80 ex 2009 90	— Pineapple juice — Passionfruit and guava juice — Mixtures of tropical fruit juices
2005 20 20 2005 20 80	16 % reduction in customs duties for the following products: Potatoes prepared or preserved other than in the form of flour, meal or flakes
<b>15. WINE</b>	
CN code: 2009 60 2204 30 92 2204 30 94 2204 30 96 2204 30 98	Exemption from customs duties for: Unfermented grape juice (including grape must)
<b>16. UNMANUFACTURED TOBACCO</b>	
CN code: 2401	Exemption from customs duties If serious disruptions occur as a result of a large increase in duty-free imports of unmanufactured tobacco (CN code 2401) originating in the ACP States, or if these imports create difficulties which result in deterioration of the economic situation of a region of the Community, the Community may take the necessary safeguard measures pursuant to Article 177 (1) of the Convention, including measures to offset deflection of trade.
<b>17. CERTAIN GOODS RESULTING FROM THE PROCESSING OF AGRICULTURAL PRODUCTS</b>	
CN code: 0403 10 51 to 0403 10 99 0403 90 71 to 0403 90 99	Exemption from the customs duties for the following products (Regulation (EEC) No 3448/93)

Common organization of market	Special treatment for the ACP States
0710 40 00 0711 90 30 1517 10 10 1517 90 10 1702 50 00	
1704 (other than 1704 90 10)	
1806	
1902 (other than 1902 20 10 and 1902 20 30)	
1903	
1904	
1905	
2001 90 30	
2001 90 40	
2004 90 10	
2005 80 00	
2008 99 85	Maize (corn) other than sweet corn ( <i>Zea mays var. saccharata</i> )
2008 99 91	
2101 12 98	
2101 20 98	
2101 30 19	
2101 30 99	
2102 10 31	
2102 10 39	
2105	
ex 2106 (other than 2106 90 30 to 2106 90 59)	
2202 90 91	
2202 90 95	
2202 90 99	
2905 43 00	
2905 44	
3302 10 29	
3501	
3505 10	
3505 20	
3809 10	
3824 60	
1702 50 00	In addition, suspension of the agricultural component for:
1704 90 30	Chemically pure fructose
1806 20	White chocolate
1806 31 00 1806 32	Chocolate and other food preparations containing cocoa:
1806 90 11 1806 90 19 1806 90 31 1806 90 39 1806 90 50	<ul style="list-style-type: none"> <li>— Preparations in block slabs or bars weighing more than 2 kilograms or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kilograms, excluding those falling within CN code 1806 20 70</li> <li>— Other, in blocks, slabs or bars, filled or unfilled</li> <li>— Other chocolate and chocolate products and sugar confectionery and substitutes thereof made from sugar substitution products containing cocoa</li> </ul>

Common organization of market	Special treatment for the ACP States
ex 1901	Malt extract, food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight (of not-fat solids) of less than 40 %, not elsewhere specified or included; food preparations of goods of CN codes Nos 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight (of non-fat solids) of less than 5 %, not elsewhere specified or included. — not containing milk fats or containing milk fats in a proportion by weight of less than 1,5 %, containing 30 % or more but less than 75 % by weight of starches
1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms  Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
ex 1905 30	Sweet biscuits; waffles and wafers: — Biscuits
ex 1905 40	— Rusks, toasted bread and similar (toasted products other than ships biscuits)
ex 1905 90	— Other: — Biscuits
2008 99 85	Maize (corn), otherwise prepared or preserved, not containing added sugar or spirit, other than sweet corn ( <i>Zea mays var. saccharata</i> )
2101 12 98	Coffee-based preparations

18. SPECIAL ARRANGEMENTS FOR IMPORTING CERTAIN AGRICULTURAL PRODUCTS ORIGINATING IN THE ACP STATES OR THE OCT INTO THE FRENCH OVERSEAS DEPARTMENTS

CN code:

0102 90 05 0102 90 21 0102 90 29 0102 90 41 0102 90 49 0102 90 51 0102 90 59 0102 90 61 0102 90 69 0102 90 71 0102 90 79	Live animal of domestic bovine species other than pure-bred breeding animals	
0201 0202 0206 10 95 0206 29 91	Meat of bovine animals, fresh, chilled or frozen	Non-application of the customs duty
0709 90 60 0712 90 19 1005 10 90 1005 90 00	Maize	Non application of the customs duty. Necessary measures against disturbances of the Community market should imports exceed 25 000 tonnes per annum
0714 10 91 0714 90 11	(including yarms)	Non application of the customs duty within the limits of an annual quota of 2 000 tonnes

19. SPECIAL ARRANGEMENT FOR IMPORTS OF RICE INTO RÉUNION

Non-application of the customs duty.

*B. Letter from the ACP States*

Brussels, 12 June 1997.

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'Annex XL set out in the fourth ACP-EC Convention is replaced by the text set out in point 81 of the Agreement amending the fourth ACP-EC Convention of Lomé, signed in Mauritius on 4 November 1995.

However, in its present form the text will have to be adapted to take account of the results of the Uruguay Round negotiations which have been transposed into the Common Customs Tariff adopted by the Community in consequence.

Aware of that, the Community has undertaken to bring the text of Annex XL signed in Mauritius up to date and has consulted the ACP States on this matter over the last few months.

I enclose the final revised text in annex (\*) and should be obliged if you would confirm that the ACP States have taken note thereof.

I have the honour to inform you that the ACP States have taken note of its content and the provisions attached thereto.

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

*On behalf of the ACP States*

A handwritten signature in black ink, appearing to be 'Lundquist', written in a cursive style. Below the signature is a horizontal line.

(\*) See page 32 of this Official Journal.

## **I. ACP-EC Acts**

### **2. Acts of the Committee of Ambassadors**



DECISION No 1/97  
OF THE ACP-EC COMMITTEE OF AMBASSADORS  
OF 21 APRIL 1997  
laying down the statute and rules of procedure of the  
Centre for the Development of Industry

THE ACP-EC COMMITTEE OF AMBASSADORS,

Having regard to the Fourth ACP-EC Convention of Lomé, signed at Lomé on 15 December 1989, as revised by the agreement signed in Mauritius on 4 November 1995, hereinafter referred to as "the Convention", and in particular Article 93(3) thereof,

Having regard to the proposal from the Committee on Industrial Cooperation,

Anxious to ensure the fulfilment of the objectives which the ACP States and the European Community have set themselves in Title V of Part Two of the Convention,

Having regard to the contribution that effective industrial cooperation between the ACP States and the Community can make to the industrial development of the ACP States,

Whereas Articles 87 to 97 of the Convention define the objective, tasks and general conditions of operation of the Centre for the Development of Industry;

Whereas, pursuant to Article 93(3) of the Convention, the Committee of Ambassadors is required to adopt the statute and rules of procedure of the Centre for the Development of Industry for the second five-year period, after the signing of the Second Financial Protocol,

HAS DECIDED AS FOLLOWS:

#### Article 1

1. The Centre for the Development of Industry, referred to in Articles 87 to 97 of the Convention and hereinafter referred to as "the Centre", shall enjoy in each of the States which are Parties to the Convention the most extensive legal capacity accorded to legal persons.
2. The Centre shall be non-profit-making. It shall have its seat in Brussels.



## Article 2

1. The Centre shall help, within the framework of the provisions and principles of Title V of Part Two of the Convention, to establish and strengthen industrial enterprises in the ACP States, notably by encouraging joint initiatives by economic operators of the Community and the ACP States. The Centre shall also, in the light of its experience, contribute to discussion of industrial development and promotion strategies and measures in ACP States, notably in the least-developed, landlocked and island ACP States.
2. As a practical operational instrument, the Centre shall give priority to the identification of industrial operators for viable projects, assist in the promotion and implementation of those projects that meet the needs of ACP States, taking special account of domestic and external market opportunities for the processing of local raw materials, while making optimum use of the ACP States' endowments by way of factors of production. Assistance shall also be given to the presentation of such projects to the financing institutions and to the follow-up.
3. For reasons of efficiency, the Centre shall concentrate its activities on ACP States which, in their Indicative Programmes, have identified support for industrial development or for the private sector in general as a sector where Community aid should be concentrated.
4. In those States, the Centre's activities shall take place, in particular, in the context of programmes to support industrial development or the private sector, drawn up for the purpose of implementing the Indicative Programmes, and it shall direct its activities towards small and medium-sized industrial enterprises.

5. In carrying out the above tasks, the Centre shall take care to operate selectively by giving priority to small and medium-sized industrial enterprises, rehabilitation operations and operations to restore existing industrial capacities to full utilization. It shall place special emphasis on opportunities for joint ventures and subcontracting.

6. In implementing its tasks, the Centre shall also pay special attention to the objectives referred to in Article 97 of the Convention, assisting Community initiatives designed, in particular, to add value to raw materials and other local resources of the least-developed, landlocked and island ACP States.

7. At the request of one or more least-developed ACP States, the Centre shall grant special assistance for identifying on-the-spot industrial promotion and development possibilities, notably in raw materials processing and the production of equipment and inputs for the rural sector.

### Article 3

1. Operational cooperation shall be maintained between the European Commission, the European Investment Bank and the Centre within their respective areas of responsibility.

2. To ensure the consistency of Community action to assist the private sector in general or the industrial sector in particular, in ACP States where those sectors form a priority area of the Indicative Programme, the Commission, in consultation with the European Investment Bank and in conjunction with the Centre, shall prepare the programmes to support those sectors, inserting guidelines for the strategy to be followed.

#### Article 4

1. The activities of the Centre shall be subject to periodic monitoring and evaluation by the Committee on Industrial Cooperation.
2. The Executive Board shall take steps to see that these evaluations are carried out.
3. The evaluations shall be carried out by independent consultants.

#### Article 5

1. In undertaking the tasks referred to in Article 2, the Centre shall operate by giving priority to viable projects. In particular, it shall:
  - (a) identify, appraise, evaluate, promote and assist in the implementation of economically viable industrial projects in the ACP States;
  - (b) carry out studies and appraisals aimed at identifying practical opportunities for industrial cooperation with the Community in order to promote the industrial development of the ACP States, and facilitating the implementation of appropriate schemes;
  - (c) supply information and also specific advisory services and expertise including feasibility studies, with a view to expediting the setting-up and/or restoration of industrial enterprises;
  - (d) identify potential partners of the ACP States and the Community for joint investment operations and assist in the implementation and follow-up;

- (e) identify and provide information on possible sources of financing, assist in the presentation for financing, and, where necessary, assist in the mobilization of funds from these sources for industrial projects in ACP States;
  - (f) identify, collect, evaluate and supply information and advice on the acquisition, adaptation and development of appropriate industrial technology relating to specific projects and, where appropriate, assist in the setting-up of experimental or demonstration schemes.
2. In order to improve the attainment of its objectives, the Centre, in addition to its main activities, may also pursue the following:
- (a) carry out studies, market research and evaluation work and gather and disseminate all relevant information on the industrial cooperation situation and opportunities, notably on the economic environment, and on the treatment which potential investors may expect, as well as the potential of viable industrial projects;
  - (b) help, in appropriate cases, to promote the marketing of ACP manufactures on their domestic markets and on the markets of the other ACP States and the Community in order to encourage optimum exploitation of installed or projected industrial capacity;
  - (c) identify industrial policy-makers, promoters and economic and financial operators in the Community and ACP States, and organize and facilitate contacts and meetings of all kinds between them;

- (d) identify, on the basis of needs indicated by ACP States, opportunities in industrial training, chiefly on the job, to meet the requirements of existing and planned industrial undertakings in ACP States and, where necessary, assist in the implementation of appropriate schemes;
- (e) gather and disseminate all relevant information concerning the industrial potential of the ACP States and trends of industrial sectors in the Community and the ACP States;
- (f) promote the subcontracting and also the expansion and consolidation of regional industrial projects.

#### Article 6

In accordance with Article 87(2)(a) of the Convention, the overall strategy of the Centre shall be established, on a proposal from the Joint Executive Board, hereinafter referred to as the "Executive Board," by the Committee on Industrial Cooperation, hereinafter referred to as the "Committee".

The Committee shall examine the Centre's reports, in particular its annual report, and shall judge the compatibility of the Centre's activities with the provisions of the Convention and the overall strategy.

### Article 7

1. In accordance with Article 3(2)(i) of the Second Financial Protocol annexed to the Convention, the Community shall contribute to the financing of the budget of the Centre by means of a separate allocation of a maximum of ECU 73 million. The budget of the Centre may receive additional resources from other parties.

2. The Centre may, in the framework of its objectives, manage resources on behalf of third parties intended for the execution of activities laid down for it in the Convention, the recipients of which are the promoters of projects.

### Article 8

1. The Centre shall be headed by a Director assisted by a Deputy Director recruited on the basis of technical skills and management experience, both of whom shall be appointed by the Committee.

The maximum duration of their term of office shall be five years. At the end of this period a rotation of posts between ACP and EC nationals shall apply in accordance with Annex XIV of the Convention. The outgoing Director may not be appointed Deputy Director.

2. The Director shall be responsible for the legal representation of the Centre and the implementation of the guidelines laid down by the Committee. He shall be answerable to the Executive Board.

3. The Director shall consult the Deputy Director on important matters of policy-making and administration of the Centre and shall then take decisions.

The duties of the Deputy Director, to be performed under the authority of the Director, shall be determined by the Committee. They will be defined on the basis of a proposal from the Director to the Executive Board. The Committee may delegate its authority in this respect to the Executive Board.

#### Article 9

1. The Director shall be responsible for preparing the drafts of:

- multiannual and annual programmes of activities;
- the Centre's annual budget;
- the annual accounts and annual report;
- the organizational structures, staffing policy and establishment plan.

He shall submit these drafts for approval by the Executive Board. The Executive Board shall submit the budget and annual accounts to the Committee for final approval. It shall also forward to the Committee the annual report to allow it to assess whether the activities of the Centre are in conformity with the objectives assigned to it by the Convention.

2. The Director and the Deputy Director shall be answerable for the management of the Centre to the Executive Board and the Committee.

3. The Director shall draw up the internal rules of application of the provisions relating to the Centre and inform the Executive Board accordingly.

Article 10

1. The Executive Board, established in accordance with Article 92 of the Convention shall:
  - (a) advise and back up the Director in providing impetus and motivation in managing the Centre and shall ensure that the guidelines laid down by the Committee are implemented satisfactorily;
  - (b) on a proposal from the Director of the Centre:
    - (i) adopt proposals concerning the Centre's overall strategy for submission to the Committee;
    - (ii) approve multiannual and annual programmes of activities, the organizational structures, staffing policy and establishment plan;
    - (iii) approve the recruitment of new staff and the renewal and termination of the contracts of existing staff;
    - (iv) adopt the budgets and annual accounts for submission to the Committee;
  - (c) take decisions on management proposals concerning points (b)(i), (ii), (iii) and (iv);
  - (d) approve the annual report and forward it to the Committee, which shall examine it to verify that the Centre's activities are in conformity with the provisions of the Convention and the approved overall strategy;



- (e) report periodically to the Committee on any problems encountered in the exercise of its functions.
- 2. The Executive Board may, should the need arise, propose to the Committee, by a duly substantiated proposal, the removal of the Director and/or the Deputy Director.
- 3. The Executive Board shall establish the procedures to be adopted to step up the Centre's operational presence in ACP States, notably as regards identification of projects and promoters and assistance in the submission of applications for financing, taking account of the need to decentralize activities.

#### Article 11

- 1. The Executive Board shall be composed of six persons – three ACP and three Community nationals – with substantial experience in the private or public industrial or banking sectors or in industrial development planning and promotion. They shall be appointed on an individual basis for a period of no longer than five years, with a mid-term review, by the Committee according to the procedures laid down by it, on the basis of their qualifications, from nationals of the States Party to this Convention.

At equivalent levels of professional qualification and experience, members of the Executive Board shall be appointed on as broad a geographical basis as possible from among nationals of those States.

2. A representative of the Commission of the European Communities, a representative of the European Investment Bank, a representative of the General Secretariat of the Council of the European Union and a representative of the ACP Secretariat shall take part in the Executive Board's proceedings as observers.
3. The Executive Board shall take decisions by a simple majority of the members present or represented in accordance with its rules of procedure; in the event of parity, the Chairman shall have the deciding vote.
4. The Chairman and Deputy Chairman of the Executive Board shall be selected by its members for a period of two and a half years. When this period expires, a rotation of these posts shall apply between ACP and EU nationals.

#### Article 12

1. Candidates for membership of the Executive Board must be highly qualified persons, who can demonstrate detailed knowledge of the problems associated with development and industrial cooperation and of the Community development aid mechanisms and instruments set up under the Lomé IV Convention.
2. They must have proven experience in industrial enterprises, public or private development aid organizations or development banks.
3. Detailed knowledge of one of the working languages of the Centre and a satisfactory knowledge of one other, to the extent necessary for the functions which they are called upon to exercise, shall also be required.

4. They must be independent and open-minded persons with a recognized position in industrial circles.

5. The exercise of the function of member of the Executive Board shall be incompatible with other paid activities for the Centre, with the exception of activities in relation with the Joint Advisory Council of the Centre.

#### Article 13

1. The Executive Board shall closely monitor the Centre's activities. It shall hold four ordinary meetings per year. It may meet whenever necessary for the performance of its duties, either on the initiative of its Chairman or at the request of the Director.

2. The Director and the Deputy Director of the Centre shall normally take part in the proceedings of the Executive Board in an advisory capacity. The Centre shall provide the secretariat of the Executive Board. The Secretary shall be appointed by the Executive Board on a proposal from the Director. He may be removed only by the Executive Board.

3. The Executive Board may invite staff members of the Centre and/or experts from outside the Centre to give opinions on specific questions.

#### Article 14

The Committee shall, on a proposal from the Executive Board, adopt the board's rules of procedure and fix the remuneration of its members.

Article 15

Two auditors appointed by the Committee shall vouch for the accuracy of the accounts and give an opinion on the sound financial management of the Centre.

Article 16

1. A Joint Advisory Council of the Centre shall have the task of advising the Centre, at the request of the Executive Board or of the Committee, on important questions relating to its strategy and programmes of activity. A representative of the Commission of the European Communities, a representative of the European Investment Bank and a representative of the ACP Secretariat shall take part in the Advisory Council's proceedings as observers.
2. The members of the Council shall be persons with substantial experience in the area of industrial cooperation. They shall be chosen on an individual basis on the basis of their qualifications from nationals of the States Party to this Convention, and appointed by the Committee according to the procedures laid down by it for a period of no more than five years, with a mid-term review.
3. The Advisory Council shall hold one meeting per year.
4. The secretariat of the Advisory Council shall be provided by the Centre.
5. The Committee shall adopt the statute and the rules of operation of the Joint Advisory Council of the Centre.

Article 17

This Decision shall enter into force on the day it is adopted.

Decision No 4/91 of the ACP-EEC Council of Ministers of 6 May 1991 laying down the statute and rules of procedure of the Centre for the Development of Industry is hereby repealed.

Done at Brussels, 21 April 1997

For the ACP-EC Committee of Ambassadors

The Chairman

L.L. CUMBERBATCH



**DECISION No 2/97  
OF THE ACP-EC COMMITTEE OF AMBASSADORS  
of 30 April 1997**

**amending the statute and operating procedures  
of the Advisory Committee of the Technical Centre for Agricultural and Rural Cooperation**

**THE ACP-EC COMMITTEE OF AMBASSADORS,**

**Having regard to the Fourth ACP-EC Convention of Lomé, signed at Lomé on  
15 December 1989, as revised by the Agreement signed in Mauritius on 4 November 1995,  
hereinafter referred to as "the Convention", and in particular Article 53(7) thereof,**

Whereas, as a result of the accession of Austria, Finland and Sweden to the Community, these States have acceded to the Convention by concluding a Protocol of Accession;

Whereas this Protocol has been provisionally applied since 1 January 1996;

Whereas Article 53(7)(a) stipulates that the Advisory Committee shall be composed on a basis of parity of agricultural and rural development experts;

Whereas Article 2 of Decision No 3/91 of the Committee of Ambassadors laying down the statute and operating procedures of the Advisory Committee of the Technical Centre for Agricultural and Rural Cooperation should therefore be amended to adapt the basis of parity of the Committee to the new situation,

HAS DECIDED AS FOLLOWS:

#### Article 1

Article 2(1) of Decision No 3/91 of the ACP-EC Committee of Ambassadors shall be replaced by the following:

"1. The Advisory Committee shall be made up, on a basis of parity, of 30 members known to have considerable experience in the sphere of agricultural and rural development or agricultural research or the processing and dissemination of information in the abovementioned spheres."

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 30 April 1997

For the ACP-EC Committee of Ambassadors  
The Chairman



L.L. CUMBERBATCH

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DECISION No 3/97  
OF THE ACP-EC COMMITTEE OF AMBASSADORS  
of 15 September 1997

on the appointment of members of the Advisory Committee  
of the Technical Centre for Agricultural and Rural Cooperation

THE ACP-EC COMMITTEE OF AMBASSADORS,

Having regard to the Fourth ACP-EC Convention, as revised by the Agreement signed in Mauritius on 4 November 1995, and in particular Article 53(7) thereof,

Having regard to Decision No 1/91 of the ACP-EC Committee of Ambassadors of 19 April 1991 on the rules of operation of the Technical Centre for Agricultural and Rural Cooperation, and in particular Article 3(2) thereof,

Having regard to Decision No 3/91 of the ACP-EC Committee of Ambassadors of 19 April 1991 laying down the statute and operating procedures of the Advisory Committee of the Technical Centre for Agricultural and Rural Cooperation, and in particular Article 2 thereof,

Having regard to Decision No 2/97 of the ACP-EC Committee of Ambassadors of 30 April 1997, amending the composition of the Advisory Committee of the Centre,

Whereas, on the one hand, the Community Member States and, on the other hand, the ACP States concerned have nominated agricultural and rural development experts on the basis of their personal qualifications, with a view to their appointment as members of the Advisory Committee,

HAS DECIDED AS FOLLOWS:

Article 1

The following shall be appointed as members of the Advisory Committee of the Technical Centre for Agricultural and Rural Cooperation for a maximum period of five years:

1) on a proposal from the Community:

Mr E. TOLLENS	(Belgium)
Mr K. BRUHN	(Denmark)
Mr W. SUDEN	(Germany)
Ms H. BOULKOU	(Greece)
Ms M. MONTES FERNÁNDEZ	(Spain)
Mr J.F. GIOVANNETTI	(France)
Mr M.J. FLANAGAN	(Ireland)
Mr B. PALESTINI	(Italy)
Mr J. THILL	(Luxembourg)
Mr W. VAN VUURE	(Netherlands)
Mr M. SCHNITZER	(Austria)
Mr A. CORREIA	(Portugal)
Ms E. PEHU	(Finland)
Mr I. GERREMO	(Sweden)
Mr J. PERFECT	(United Kingdom)

2) on a proposal from the ACP States:

Mr Luke Vidiri RATUVUKI	(Fiji)
Mr John KOLA	(PNG)
Mr Derendra DUGGAL	(Trinidad and Tobago)
Mr BULL	(Dominica)
Mr Jacques ANGUILLE	(Gabon)
Mr Joseph NGA	(Cameroon)
Mr Lucas Phirie KGAKALE	(Botswana)
Mr Patrick King LUKHELE	(Swaziland)
Mr Günter MÜLLER	(South Africa)
Mr William Loza MBILIMA	(Tanzania)
Mr Sandrasagarren Naraseemin NAIDU	(Mauritius)
Mr Abdelrazig ELBASHIR MOHAMED	(Sudan)
Mr Djibril SENE	(Senegal)
Mr S. PALE	(Burkina Faso)
Mr Paul TOÏHEN	(Benin)

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 15 September 1997

For the ACP-EC Committee of Ambassadors  
The Chairman

I. KING



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DECISION No 4/97  
OF THE ACP-EC COMMITTEE OF AMBASSADORS  
of 24 October 1997

amending the conditions of employment of the staff  
of the Centre for the Development of Industry  
under the Fourth ACP-EC Convention

THE ACP-EC COMMITTEE OF AMBASSADORS,

Having regard to the Fourth ACP-EC Convention of Lomé, signed in Lomé on 15 December 1989, as revised by the Agreement signed in Mauritius on 4 November 1995, hereinafter referred to as "the Convention", and in particular Article 93(3) thereof,

Having regard to the proposal by the Executive Board of the Centre for the Development of Industry,

Whereas increases in step are not automatic and are decided on by the Director in accordance with criteria and arrangements laid down in Article 32 of Decision No 1/92 of the ACP-EC Council of Ministers of 15 December 1992 laying down the Staff Regulations of the Centre for the Development of Industry;

Whereas Article 32(2) of Decision No 1/92 of the ACP-EC Council of Ministers allows only one increase in step in the period between the signing of the Convention and 31 August 1996;

Whereas provision should be made for the same possibility during the second period of five years in which the Convention is applied without the Committee of Ambassadors' authorization being required;

Whereas under Article 93(3) of the Convention the Committee is required to adopt the Staff Regulations of the Centre for the second five-year period after the signing of the financial protocol,

HAS DECIDED AS FOLLOWS:

#### Article 1

Article 32(2) of Decision No 1/92 of the ACP-EC Council of Ministers shall be replaced by the following:

"2. During the period from 31 August 1996 to 29 February 2000 there shall not be more than one increase in step."

Article 2

Article 32(3) of Decision No 1/92 shall be repealed.

Paragraphs 4 and 5 of the said Article shall become paragraphs 3 and 4 respectively.

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 24 October 1997



For the ACP-EC Committee of Ambassadors

The Chairman

Jean-Jacques KASEL

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DECISION No 5/97  
OF THE ACP-EC COMMITTEE OF AMBASSADORS  
of 3 November 1997

amending the Staff Regulations of the  
Technical Centre for Agricultural and Rural Cooperation  
under the Fourth ACP-EC Convention

THE ACP-EC COMMITTEE OF AMBASSADORS,

Having regard to the Fourth ACP-EC Lomé Convention, signed in Lomé on  
15 December 1989, as revised by the agreement signed in Mauritius on 4 November 1995,  
hereinafter referred to as "the Convention", and in particular Article 53(5) thereof;

Having regard to the proposal from the Director of the Centre,

Whereas Articles 6 and 32 of Decision No 2/92 of the ACP-EC Committee of Ambassadors of 22 December 1992 laying down the Staff Regulations of the Technical Centre for Agricultural and Rural Cooperation give the Director the power to appoint staff and the possibility of increasing staff grades by one step during the period between the date of signing of the Convention and 31 August 1996;

Whereas the same possibility should be laid down during the second five-year period of application of the Convention without necessitating the authorization of the Subcommittee on Rural and Agricultural Development Cooperation,

HAS DECIDED AS FOLLOWS:

Article 1

Decision No 2/92 of the ACP-EC Committee of Ambassadors of 22 December 1992 laying down the Staff Regulations of the Technical Centre for Agricultural and Rural Development is hereby amended as follows:

1) Article 6(2) and (3) shall be replaced by the following:

- "2. Staff shall be appointed by the Director for a limited period which may expire no later than 29 February 2000. The duration specified in each letter of appointment may possibly be extended in the manner and within the limitations established in these Regulations, but may not extend beyond the above date without prejudice to the provisions of Article 11 in the case of short-term appointments.
3. Any appointment or extension of appointment after 29 February 2000 shall be subject to authorization by the Subcommittee and to conditions to be drawn up by it, and the period of the appointment or extension may not extend beyond the date of expiry of the Convention.";



2) Article 32(2) shall be replaced by the following:

"2. During the period between the date of signing of the Convention and 29 February 2000 this increase may take place only once.";

3) Article 32(3) shall be repealed.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 3 November 1997



For the ACP-EC Committee of Ambassadors  
The President

J.J. KASEL

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**DECISION No 6/97  
OF THE ACP-EC COMMITTEE OF AMBASSADORS  
of 19 December 1997**

**adopting the budget  
of the Technical Centre for  
Agricultural and Rural Cooperation (1998)**

**THE ACP-EC COMMITTEE OF AMBASSADORS,**

Having regard to the Fourth ACP-EC Convention, as revised by the agreement signed in Mauritius on 4 November 1995, and in particular Article 53(5) thereof,

Having regard to Decision No 1/91 of the ACP-EC Committee of Ambassadors of 19 April 1991 laying down the rules of operation of the Technical Centre for Agricultural and Rural Cooperation, and in particular Article 7 thereof,

Having regard to Decision No 2/91 of the ACP-EC Committee of Ambassadors of 19 April 1991 adopting the Financial Regulation of the Technical Centre for Agricultural and Rural Cooperation, and in particular Articles 6 and 7 thereof,

Whereas, pursuant to Article 6(1) of Decision No 2/91, the Director of the Centre has submitted to the ACP-EC Subcommittee for Cooperation on Agricultural and Rural Development a preliminary draft annual budget of the Centre (financial year 1998) and the annual work programme of the Centre for 1998;

Whereas the competent Community authority has adopted the financing decision on the said contribution;

Whereas, this being so, the Committee of Ambassadors is in a position to adopt the budget definitively,

HAS DECIDED AS FOLLOWS:

Sole Article

The budget for the Technical Centre for Agricultural and Rural Cooperation for the financial year 1998 is hereby definitively adopted as set out in the Annex.

Done at Brussels, 19 December 1997

For the ACP-EC Committee of Ambassadors

The Chairman

J.-J. KASEL



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**ANNEX**

**BUDGET FOR 1998 – SUMMARY (ecus)**

	<b>BUDGET FOR 1998</b>	<b>BUDGET FOR 1997</b>
<b>TITLE I – STAFF EXPENDITURE</b>		
<b><u>Chapter 11 – Personnel</u></b>		
Article 111 Salaries and wages (39 members of staff)	2.275.000	2.196.000
Article 112 Provision for adjustment of salaries	77.000	43.000
Article 113 Welfare contributions	880.000	879.000
Article 114 Allowances	451.000	493.000
Article 115 Training	40.000	40.000
	<hr/>	<hr/>
<b>TOTAL TITLE I</b>	<b>3.723.000</b>	<b>3.651.000</b>
	<hr/> <hr/>	<hr/> <hr/>
<b>TITLE II – BUILDING, EQUIPMENT AND MISCELLANEOUS OPERATING EXPENDITURE</b>		
<b><u>Chapter 21 – Rental of buildings and associated costs</u></b>		
Article 211 Rent	207.000	209.000
Article 212 Associated costs	70.000	70.000
	<hr/>	<hr/>
<b>Total Chapter 21</b>	<b>277.000</b>	<b>279.000</b>
	<hr/> <hr/>	<hr/> <hr/>

BUDGET FOR 1998      BUDGET FOR 1997

Chapter 22 – Movable property and associated costs

Article 221	Purchase of office machines and movable furniture and equipment	103.000	81.000
Article 222	Rental of furniture and equipment	48.000	47.000
Article 223	Maintenance of furniture and equipment	26.000	24.000
Article 224	Maintenance, repair and use of vehicles	18.000	18.000
Total Chapter 22		195.000	170.000

Chapter 23 – Current administrative expenditure

Article 231	Stationery and office supplies	32.000	30.000
Article 232	Postage and telecommunications	76.000	88.000
Article 234	Subscriptions to periodicals, etc.	10.000	35.000
Article 235	Other operating expenditure	172.000	153.000
Total Chapter 23		290.000	306.000

Chapter 24 – Expenditure on missions representation and entertaining expenses

Article 241	General expenditure on missions	3.000	3.000
Article 242	General representation and entertainment expenses	18.000	17.000
Total Chapter 24		21.000	20.000

Chapter 25 – Brussels Branch Office (excluding staff expenditure)

		55.000	54.000
TOTAL TITLE II		838.000	829.000

BUDGET FOR 1998      BUDGET FOR 1997

TITLE III – ACTIVITIES

Chapter 31 – Seminars and Studies Department

Article 311	Conquering markets	315.000	160.400
Article 312	Intensification and optimization of production	568.000	821.500
Article 313	Natural resource management and environmental protection	410.000	332.900
Article 314	Strengthening of NAS	97.000	115.600
Article 315	Mobilising civil society	84.000	14.600
Total Chapter 31		<u>1.474.000</u>	<u>1.445.000</u>

Chapter 32 – Publications and Dissemination Department

Article 321	Publications	898.050	935.000
Article 322	Co-publications	516.000	415.000
Article 323	Distribution	700.000	700.000
Article 324	Question-and-Answer Service	180.000	180.000
Article 325	Selective Dissemination of Information (SDI)	267.950	262.000
Total Chapter 32		<u>2.562.000</u>	<u>2.492.000</u>

Chapter 33 – Information and Capacity Development Department

Article 331	Information and documentation support	470.000	445.000
Article 332	Networking and communication	583.000	553.000
Article 333	Modern Information and Communication Technologies	631.000	400.000
Total Chapter 33		<u>1.684.000</u>	<u>1.398.000</u>

BUDGET FOR 1998      BUDGET FOR 1997

Chapter 34 – Information Policies

and Partnerships Department

Article 341 Policies, Strategies and Evaluation	641.000	597.500
Article 342 Partnerships and Regional Programmes	657.000	622.500
	<hr/>	<hr/>
Total Chapter 34	1.298.000	1.220.000
	<hr/>	<hr/>
TOTAL TITLE III	7.018.000	6.555.000
	<hr/>	<hr/>
GENERAL TOTAL EXPENDITURE	11.579.000	11.035.000
	<hr/>	<hr/>

	1998	1997
a. Contribution from the European Development Fund	11.399.000	10.860.000
b. Income taxes and other income <sup>(1)</sup>	180.000	175.000
	<hr/>	<hr/>
<b>TOTAL INCOME</b>	<b>11.579.000</b>	<b>11.035.000</b>
	<hr/> <hr/>	<hr/> <hr/>

<sup>(1)</sup> Explanatory note

a. Income taxes = 8% of Article 111(a)	ECU 170.000
b. Other income	ECU 10.000
	<hr/>
<b>Total income</b>	<b>ECU 180.000</b>
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## **I. ACP-EC Acts**

### **3. Agreements between the EC and the ACP States**



COMMISSION REGULATION (EC) No 333/97

of 25 February 1997

opening import quotas in respect of special preferential raw cane sugar from the ACP States for supply to refineries in the period 1 March to 30 June 1997

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1599/96 <sup>(2)</sup>, and in particular Articles 14 (2) and 37 (6) thereof,

Whereas Article 37 of Regulation (EEC) No 1785/81 lays down that, during the marketing years 1995/96 to 2000/01 and in order to ensure adequate supplies to Community refineries, a special reduced duty is to be levied on imports of raw cane sugar originating in States with which the Community has concluded supply arrangements on preferential terms; whereas at present such agreements have been concluded by Council Decision 95/284/EC <sup>(3)</sup> only with the ACP States party to Protocol 8 on ACP sugar annexed to the Fourth ACP-EEC Lomé Convention, and with the Republic of India;

Whereas the quantities of special preferential sugar to be imported are calculated in accordance with the said Article 37 of Regulation (EEC) No 1785/81 on the basis of a Community forecast supply balance; whereas the balance has indicated the need to import raw sugar and to open at this stage for the 1996/97 marketing year a tariff quota at the special reduced rate of duty as provided for in the abovementioned agreements so that the Community refineries' supply need can be met for part of the year, whereas tariff quotas have in this way been opened by Commission Regulation (EC) No 1305/96 <sup>(4)</sup> for the period from 1 July 1996 to 28 February 1997; whereas the production forecasts for raw cane sugar are now available for the 1996/97 marketing year; whereas the necessary tariff quotas should consequently be opened for the second part of the marketing year; whereas, because of the presumed maximum refining needs fixed by Member States and the shortfall resulting from the forecast supply balance, provision should be made to authorize imports for each refining Member State, for the period from 1 March to 30 June 1997;

Whereas the above agreements lay down that the refiners in question must pay a minimum purchase price equal to

the guaranteed price for raw sugar, minus the adjustment aid fixed for the marketing year in question; whereas this minimum price must therefore be fixed by taking account of the factors applying in the 1996/97 marketing year;

Whereas in order to avoid a rupture of supplies, provision should be made in respect of the quantities to be imported under Regulation (EC) No 1305/96 for which the licences have not been requested up to 28 February 1997, for the Member States concerned to be authorized to issue the said licences after that date during the 1996/97 marketing year;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

A tariff quota is hereby opened for the period 1 March to 30 June 1997 under Decision 95/284/EC, in respect of imports of raw cane sugar for refining, amounting to 33 000 tonnes expressed as white sugar originating in the ACP States covered by that Decision.

*Article 2*

1. A special reduced duty of ECU 5,87 per 100 kg of standard quality raw sugar shall apply to imports of the quantity referred to in Article 1.
2. Article 7 of Commission Regulation (EC) No 1916/95 <sup>(5)</sup> notwithstanding, the minimum purchase price to be paid by the Community refiners shall be fixed for the period referred to in Article 1 at ECU 50,14 per 100 kg of standard quality raw sugar.

*Article 3*

The following Member States are hereby authorized to import under the quota referred to in Article 1 and on the terms laid down in Article 2 (1) the following shortfall expressed as white sugar:

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 33.

<sup>(3)</sup> OJ No L 181, 1. 8. 1995, p. 22.

<sup>(4)</sup> OJ No L 167, 6. 7. 1996, p. 13.

<sup>(5)</sup> OJ No L 184, 3. 8. 1995, p. 18.

- Finland: 0 tonnes,
- metropolitan France: 18 000 tonnes,
- mainland Portugal: 0 tonnes,
- United Kingdom: 15 000 tonnes.

said Article for which the applications for import licences have not been lodged before 1 March 1997, to issue such licences to allow import and refining to take place until 30 June 1997.

*Article 4*

The Member States referred to in Article 3 of Regulation (EC) No 1305/96 are authorized, for the quantities in the

*Article 5*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 25 February 1997.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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COMMISSION REGULATION (EC) No 1314/97  
of 8 July 1997

opening import quotas in respect of special preferential raw cane sugar from the  
ACP States and India for supply to refineries in the period 1 July 1997 to 28  
February 1998

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Community,

Having regard to Council Regulation (EEC) No 1785/81  
of 30 June 1981 on the common organization of the  
market in sugar <sup>(1)</sup>, as last amended by Regulation (EC)  
No 1599/96 <sup>(2)</sup>, and in particular Articles 14 (2) and 37 (6)  
thereof,

Whereas Article 37 of Regulation (EEC) No 1785/81 lays  
down that, during the marketing years 1995/96 to  
2000/01 and in order to ensure adequate supplies to  
Community refineries, a special reduced duty is to be  
levied on imports of raw cane sugar originating in States  
with which the Community has concluded supply ar-  
rangements on preferential terms; whereas at present such  
agreements have been concluded by Council Decision  
95/284/EC <sup>(3)</sup> only with the ACP States party to Protocol  
8 on ACP sugar annexed to the Fourth ACP-EEC Lomé  
Convention, and with the Republic of India;

Whereas the quantities of special preferential sugar to be  
imported are calculated in accordance with the said  
Article 37 of Regulation (EEC) No 1785/81 on the basis  
of a Community forecast supply balance; whereas the  
balance indicates the need to import raw sugar and to  
open at this stage for the 1997/98 marketing year a tariff  
quota at the special reduced rate of duty as provided for  
in the abovementioned agreements so that the Com-  
munity refineries' supply need can be met for part of the  
year; whereas the production forecasts for raw cane sugar  
are now available for the 1997/98 marketing year; whereas  
a tariff quota should be opened at this stage for part of the  
marketing year; whereas, because of the presumed  
maximum refining needs fixed by Member State and the  
shortfall resulting from the forecast supply balance, provi-  
sion should be made to authorize imports for each refin-  
ing Member State, for the period 1 July 1997 to 28  
February 1998;

Whereas the above agreements lay down that the refiners  
in question must pay a minimum purchase price equal to

the guaranteed price for raw sugar, minus the adjustment  
aid fixed for the marketing year in question; whereas this  
minimum price must accordingly be fixed by taking  
account of the factors applying in the 1997/98 marketing  
year;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The following tariff quotas are hereby opened for the  
period 1 July 1997 to 28 February 1998 under Decision  
95/284/EC in respect of imports of raw cane sugar for  
refining:

- (a) 255 000 tonnes expressed as white sugar originating in  
the ACP States covered by that Decision; and
- (b) 10 000 tonnes expressed as white sugar originating in  
the Republic of India.

*Article 2*

1. A special reduced duty of ECU 5,41 per 100 kg of  
standard quality raw sugar shall apply to imports of the  
quantities referred to in Article 1.

2. Article 7 of Commission Regulation (EC) No  
1916/95 <sup>(4)</sup> notwithstanding, the minimum purchase price  
to be paid by the Community refiners shall be fixed for  
the period referred to in Article 1 at ECU 49,68 per 100  
kg of standard quality raw sugar.

*Article 3*

The following Member States are hereby authorized to  
import under the quotas referred to in Article 1 and on  
the terms laid down in Article 2 (1) the following shortfall  
expressed as white sugar:

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 181, 1. 8. 1995, p. 22.

<sup>(4)</sup> OJ No L 184, 3. 8. 1995, p. 18.

- (a) Finland: 48 000 tonnes;
- (b) metropolitan France: 12 000 tonnes,
- (c) mainland Portugal: 205 000 tonnes,
- (d) United Kingdom: 0 tonnes.

*Article 4*

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

It shall apply with effect from 1 July 1997.

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

Done at Brussels, 8 July 1997.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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## **I. ACP-EC Acts**

### **4. Subcommittee for cooperation on agricultural and rural development**





**"DECISION No 1/97  
OF THE ACP-EC SUBCOMMITTEE FOR COOPERATION  
ON AGRICULTURAL AND RURAL DEVELOPMENT  
of 31 December 1997  
concerning the adjustment of the remuneration and  
tax brackets laid down in  
the conditions of employment of the staff  
of the Technical Centre for Agricultural and Rural Cooperation".**

**THE ACP-EC SUBCOMMITTEE FOR COOPERATION ON AGRICULTURAL AND RURAL  
DEVELOPMENT,**

**Having regard to the Fourth ACP-EC Convention as revised by the Agreement signed in  
MAURITIUS ON 4 November 1995, and in particular Article 53 thereof,**

**Having regard to Decision No 2/92 of the ACP-EC Committee of Ambassadors of  
22 December 1992 laying down the Staff Regulations of the Technical Centre for Agricultural  
and Rural Cooperation, hereinafter referred to as "the Centre", and in particular  
Article 49 thereof,**

**Whereas, under Article 49 of Decision No 2/92, the Subcommittee may decide, on a proposal from the Director of the Centre, to adjust remuneration in order to take account of trends in the cost of living in the place of employment and in purchasing power in the Community;**

**Whereas the Director of the Centre has made proposals for adjusting remuneration to take account of trends in the cost of living in the Netherlands during the period from 1 July 1995 to 30 June 1996;**

**Whereas account should also be taken of trends in purchasing power during this period;**

**Whereas the figures drawn up by the Statistical Office of the European Communities which are used as a basis for calculating adjustments to the scale referred to in Article 50 of Decision No 2/92, as amended by Decision No 1/96 of the Subcommittee, require that scale to be adjusted by 2,9% with effect from 1 July 1996,**

**HAS DECIDED AS FOLLOWS:**

Sole Article

With effect from 1 July 1996, the remuneration and tax brackets of staff of the Centre, as set out in Annex to Decision No 1/96 of the Subcommittee for Cooperation on Agricultural and Rural Development of 19 December 1996 and in Annexes II and III to the conditions of employment of the staff of the Centre fixed by Decision No 2/92 of the Committee of Ambassadors of 22 December 1992, shall be increased by 2,9% (Annex).

Done at Brussels, 31 December 1997

For the ACP-EC Subcommittee for Cooperation  
on Agricultural and Rural Development



The Chairman

Ph. SOUBESTRE

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## LOME IV - CTA's STAFF REGULATIONS

GROSS BASIC MONTHLY SALARY TABLE (in Hfl) (Applicable as from 1 July 1996)								
CATEGORY	LEVEL	DUTIES	STEP					
			1	2	3	4	5	
1. Director	1A	Director	23 747,96					
2. Administrative	2A	Main Expert	16 900,66	17 917,69	18 928,48			
	2B		13 523,03	14 332,91	15 211,84	16 090,77	17 038,77	
	2C	Expert	11 827,94	12 575,04	13 315,86	14 062,95	14 420,80	
	2D		9 467,38	10 038,69	10 647,66	11 286,97	11 966,07	
3. Clerical	3A	Principal Assistant	7 910,40	8 382,89	8 858,40	9 429,70	10 007,29	
	3B	Clerical Assistant	6 083,48	6 453,89	6 830,57	7 232,38	7 640,45	
	3C	Secretary	4 394,67	4 664,63	4 934,59	5 204,54	5 543,55	
4. Supporting staff	4A	Technical Staff	3 584,80	3 785,69	3 986,59	4 193,76	4 463,74	

LOME IV

CTA'S STAFF REGULATIONS

Taxable amounts

(applicable as from 1 July 1996)

<b>0%</b>	to amounts of less than	Hfl	<b>185</b>		
<b>8%</b>	to amounts between	Hfl	<b>186</b>	and	<b>2 957</b>
<b>10%</b>	to amounts between	Hfl	<b>2 958</b>	and	<b>4 074</b>
<b>12,5%</b>	to amounts between	Hfl	<b>4 075</b>	and	<b>4 669</b>
<b>15%</b>	to amounts between	Hfl	<b>4 670</b>	and	<b>5 300</b>
<b>17,5%</b>	to amounts between	Hfl	<b>5 301</b>	and	<b>5 896</b>
<b>20%</b>	to amounts between	Hfl	<b>5 897</b>	and	<b>6 472</b>
<b>22,5%</b>	to amounts between	Hfl	<b>6 473</b>	and	<b>7 068</b>
<b>25%</b>	to amounts between	Hfl	<b>7 069</b>	and	<b>7 644</b>
<b>27,5%</b>	to amounts between	Hfl	<b>7 645</b>	and	<b>8 239</b>
<b>30%</b>	to amounts between	Hfl	<b>8 240</b>	and	<b>8 816</b>
<b>32,5%</b>	to amounts between	Hfl	<b>8 817</b>	and	<b>9 411</b>
<b>35%</b>	to amounts between	Hfl	<b>9 412</b>	and	<b>9 987</b>
<b>40%</b>	to amounts between	Hfl	<b>9 988</b>	and	<b>10 582</b>
<b>45%</b>	above	Hfl	<b>10 583</b>		

The amount of tax shall be rounded down to the nearest unit.

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## **I. ACP-EC Acts**

### **5. Acts of the Committee on Industrial Cooperation**





DECISION No 1/97  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 15 April 1997

concerning amendments to Internal Regulation No S3/L.IV/93  
applicable to staff of the Centre for the Development of Industry

THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION,

Having regard to the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989, and in particular Article 93(3) thereof,

Having regard to Decision No 1/92 of the ACP-EC Council of Ministers of 15 December 1992 laying down the Staff Regulations of the Centre for the Development of Industry, and in particular Article 1(2) and (3) thereof,

Having regard to Decision No 7/94 of the ACP-EC Committee on Industrial Cooperation of 22 December 1994 concerning approval of the internal regulations applicable to staff of the Centre for the Development of Industry,

Having regard to Decision No 2/96 of the ACP-EC Committee on Industrial Cooperation of 30 May 1996 concerning amendments to Internal Regulation No S3/L.IV/93 applicable to staff of the Centre for the Development of Industry,

Whereas the Joint Executive Board of the Centre has notified an amendment to Internal Regulation No S3/L.IV/93;

Whereas a number of the amendments notified should not be adopted,

HAS DECIDED AS FOLLOWS:

Article 1

Internal Regulation No S3/L.IV/93, as amended by Decision No 2/96 of the ACP-EC Committee on Industrial Cooperation of 30 May 1996, shall be replaced by the text set out in the Annex hereto.

Article 2

Internal Regulation No S3/L.IV/93 shall enter into force on the date of adoption of this Decision.

Done at Brussels, 15 April 1997

For the ACP-EC Committee on Industrial Cooperation  
The Co-Chairmen



J.X. Eikeboom

Peter Gabriel Robleh

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**INTERNAL REGULATION NO S3/L.IV/93**

<p>Date of issue: Ref. Decision No 1/92 of the ACP-EEC Council of Ministers of the 15.12.1992, hereinafter referred to as Decision 1/92, Articles 51 and 52</p>	<p>Title: EDUCATIONAL ALLOWANCE GRANTED TO STAFF MEMBERS</p>
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1. At his request, a staff member shall be entitled to an educational allowance for each dependent child regularly attending an educational establishment on a full-time basis.

The said educational allowance shall be received for each dependent child regularly attending an educational establishment on a full-time basis or on a part-time basis when the type of education so requires, as duly recognized by the CDI.

This allowance shall comprise three parts:

- the flat-rate educational allowance;
- the "minerval" and/or registration fees;
- additional reimbursements.

2. Definitions

- a) Considered to be a "dependent child" shall be the legitimate, natural or adopted child of the staff member or his spouse when the said child is effectively supported by the staff member and has not reached 18 years of age.

However, this age limit shall be extended to 26 years of age when the dependent child continues to attend an educational establishment on a full-time basis, as mentioned above.

- b) By "educational establishment" shall be understood:

- public or private nursery or primary schools;
- public grammar schools and colleges (secondary education) or equivalent private establishments;
- technical or vocational training establishments and centres of any kind;

- public or private establishments of university level, for access to which a diploma of secondary education is required;
- special public or private educational establishments for handicapped children.

c) Attendance of educational and training courses of a temporary nature shall not be regarded as regular full-time attendance at an educational establishment and, therefore, shall not give an entitlement to the flat-rate reimbursement of school fees, except for vocational training or certain special training courses recognized by the Centre.

3. Amounts of the educational allowance

A. Flat-rate educational allowance

(i) The basic amount of the flat-rate educational allowance shall be fixed at 8 515 BF a month. This basic amount shall be revised annually in accordance with the trend in average costs in the Community, following the practice of the European Institutions in Brussels.

This flat-rate amount shall cover all the costs arising from normal school attendance such as: purchase or rental of school equipment and supplies, insurance, transport to and from the educational establishment etc.

The flat-rate educational allowance shall, however, be adjusted as follows:

<u>Higher or university education</u>	<u>Expatriate staff</u>	<u>Non-expatriate staff</u>
- if the university or establishment is situated within the Brussels region	8 515 BF	8 515 BF
- if the university or establishment is situated at a distance of 50 km from Brussels	17 030 BF	8 515 BF

<u>Nursery, primary or secondary education or vocational training</u>	<u>Expatriate staff</u>	<u>Non-expatriate staff</u>
<u>For a child attending:</u>		
– an establishment of primary or secondary education and residing away from home	8 515 BF	8 515 BF
– an establishment of primary or secondary education and residing at the family home	4 257 BF	4 257 BF
– nursery school education	2 128 BF	2 128 BF

(ii) When a staff member's child(ren) attend(s) a special school for urgent and justified educational reasons, the basic amount of 8 515 BF is increased, by a maximum of 64% for a child of less than 11 years, and by a maximum of 50% for a child of over 11 years. The amount will however not exceed the monthly school allowance for justified educational reasons as established for permanent and temporary staff of the Community institutions. The existence of urgent educational reasons is recognized in the case of educational problems of a child attending any educational establishment. A certificate from the headmaster of the establishment attended must certify that it is in the interest of the child to follow an adjusted type of education, duly confirmed by a medical or educational psychologist.

**B. "Minerval" and/or registration fees**

In the conditions described below, staff members shall receive reimbursement of the "minerval" and/or registration fees:

- (a) In the case of primary or secondary education or technical or vocational training, the contribution by the CDI may not exceed the corresponding amount that the staff member would have had to pay in the same conditions at the European School in Brussels or at Belgian schools in the case of vocational or technical training. This limit shall not, however, be applied:
- if, despite intervention by the CDI and the staff member, the application to register his child at the European School has been refused by the latter and the application has been placed on a waiting list.

In such cases, the contribution by the CDI may be made only on presentation of supporting documents and within the following limits:

- only the "minerval" and registration fees, to the exclusion of other costs covered by the flat-rate educational allowance as set out under point 3.A;
  - a maximum to be fixed annually on the basis of the average school fees for a child at the European School paid out of the Community Budget;
  - individual cases shall be examined by an ad hoc committee comprising 3 persons of whom one representative of the Staff Association.
  - If, for reasons of continuity in the school curriculum, the staff member has been unable to register his child(ren) with the European School, the CDI shall contribute only on presentation of supporting documents and up to a ceiling fixed at double the maximum fees applied by the European School. These cases shall be examined by the ad hoc committee mentioned above.
- b) For staff members suffering exceptional discriminatory differences in relation to the measures applicable to the nationals of Community Member States, as regards the "minerval" and/or registration fees at establishments of primary, secondary or university establishments of the Community, such differences shall be paid by the CDI on presentation of supporting documents, up to a maximum of 30 000 BF a year.

C. Additional reimbursements

Special costs relating to certain school activities may be reimbursed following authorization by the Director if they form part of compulsory school activities organized outside the educational establishment, including training courses, organized within the framework of full-time education and including vocational and technical training.

4. Entitlement to the educational allowance shall commence on the first day of the month in which the child begins to attend a recognized educational establishment after the staff member has taken up his appointment.

This entitlement shall expire at the end of the month in which the conditions providing entitlement to this reimbursement are no longer fulfilled and, at the latest, at the end of the month during which the child reaches 26 years of age.

5. The CDI shall assist the staff member in all his dealings with the European School.
6. Under no circumstances may the educational allowance be combined with any grant received by the child concerned.

DECISION No 2/97  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 15 April 1997

on the appointment of a member  
of the Executive Board  
of the Centre for the Development of Industry

THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION,

Having regard to the Fourth ACP-EC Convention, as amended by the Agreement signed at Mauritius on 4 November 1995, hereinafter referred to as "Convention", and in particular Article 92 thereof,

Whereas Article 92(1) of the Convention provides for a Joint Executive Board to advise and back up the Director of the Centre for the Development of Industry;

Whereas Article 92(2) of the Convention provides that the Executive Board shall be composed of six persons with substantial experience in the private or public industrial or banking sectors or in industrial development planning and promotion, chosen by the Committee on Industrial Cooperation on the grounds of their qualifications from among nationals of the States Party to the Convention;



Whereas Article 8(5) of the Statute and Rules of Procedure of the Centre provides that the members of the Executive Board shall be appointed for a period of not longer than five years;

Whereas it is important to ensure both that there is continuity and that the principle of rotation among Member States is observed;

Whereas Mr José Luis CASTAÑEDA BONICHE (Spain) has been nominated, on a proposal from the Community, to replace Mr Ulf R. SIEBEL (Germany) in his capacity as member of the Executive Board of the CDI;

Whereas it is for the Committee to appoint members of the Executive Board,

HAS DECIDED AS FOLLOWS:

Article 1

Mr José Luis CASTAÑEDA BONICHE is hereby appointed, on a proposal from the Community, a member of the Executive Board of the Centre for the Development of Industry within the framework of the Fourth ACP-EC Convention for a period of three years, in place of Mr Ulf R. SIEBEL.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 15 April 1997

For the ACP-EC Committee on Industrial Cooperation  
The Co-Chairmen

Peter Gabriel ROBLEH

Jolyn Xandra EIKEBOOM



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DECISION No 3/97  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 24 July 1997

on the adjustment of the remuneration and the tax brackets  
laid down in the conditions of employment of the staff  
of the Centre for the Development of Industry

THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION,

Having regard to the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989, and in particular Article 93(3) thereof,

Having regard to Decision No 1/92 of the ACP-EC Council of Ministers of 15 December 1992 laying down the conditions of employment of the staff of the Centre for the Development of Industry, hereinafter called "the Centre", and in particular Article 49 thereof,

Whereas, under Article 49 of Decision No 1/92, the Committee on Industrial Cooperation may decide, on the recommendation of the Centre's Executive Board, to adjust the remuneration laid down in the said Decision to take account of trends in the cost of living and in purchasing power;

Whereas the Centre's Executive Board has proposed adjustments to take account of trends in the cost of living in Brussels during the period from 1 July 1995 to 30 June 1996;

Whereas account should also be taken of trends in purchasing power during this period;

Whereas the figures drawn up by the Statistical Office of the European Communities, on the basis of which adjustment of the salary scale referred to in Article 50 of Decision No 1/92 is calculated, result in its adjustment by 1,16% for the period from 1 July 1995 to 30 June 1996,

HAS DECIDED AS FOLLOWS:

Article 1

With effect from 1 July 1996, the remuneration and tax brackets laid down for staff of the Centre referred to respectively in the Sole Article and in the Annex to Decision No 4/96 of the Committee on Industrial Cooperation of 18 December 1996 shall be increased by 1,16% in accordance with the tables in the Annex to this Decision.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 24 July 1997

For the ACP-EC Committee on Industrial Cooperation  
The Co-Chairmen



Peter G. ROBLEH

C. POMMEREL

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LOME IV  
(Conditions of employment of the staff of the CDI)  
**TABLE OF BASIC GROSS MONTHLY SALARIES (BFR)**  
(applicable as from 1 July 1996)

CATEGORY	LEVEL	BASIC POST	STEP					
			1	2	3	4	5	
1. DIRECTORS	1.A	Director	415 834					
	1.B	Deputy Director	368 310					
2. ADMINISTRATIVE	2.A	Main Expert	297 025	314 846	332 668			
	2.B	Main Expert	237 620	251 876	267 322	282 767	299 401	
	2.C	Expert	207 918	220 987	234 056	247 125	261 381	
	2.D	Expert	166 334	176 433	187 125	198 412	210 294	
3. CLERICAL	3.A	Principal assistant	139 011	147 324	155 642	165 741	175 838	
	3.B	Clerical assistant	106 928	112 869	119 998	127 128	134 256	
	3.C	Secretary	77 227	81 979	86 732	91 484	97 424	
4. SUPPORTING STAFF	4.A	Technical staff	62 970	66 533	70 099	73 663	78 414	

LOME IV  
(Conditions of employment of the staff of the CDI)

TAX SCALE  
(applicable as from 1 July 1996)

GROSS ANNUAL CEILINGS				% PER BRACKET
FROM		TO		
1	-	2 941	-	0,0
2 942	49 034	51 976	3 923	8,0
51 977	19 611	71 588	5 884	10,0
71 589	10 456	82 045	7 191	12,5
82 046	11 116	93 162	8 858	15,0
93 163	10 456	103 619	10 688	17,5
103 620	10 134	113 754	12 715	20,0
113 755	10 408	124 163	15 057	22,5
124 164	10 187	134 351	17 603	25,0
134 352	10 452	144 804	20 477	27,5
144 805	10 136	154 941	23 518	30,0
154 942	10 459	165 401	26 917	32,5
165 402	10 135	175 537	30 464	35,0
175 538	10 454	185 992	34 646	40,0
185 993	-	99 999 999		45,0

**DECISION No 4/97  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 16 October 1997**

**on the appointment of a member  
of the Executive Board  
of the Centre for the Development of Industry**

**THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION,**

**Having regard to the Fourth ACP-EC Convention, as amended by the Agreement signed at Mauritius on 4 November 1995, hereinafter referred to as "Convention", and in particular Article 92 thereof,**

**Whereas Article 92(1) of the Convention provides for a Joint Executive Board to advise and back up the Director of the Centre for the Development of Industry (CDI);**

**Whereas Article 92(1) of the Convention provides that the Executive Board shall be composed of six independent, highly qualified persons with considerable experience of industrial cooperation appointed on the basis of parity between the ACP and the Community;**



Whereas Article 11(1) of the Statute and Rules of Procedure of the Centre provides that the members of the Executive Board shall be appointed, *intuitu personae*, for a period of not longer than five years;

Whereas Mr Carlos António da Conceição SIMBINE (Mozambique) has been nominated, on a proposal from the ACP States, to replace Mr Antonio Augusto De Almeida MATOS (Mozambique) in his capacity as member of the Executive Board of the CDI;

Whereas it is for the Committee to appoint members of the Executive Board,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Carlos António da Conceição SIMBINE is hereby appointed, on a proposal from the ACP States, a member of the Executive Board of the Centre for the Development of Industry within the framework of the Fourth ACP-EC Convention until the date of expiry of the Convention, in place of Mr Antonio Augusto De Almeida MATOS.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 16 October 1997.

For the ACP-EC Committee on Industrial Cooperation  
The Co-Chairmen

Peter Gabriel ROBLEH

Christiane POMMERELL





DECISION No 5/97  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
OF 31 December 1997

approving the budget  
of the Centre for the Development of Industry (1998)

THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION,

Having regard to the Fourth ACP-EC Convention, as revised by the Agreement signed in Mauritius on 4 November 1995, and in particular Article 87(2)(c) and Article 92(2)(a) thereof,

Having regard to Decision No 4/91 of the ACP-EC Council of Ministers of 6 May 1991 laying down the Statute and Rules of Procedure of the Centre for the Development of Industry, and in particular Article 8(1)(b)(iii) and the second indent of Article 10(1) thereof,

Having regard to Decision No 5/91 of the ACP-EC Council of Ministers of 6 May 1991 adopting the Financial Regulation of the Centre for the Development of Industry, and in particular Articles 6 and 7 thereof,

Whereas, pursuant to Article 10(1)(b) of Decision No 1/97 of the ACP-EC Committee of Ambassadors of 21 April 1997, the Director of the Centre drew up and submitted to the Executive Board of the Centre a draft annual budget for the 1998 financial year;

Whereas the Executive Board, at its meeting on 23 October 1997, examined that draft and adopted it in accordance with Article 10(1)(b)(iv) of Decision No 1/97;

Whereas the draft budget has been submitted to the ACP-EC Committee on Industrial Cooperation for approval,

HAS DECIDED AS FOLLOWS:

Sole Article

The budget of the Centre for the Development of Industry for the financial year 1998, as contained in the Annex, is hereby approved.

Done at Brussels, 31 December 1997.

For the ACP-EC Committee  
on Industrial Cooperation



The co-Chairmen

C. POMMEREL

P.G. ROBLEH

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ANEXO  
BILAG  
ANHANG  
ΠΑΡΑΡΤΗΜΑ  
ANNEX  
ANNEXE  
ALLEGATO  
BIJLAGE  
ANEXO  
LIITE  
BILAGA

**BUDGET**

**OF THE CENTRE FOR THE DEVELOPMENT OF INDUSTRY**

**FOR 1998**

1	TITLE I - STAFF	BUDGET 1996 COMMITMENTS AT 31/12/96 (1)	BUDGET 1997 TOTAL (2)	BUDGET 1998 TOTAL (3)	% EVOLUTION (8)/(2)
ARTICLE 111	SALARIES	3,679,537.02	4,100,000.00	4,100,000.00	0.00%
ARTICLE 112	PROVISION FOR THE ADJUSTMENT OF SALARIES	80,000.00	60,000.00	60,000.00	0.00%
ARTICLE 113	SOCIAL CHARGES	1,517,399.02	1,640,000.00	1,040,000.00	0.00%
ARTICLE 114	ALLOWANCES	458,105.91	627,000.00	597,000.00	-4.78%
ARTICLE 115	TRAINING AND DEVELOPMENT OF STAFF	3,205.30	30,000.00	25,000.00	-16.67%
ARTICLE 116	EXPENSES FOR STAFF INTEGRATION	3,000.00	5,000.00	5,000.00	0.00%
ARTICLE 117	MISCELLANEOUS CONSULTANCIES	110,453.48	70,000.00	60,000.00	-14.29%
	TOTAL CHAPTER 'I'	5,831,701.33	6,532,000.00	6,487,000.00	-0.69%
	GRAND TOTAL	5,831,701.33	6,532,000.00	6,487,000.00	-0.69%

2	TITLE II - BUILDING, EQUIPMENT AND MISC. OPERATING EXPENDITURE	UDGET 1998 COMMITMENTS AT 31/12/96 (1)	BUDGET 1997 TOTAL (2)	UDGET 1998 TOTAL (3)	% EVOLUTION (3)/(2)
ARTICLE 211	RENT	502,149.01	546,000.00	536,000.00	-1.83%
ARTICLE 212	INCIDENTAL EXPENDITURE	196,190.05	254,000.00	204,000.00	-19.88%
	TOTAL CHAPTER 21	698,339.06	800,000.00	740,000.00	-7.50%
ARTICLE 221	PURCHASE OF OFFICE FURNITURE AND EQUIPMENT	14,345.06	45,000.00	45,000.00	0.00%
ARTICLE 222	RENTAL OF FURNITURE AND EQUIPMENT	64,940.42	65,000.00	65,000.00	0.00%
ARTICLE 223	MAINTENANCE OF FURNITURE AND EQUIPMENT	2,584.67	6,000.00	5,000.00	-16.67%
ARTICLE 224	VEHICLES, MAINTENANCE, REPAIRS, USE	0,492.66	12,000.00	11,000.00	-8.33%
ARTICLE 225	DATA PROCESSING	85,561.39	175,000.00	170,000.00	-2.86%
	TOTAL CHAPTER 22	205,925.02	303,000.00	296,000.00	-2.31%
ARTICLE 231	STATIONERY AND OFFICE SUPPLIES	36,870.60	60,000.00	50,000.00	-16.67%
ARTICLE 232	POSTAL CHARGES AND TELECOMMUNICATIONS	241,010.76	252,000.00	252,000.00	0.00%
ARTICLE 233	BANK CHARGES AND LOSSES ON EXCHANGE RATES	53,170.25	15,000.00	15,000.00	0.00%
ARTICLE 234	OTHER OPERATING EXPENSES	39,419.06	45,000.00	45,000.00	0.00%
	TOTAL CHAPTER 23	371,280.57	372,000.00	362,000.00	-2.69%
ARTICLE 241	REPRESENTATION AND ENTERTAINMENT EXPENSES	20,106.94	30,000.00	30,000.00	0.00%
	TOTAL CHAPTER 24	20,106.94	30,000.00	30,000.00	0.00%
	GRAND TOTAL	1,295,660.30	1,505,000.00	1,428,000.00	-5.12%

3	TITLE III - INTERVENTION PROGRAMME	BUDGET 1996 COMMITMENTS AT 31/12/96 (1)	BUDGET 1997 TOTAL (2)	BUDGET 1999 TOTAL (3)	% EVOLUTION (3)/(2)
ARTICLE 311	ACP NETWORK	1,492,867.72	1,455,000.00	1,605,000.00	10.31%
ARTICLE 312	EU NETWORK	618,375.49	475,000.00	600,000.00	26.32%
ARTICLE 313	PUBLIC RELATIONS AND COMMUNICATIONS	224,587.25	150,000.00	150,000.00	0.00%
ARTICLE 314	SECONDED EXPERTS	110,670.00	175,000.00	175,000.00	0.00%
ARTICLE 321	TOTAL CHAPTER 31 IDENTIFICATION AND PROMOTION OF PROJECTS IN ACP COUNTRIES	2,446,508.54	2,255,000.00	2,530,000.00	12.20%
ARTICLE 322	IDENTIFICATION AND PROMOTION OF PROJECTS IN EUROPE	480,969.77	320,000.00	320,000.00	0.00%
ARTICLE 323	PARTNER INTRODUCTIONS	55,000.00	24,000.00	24,000.00	0.00%
ARTICLE 331	TOTAL CHAPTER 32 PROJECT INTERVENTIONS, DIAGNOSTIC, EXPERTISE, STUDIES	414,554.52	500,000.00	500,000.00	0.00%
ARTICLE 332	DIRECT INTERVENTIONS	950,524.29	844,000.00	844,000.00	0.00%
ARTICLE 333	PILOT AND DEMONSTRATION PROJECTS	1,821,929.19	1,210,000.00	1,350,000.00	11.57%
ARTICLE 341	MISSIONS	2,950,940.18	1,970,000.00	2,230,000.00	13.20%
ARTICLE 361	TOTAL CHAPTER 33 TOTAL CHAPTER 34 SECTORAL STUDIES, IN DEPTH SCRUTINY OF A SECTOR IN ACP COUNTRIES	94,960.00	100,000.00	100,000.00	0.00%
ARTICLE 362	SECTORAL STUDIES, IN DEPTH SCRUTINY OF A SECTOR IN EU COUNTRIES	4,675,035.37	3,260,000.00	3,680,000.00	12.20%
ARTICLE 363	PUBLICATIONS	303,472.73	380,000.00	380,000.00	0.00%
ARTICLE 364	INTERNAL INFORMATION, DOCUMENTATION	303,472.73	380,000.00	380,000.00	0.00%
ARTICLE 365	MEETINGS AND SEMINARS	302,620.51	125,000.00	250,000.00	100.00%
ARTICLE 366	INVESTMENT SOLICITATION IN ACP COUNTRIES VIA THE INTERNET	141,120.00	50,000.00	100,000.00	100.00%
	TOTAL CHAPTER 36	203,127.80	110,000.00	160,000.00	45.45%
	MEETINGS AND SEMINARS	41,257.35	50,000.00	50,000.00	0.00%
	INVESTMENT SOLICITATION IN ACP COUNTRIES VIA THE INTERNET	291,100.93	280,000.00	280,000.00	0.00%
	TOTAL CHAPTER 36	909,314.50	615,000.00	965,000.00	57.07%
	GRAND TOTAL	9,546,655.52	7,374,000.00	8,400,000.00	13.91%



4	TITLE IV - SUPERVISORY BODIES	BUDGET 1996 COMMITMENTS AT 31/12/96 (1)	BUDGET 1997 TOTAL (2)	BUDGET 1998 TOTAL (3)	% EVOLUTION (3)/(2)
ARTICLE 411	EXECUTIVE BOARD	198,285.08	150,000.00	150,000.00	0.00%
ARTICLE 412	SECRETARIAT TO THE EXECUTIVE BOARD	63,290.81	100,000.00	100,000.00	0.00%
	TOTAL CHAPTER 41	261,575.89	250,000.00	250,000.00	0.00%
ARTICLE 421	INTERNAL AUDIT BODY	119,898.00	130,000.00	130,000.00	0.00%
ARTICLE 422	EXTERNAL AUDIT BODY	14,847.38	15,000.00	15,000.00	0.00%
	TOTAL CHAPTER 42	134,745.38	145,000.00	145,000.00	0.00%
	GRAND TOTAL	396,321.27	395,000.00	395,000.00	0.00%

5	TITLE V - BOOK LOSSES ON EXCHANGE RATES	BUDGET 1996 COMMITMENT AT 31/12/96 (1)	BUDGET 1997 TOTAL (2)	BUDGET 1998 TOTAL (3)	% EVOLUTION (3)/(2)
ARTICLE 511	BOOK LOSSES ON EXCHANGE RATES		50,000.00	50,000.00	0.00%
	TOTAL TITLE V		50,000.00	50,000.00	0.00%

## **I. ACP-EC Acts**

### **6. Acts of the ACP-EC Customs Cooperation Committee**



DECISION No 1/97 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE

of 21 February 1997

derogating from the definition of 'originating products' to take account of the special situation of Lesotho regarding the production of preserved asparagus (HS heading 2005.60)

(97/226/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

Having regard to the fourth ACP-EEC Convention signed at Lomé on 15 December 1989, and in particular Article 31 (9) and (10) of Protocol 1 thereto,

Whereas Article 31 of Protocol 1 to the Convention concerning the definition of the concept of 'originating products' and methods of administrative cooperation makes provisions for derogations to be made from the said Protocol by the Customs Cooperation Committee under certain conditions;

Whereas on 21 October 1996 the African, Caribbean and Pacific States (ACP States) submitted a request from the Government of Lesotho for a derogation from the rule of origin in the Protocol in respect of preserved asparagus, of HS heading 2005.60 produced by that country;

Whereas the requested derogation satisfies the conditions laid down in the Protocol; Lesotho being a least-developed and landlocked country; whereas refusal would lead to closure of an existing industry with concomitant adverse economic and social effects, particularly in terms of employment; whereas Lesotho is unable to operate cumulation of origin with other ACP countries or with the Community in the short term;

Whereas in view of the low volume of imports involved and the limited duration of the derogation it is not likely to cause serious injury to any industry established in the Community; whereas, however, the granting of the derogation must be linked to compliance with certain conditions intended, *inter alia*, to ensure its proper administration,

HAS DECIDED AS FOLLOWS:

*Article 1*

By way of derogation from the special provisions in the list in Annex II to Protocol 1 to the fourth ACP-EEC Convention, preserved asparagus of HS heading 2005.60

manufactured in Lesotho from non-originating asparagus shall be regarded as originating in that country in accordance with the terms of this Decision.

*Article 2*

The derogation provided for in Article 1 shall apply to the annual quantities shown in the annex exported by Lesotho to the Community from 1 November 1996 to 31 October 1999.

*Article 3*

The quantities referred to in Article 2 shall be administered by the Commission, which may take whatever administrative steps are required to ensure efficient management.

Where an importer presents a declaration for release to free circulation in a Member State, claiming entry under this Decision, and the declaration is accepted by the customs authorities, the Member State concerned shall draw the requisite quantity by means of an appropriate notification to the Commission.

Requests for drawings, stating the date on which the declaration was accepted, shall be forwarded to the Commission without delay.

The Commission shall release drawings according to the date on which the declarations for free circulation were accepted by the customs authorities of the Member State concerned, as far as the available balance permits.

If a Member State fails to use a drawing it shall return it as soon as possible to the appropriate quota.

If requests exceed the available balance of a given quota, quantities shall be allocated on a *pro rata* basis. The Commission shall inform the Member States of drawings on the quotas.

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quota volumes as far as the available balance permits.

*Article 4*

Box 7 of EUR. 1 certificates issued under this Decision shall contain the words:

'Derogation — Decision No 1/97'.

*Article 5*

The African, Caribbean and Pacific (ACP) States and the Member States of the European Community shall take the

measures necessary on their part to implement this Decision.

*Article 6*

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 21 February 1997.

*For the ACP-EC Customs  
Cooperation Committee*

James CURRIE  
and Alex NTIM ABANKWA

*The Joint Chairmen*

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*ANNEX*

Order No.	HS Code	Goods description	Period	Quantities
09.1655	2005.60	Preserved asparagus	1. 11. 1996 to 31. 10. 1997	330 tonnes
			1. 11. 1997 to 31. 10. 1998	280 tonnes
			1. 11. 1998 to 31. 10. 1999	300 tonnes

**DECISION No 2/97 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE**

**of 15 September 1997**

**derogating from the definition of 'originating products' to take account of the special situation of Fiji and Papua New Guinea regarding the production of canned tuna (HS heading ex 16.04)**

(97/651/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

Having regard to the fourth ACP-EEC Convention signed at Lomé on 15 December 1989 as revised by the Agreement signed in Mauritius on 4 November 1995, and in particular Article 31 (8), (9) and (10) of Protocol 1 thereto,

Whereas the said Protocol provides for derogations from the rules of origin to be granted whenever the development of an existing industry or the establishment of a new one warrants it;

Whereas Article 31 (8) of Protocol 1 lays down a special procedure for derogations in respect of canned tuna and tuna loins, which may be granted automatically within an annual quota of 4 000 tonnes of canned tuna and 500 tonnes of tuna loins;

Whereas on 7 February 1997 the African, Caribbean and Pacific States (ACP States) submitted a request, for the benefit of the Governments of Fiji and of Papua New Guinea, for a derogation from the rule of origin in the Protocol in respect of canned tuna produced by those two countries from 1 January 1997 to 29 February 2000, to be allocated as follows: 1 000 tonnes per year for Fiji and 500 tonnes per year for Papua New Guinea;

Whereas Fiji, Mauritius and Senegal already enjoy a derogation, under Article 31 (8), in respect of a quantity of 2 500 tonnes of canned tuna (Decisions No 2/93 (1), 3/93 (2) and 2/96 (3) of the ACP-EC Customs Cooperation

Committee) for 1997, and an annual quantity of 1 500 tonnes, from 1 January 1998 to 29 February 2000; whereas, therefore, the remaining amount of the annual quota currently available under the automatic derogation in 1997 is 1 500 tonnes, and from 1998, 2 500 tonnes per annum;

Whereas those countries should therefore be granted the requested derogation for the period 1 January 1997 to 29 February 2000,

HAS DECIDED AS FOLLOWS:

*Article 1*

By way of derogation from the special provisions in the list in Annex II to Protocol 1 of the fourth ACP-EEC Convention, canned tuna of HS heading ex 16.04 manufactured in Fiji or in Papua New Guinea from non-originating fish shall be regarded as originating in those countries in accordance with the terms of this Decision.

*Article 2*

The derogation provided for in Article 1 shall apply to the quantities shown in the Annexes to this Decision which are exported by Fiji and by Papua New Guinea from 1 January 1997 to 29 February 2000.

*Article 3*

The quantities referred to in Article 2 shall be managed by the Commission, which shall take all administrative action it deems advisable for their efficient management

(1) OJ L 242, 28. 9. 1993, p. 26.

(2) OJ L 242, 28. 9. 1993, p. 27.

(3) OJ L 243, 24. 9. 1996, p. 41.

Where an importer presents in a Member State a declaration of entry for free circulation including an application for the benefit of this Decision, the Member State shall, if the declaration has been accepted by the customs authorities, notify the Commission of its wish to draw the amount corresponding to its requirements.

Applications to draw showing the date of acceptance of declarations shall be transmitted to the Commission without delay.

Withdrawals shall be granted by the Commission in order of date of acceptance of declarations of entry for free circulation by the Member States' customs authorities provided that the available balance permits.

If a Member State fails to use a withdrawal it shall return it as soon as possible to the appropriate quota.

If requests exceed the available balance of a given quota, quantities shall be allocated on a pro rata basis. The Commission shall inform the Member States of withdrawal on the quotas.

Each Member State shall ensure that importers have continuous and equal access to the amounts available as long as the balance permits.

*Article 4*

Box 7 of EUR.1 certificates issued under this Decision shall contain the words:

'Derogation — Decision No 2/97'.

*Article 5*

The African, Caribbean and Pacific States (ACP States) and the Member States and the European Community shall take the measures necessary on their part to implement this Decision.

*Article 6*

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 15 September 1997.

*For the ACP-EC  
Customs Cooperation Committee*

J. CURRIE  
A. NTIM ABANKWA  
*The Joint Chairmen*





*ANNEX I*

**FIJI**

Order No	HS heading	Description of goods	Period	Quantities (tonnes)
09.1661	ex 16.04	Canned tuna	1. 1. 1997 to 31. 12. 1997	1 000
			1. 1. 1998 to 31. 12. 1998	1 000
			1. 1. 1999 to 31. 12. 1999	1 000
			1. 1. 2000 to 29. 2. 2000	166

*ANNEX II*

**PAPUA NEW GUINEA**

Order No	HS heading	Description of goods	Period	Quantities (tonnes)
09.1657	ex 16.04	Canned tuna	1. 1. 1997 to 31. 12. 1997	500
			1. 1. 1998 to 31. 12. 1998	500
			1. 1. 1999 to 31. 12. 1999	500
			1. 1. 2000 to 29. 2. 2000	83

**DECISION No 3/97 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE**

of 15 September 1997

**derogating from the definition of 'originating products' to take account of the special situation of Fiji regarding the production of canned tuna (HS heading ex 16.04)**

(97/652/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

Having regard to the fourth ACP-EEC Convention signed at Lomé on 15 December 1989 as revised by the Agreement signed in Mauritius on 4 November 1995, and in particular Article 31 (1) to (10) of Protocol 1 thereto,

Whereas the said Protocol for derogations from the rules of origin to be granted whenever the development of an existing industry or the establishment of a new one warrants it;

Whereas Article 31 (8) of Protocol 1 lays down a special procedure for derogations in respect of canned tuna and tuna loins, which may be granted automatically within an annual quota of 4 000 tonnes of canned tuna and 500 tonnes of tuna loins;

Whereas Fiji, Mauritius, Senegal and Papua New Guinea already enjoy a derogation, under Article 31 (8), in respect of a quantity of 4 000 tonnes of canned tuna (Decisions No 2/93 (1), 3/93 (2), 2/96 (3) and 2/97 (4) of the ACP-EC Customs Cooperation Committee) for 1997, and an annual quantity of 3 000 tonnes, from 1 January 1998 to 29 February 2000; whereas, therefore, the remaining amount of the annual quota available under the automatic derogation as from 1998, is 1 000 tonnes per annum;

Whereas on 29 April 1997 the African, Caribbean and Pacific States (ACP States) submitted a request, on behalf of the Government of Fiji, for a derogation from the rule of origin in the Protocol, in respect of canned tuna produced by this country from 1 June 1997 to 29 February 2000, for 3 000 tonnes per year;

Whereas the request is more than the quantity remaining on the quota of 4 000 tonnes to which the automatic procedure applies; the procedure laid down in paragraphs 1 to 7 of the abovementioned Article 31 is therefore applicable; whereas, in particular, under that procedure laid down in paragraphs 1 to 7, no derogation may be granted which may cause serious damage to an industry established in the Community; whereas that would be the case of an additional derogation going beyond the quant-

ities covered by the automatic derogation provisions were granted; whereas the Community canning industry is extremely sensitive; whereas, in particular, labour costs are elementary to the pricing; whereas any additional exposure of the market to products from countries with low labour costs would distort competition and cause serious damage to Community industries producing canned tuna; whereas this is particularly true at present where the Community market is stagnating, with some Member States more badly affected than others;

Whereas therefore, pursuant to Article 31 (8), only a derogation can be granted to Fiji in respect of 1 000 tonnes per year from 1 January 1998 to 31 December 1999, and 167 tonnes for the period from 1 January 2000 to 29 February 2000,

HAS DECIDED AS FOLLOWS:

*Article 1*

By way of derogation from the special provisions in the list in Annex II to Protocol 1 of the fourth ACP-EEC Convention, canned tuna of HS heading ex 16.04 manufactured in Fiji from non-originating fish shall be regarded as originating in this country in accordance with the terms of this Decision.

*Article 2*

The derogation provided for in Article 1 shall apply to the quantities shown in the annex to this Decision which are exported by Fiji from 1 January 1998 to 29 February 2000.

*Article 3*

The quantities referred to in Article 2 shall be managed by the Commission, which shall take all administrative action it deems advisable for their efficient management.

Where an importer presents in a Member State a declaration of entry for free circulation including an application for the benefit of this Decision, the Member State shall, if the declaration has been accepted by the customs authorities, notify the Commission of its wish to draw the amount corresponding to its requirements.

(1) OJ L 242, 28. 9. 1993, p. 26.

(2) OJ L 242, 28. 9. 1993, p. 27.

(3) OJ L 243, 24. 9. 1996, p. 41.

(4) See page 5 of this Official Journal.

Applications to draw showing the date of acceptance of declarations shall be transmitted to the Commission without delay.

Withdrawals shall be granted by the Commission in order of date of acceptance of declarations of entry for free circulation by the Member States' customs authorities provided that the available balance permits.

If a Member State fails to use a withdrawal it shall return it as soon as possible to the appropriate quota.

If requests exceed the available balance of a given quota, quantities shall be allocated on a pro rata basis. The Commission shall inform the Member States of withdrawal on the quotas.

Each Member State shall ensure that importers have continuous and equal access to the amounts available as long as the balance permits.

*Article 4*

Box 7 of EUR.1 certificates issued under this Decision shall contain the words:

'Derogation — Decision No 3/97.'

*Article 5*

The African, Caribbean and Pacific States (ACP States) and the Member States and the European Community shall take the measures necessary on their part to implement this Decision.

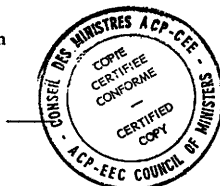
*Article 6*

This Decision shall enter into force on the date of its adoption.

This Decision shall apply as from 1 January 1998.

Done at Brussels, 15 September 1997.

*For the ACP-EC  
Customs Cooperation Committee*  
J. CURRIE  
A. NTIM ABANKWA  
*The Joint Chairmen*



ANNEX

FIJI

Order No	HS heading	Description of goods	Period	Quantities (tonnes)
09.1661	ex 16.04	Canned tuna	1. 1. 1998 to 31. 12. 1998	1 000
			1. 1. 1999 to 31. 12. 1999	1 000
			1. 1. 2000 to 29. 2. 2000	167

**DECISION No 4/97 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE**

of 15 September 1997

amending Decision No 1/97 of the ACP-EC Customs Cooperation Committee of 21 February 1997 derogating from the definition of 'originating products' to take account of the special situation of Lesotho regarding the production of preserved asparagus (HS heading 2005.60)

(97/653/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

Having regard to the fourth ACP-EEC Convention signed at Lomé on 15 December 1989, and in particular Article 31 (9) and (10) of Protocol 1 thereto,

Having regard to Decision No 1/97 of the ACP-EC Customs Cooperation Committee of 21 February 1997 derogating from the definition of 'originating products' to take account of the special situation of Lesotho regarding the production of preserved asparagus (HS heading 2005.60) (1),

Whereas this derogation was granted for the period from 1 November 1996 to 31 October 1999; whereas for each of the three periods starting on 1 November of each year and ending on 31 October of the following year, the amounts granted for the products covered by the derogation are respectively 330, 280 and 300 tonnes;

Whereas, on 29 April 1997, the African, Caribbean and Pacific States (ACP States) submitted a request on behalf of the Government of Lesotho for a prolongation of Decision No 1/97 of the ACP-EC Customs Cooperation Committee of 21 February 1997, until 29 February 2000 for a quantity of 266 tonnes in order to cover the totality of the period of validity of the fourth ACP-EEC Convention;

Whereas the derogation requested is in compliance with the conditions laid down in the Protocol; whereas Lesotho is land-locked and is one of the least-developed countries; whereas such a derogation is of importance for the social and economic situation of the people of Lesotho and of

their asparagus industry; whereas Lesotho is unable to operate cumulation of origin with other ACP countries or with the Community in the short term;

Whereas, in view of the low volume of imports involved and the limited duration of the derogation, it is not likely to cause serious injury to any industry established in the Community,

HAS DECIDED AS FOLLOWS:

*Article 1*

Decision No 1/97 is amended as follows:

1. in Article 2, the period from '1 November 1996 to 31 October 1999' is replaced by '1 November 1996 to 29 February 2000';
2. the Annex is replaced by the Annex to this Decision.

*Article 2*

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 15 September 1997.

*For the ACP-EC Customs Cooperation Committee*

J. CURRIE

A. NTIM ABANKWA

*The Joint Chairmen*



(1) OJ L 91, 5. 4. 1997, p. 31.

*ANNEX*

Order No	HS code	Goods description	Period	Quantities (tonnes)
09.1655	2005.60	Preserved asparagus	1. 11. 1996 to 31. 10. 1997	330
			1. 11. 1997 to 31. 10. 1998	280
			1. 11. 1998 to 31. 10. 1999	300
			1. 11. 1999 to 29. 2. 2000	266

DECISION No 5/97 OF THE ACP-EC CUSTOMS COOPERATION  
COMMITTEE

of 23 October 1997

derogating from the definition of 'originating products' to take account of the  
special situation of Zambia regarding the production of polyester-cotton yarn  
(HS heading ex 55.09)

(97/814/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

that certain conditions relating to quantities, surveillance  
and duration are respected;

Having regard to the Fourth ACP-EC Convention signed  
at Lomé on 15 December 1989 as revised by the Agree-  
ment signed in Mauritius on 4 November 1995, and in  
particular Article 31 (1) to (10) of Protocol 1 thereto,

HAS DECIDED AS FOLLOWS:

Whereas the said Protocol provides for derogations from  
the rules of origin to be granted whenever the develop-  
ment of an existing industry or the establishment of a  
new one warrants it;

*Article 1*

By way of derogation from the special provisions in the  
list in Annex II to Protocol 1 of the Fourth ACP-EC  
Convention, polyester-cotton yarn of HS heading ex 55.09  
manufactured in Zambia from non-originating polyeste-  
staple fibre, supplied in accordance with the terms of the  
request, shall be regarded as originating in this country in  
accordance with the terms of this Decision.

Whereas on 19 June 1997 the African, Caribbean and  
Pacific States (ACP States) submitted a request, on behalf  
of the Government of Zambia, for a derogation from the  
rule of origin in the Protocol, in respect of polyester-  
cotton yarn produced by that country from 1 June 1997  
to 29 February 2000, for 3 500 tonnes per year; whereas  
the Government of Zambia requested that polyester-  
staple fibre from neighbouring developing countries and  
countries belonging to the same coherent geographical  
entity be allowed in the manufacture of the polyester-  
cotton yarn;

*Article 2*

The derogation provided for in Article 1 shall apply to  
the quantities shown in the Annex to this Decision which  
are exported by Zambia from 1 November 1997 to 29  
February 2000.

Whereas the requested derogation is justified under the  
relevant provisions of Protocol 1, especially as regards  
least-developed states, the level of the added value in the  
proposed manufacturing process in Zambia, the economic  
and social impact of granting the derogation to Zambia;

*Article 3*

Whereas the derogation would not cause serious injury to  
an established community industry taking into account  
the quantities of the importations envisaged; provided

The quantities referred to in Article 2 shall be managed  
by the Commission, which shall take all administrative  
action it deems advisable for their efficient management.

Where an importer presents in a Member State a declaration of entry for free circulation including an application for the benefit of this Decision, the Member State shall, if the declaration has been accepted by the customs authorities, notify the Commission of its wish to draw the amount corresponding to its requirements.

Applications to draw showing the date of acceptance of declarations shall be transmitted to the Commission without delay.

Withdrawals shall be granted by the Commission in order of date of acceptance of declarations of entry for free circulation by the Member States' customs authorities provided that the available balance permits.

If a Member State fails to use a withdrawal it shall return it as soon as possible to the appropriate quota.

If requests exceed the available balance of a given quota, quantities shall be allocated on a pro rata basis. The Commission shall inform the Member States of withdrawal on the quotas.

Each Member State shall ensure that importers have continuous and equal access to the amounts available as long as the balance permits.

*Article 4*

Box 7 of EUR.1 certificates issued under this Decision shall contain the words:

'Derogation — Decision No 5/97'

*Article 5*

The African, Caribbean and Pacific States (ACP States) and the Member States and the European Community shall take the measures necessary on their part to implement this Decision.

*Article 6*

This Decision shall enter into force on the date of its adoption.

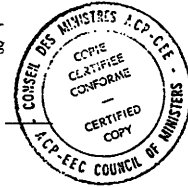
This Decision shall apply as from 1 November 1997.

Done at Brussels, 23 October 1997

*For the ACP-EC  
Customs Cooperation Committee*

*The Joint Chairmen*

J. CURRIE  
A. MBA OLO ANDEME



ANNEX

ZAMBIA

Order No	HS heading	Description of goods	Period	Quantities
09.1671	ex 55.09	Polyester-cotton yarn	1.11.1997 to 31.12.1997	600 tonnes
			1.1.1998 to 31.12.1998	3 500 tonnes
			1.1.1999 to 31.12.1999	3 500 tonnes
			1.1.2000 to 29.2.2000	600 tonnes





**II. Community Acts relating to the application of the  
Lomé Convention**

**A. Trade**

a) Trade



*(Acts adopted pursuant to Title V of the Treaty on European Union)*

**COMMON POSITION**

of 2 June 1997

defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning  
conflict prevention and resolution in Africa

(97/356/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article J.2 thereof,

Having regard to the conclusions of the European Councils of Essen and Madrid,

Having regard to the Charter of the United Nations,

Whereas prevention and resolution of conflicts in Africa constitute priorities for the European Union;

Whereas the primary responsibility for prevention and resolution of conflicts on the African continent lies with the Africans themselves;

Whereas the prevention and resolution of conflicts have been the subject of dialogue with the Organization of African Unity (OAU);

Whereas the UN Secretary-General has also put forward proposals on improving preparedness for conflict prevention and peacekeeping in Africa;

Whereas some other concrete proposals have already been made concerning the reinforcement of African peacekeeping capabilities,

HAS DEFINED THIS COMMON POSITION:

*Article 1*

1. Pursuant to the objectives of the common foreign and security policy, as defined in Article J.1 of the Treaty, the European Union shall actively support efforts in favour of the prevention and resolution of conflicts in Africa.

2. The Union shall pursue its policies and actions within the appropriate political and legal framework

(United Nations, OAU, subregional organizations), where necessary, and in close cooperation with the relevant bodies.

3. The policy of the Union is to facilitate African capacity and means of action in the field of conflict prevention and resolution, in particular through support for the OAU and subregional organizations and initiatives.

4. The Union shall develop a proactive, comprehensive and integrated approach, which shall also serve as a common framework for actions of individual Member States.

*Article 2*

While recognizing the need to respond to existing crises, the Union's policy shall also focus on preventing the outbreak or recurrence of violent conflicts, including at an early stage, and on post-conflict peace-building.

*Article 3*

In order to contribute better to the prevention and resolution of conflicts in Africa, the Union shall seek:

- to improve linkage between its efforts (policies and actions) and those of the Africans, and
- to use the various instruments available coherently to promote effective conflict prevention and resolution.

The Council notes that, in accordance with the relevant procedures, steps will be taken to ensure coordination of the efforts of the European Community and those of the Member States in this field, including with regard to development cooperation and the support for human rights, democracy, the rule of law and good governance.

*Article 4*

Recognizing that the availability of arms in quantities exceeding needs for self-defence may be a factor contributing to situations of instability, the Member States shall:

- reaffirm their commitment to exercise continuing responsibility with regard to arms exports, taking full account of the eight criteria for arms exports established by the European Council<sup>(1)</sup>,
- strengthen their efforts to prevent and to combat illicit trafficking of arms, and
- encourage African States to submit annual returns to the UN Register of Conventional Arms as a means of promoting transparency and building confidence.

*Article 5*

Where any Union initiative undertaken in furtherance of the objectives defined in Article 1 has defence implications, the Union shall request the Western European Union to elaborate and implement this initiative as regards these defence implications, in particular the use of military means, in accordance with Article J.4 (2) of the Treaty.

*Article 6*

On the basis of a report by the Presidency, in association with the Commission, this common position, together with the Council's conclusions of the same date, shall be reviewed after one year.

*Article 7*

1. The Union is ready to assist in building the capacities for conflict prevention and resolution in Africa on the basis of concrete project proposals, in particular through the OAU and African subregional organizations.
2. The Council shall decide on the principle, arrangements and financing of such projects, on the basis of an assessment to be carried out by a Union fact-finding mission.
3. The Council takes note of bilateral contributions by Member States as well as of the intention of the Commission to propose Community action in support of the objectives of this common position.

*Article 8*

This common position shall take effect on the day of its adoption.

*Article 9*

This common position shall be published in the Official Journal.

Done at Luxembourg, 2 June 1997.

*For the Council*  
*The President*  
H. VAN MIERLO

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<sup>(1)</sup> The European Council of Luxembourg, June 1991 and the European Council of Lisbon, June 1992.

**Statement by Denmark to be entered into the Council minutes concerning the common position on conflict prevention and resolution in Africa**

In accordance with Section C of the Decision adopted at the European Council in Edinburgh on 11 and 12 December 1992, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications.

The Danish Government has decided that Denmark will not participate in future Council decisions based on Article J.4 (2) of the Treaty on European Union as follow-up to the common position on conflict prevention and resolution in Africa.

In accordance with the Edinburgh Decision, Denmark will not prevent the development of closer cooperation between Member States in this area. Accordingly, the position indicated above does not prevent the adoption of the common position on conflict prevention and resolution in Africa.

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**COUNCIL DECISION**  
**of 2 June 1997**  
**concerning the extension of common position 95/544/CFSP on Nigeria**  
**(97/358/CFSP)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.2 thereof,

Having regard to common position 95/544/CFSP of 4 December 1995 defined by the Council on the basis of Article J.2 of the Treaty on European Union, on Nigeria<sup>(1)</sup>,

Having regard to Council Decision 96/677/CFSP of 25 November 1996 concerning the extension of common position 95/554/CFSP on Nigeria<sup>(2)</sup>, which extended that common position for a period of six months ending on 4 June 1997,

Considering that, in the light of the considerations in paragraph 3 of common position 95/544/CFSP, the said common position should be further extended,

HAS DECIDED AS FOLLOWS:

*Article 1*

Common position 95/544/CFSP shall be extended until 4 December 1997.

*Article 2*

This Decision shall be published in the Official Journal.

Done at Luxembourg, 2 June 1997.

*For the Council*  
*The President*  
H. VAN MIERLO

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<sup>(1)</sup> OJ No L 309, 21. 12. 1995, p. 1.

<sup>(2)</sup> OJ No L 315, 4. 12. 1996, p. 3.

*(Acts adopted pursuant to Title V of the Treaty on European Union)*

COUNCIL DECISION

of 16 July 1997

extending the application of Joint Action 96/250/CFSP adopted by the Council on the basis of Article J.3 of the Treaty on European Union, in relation to the nomination of a Special Envoy for the African Great Lakes Region

(97/448/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Articles J.3 and J.11 thereof,

Whereas Joint Action 96/250/CFSP of 25 March 1996 adopted by the Council on the basis of Article J.3 of the Treaty on European Union, in relation to the nomination of a Special Envoy for the African Great Lakes Region<sup>(1)</sup>, the application of which was extended by Decision 96/441/CFSP<sup>(2)</sup>, comes to an end on 31 July 1997;

Whereas the Council decided, by Decision 96/589/CFSP<sup>(3)</sup>, to charge an additional sum of ECU 1 300 000 to the general budget of the European Communities for 1996,

HAS DECIDED AS FOLLOWS:

*Article 1*

The application of Joint Action 96/250/CFSP is hereby extended to 31 July 1998. The Joint Action shall be reviewed six months after the date on which this Decision is adopted.

*Article 2*

In order to cover the costs related to the mission of the Special Envoy for the African Great Lakes Region, an additional sum of ECU 1 415 000 shall be charged to the general budget of the European Communities for 1997.

*Article 3*

This Decision shall enter into force on the date of its adoption. It shall be published in the Official Journal.

Done at Brussels, 16 July 1997.

*For the Council*  
*The President*  
J. POOS

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<sup>(1)</sup> OJ No L 87, 4. 4. 1996, p. 1.

<sup>(2)</sup> OJ No L 185, 24. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 260, 12. 10. 1996, p. 5.

**COUNCIL DECISION**  
**of 28 November 1997**  
**on the implementation of Common Position 95/544/CFSP on Nigeria**  
**(97/820/CFSP)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.2 thereof,

Whereas on 4 December 1995 the Council defined, on the basis of Article J.2 of the Treaty on European Union, Common Position 95/544/CFSP on Nigeria <sup>(1)</sup>;

Whereas Common Position 95/544/CFSP was extended until 1 November 1998 by Council Decision 97/821/CFSP <sup>(2)</sup>;

Whereas certain guidelines should be provided for the implementation of the aforementioned common position,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The Member States of the Union may grant visas to any Nigerian nationals participating in an international conference in their territory, in particular for meetings in the framework of the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989.

2. The Member States, desirous of honouring their international undertakings, may allow exceptions to paragraph 1 of Common Position 95/544/CFSP:

— pursuant to the provisions of a headquarters agreement,

— in order to follow up undertakings already into prior to the adoption of the common position in 1995, particularly in respect of sporting events organized by international sports federations, that is to say the 1998 Football World Cup and matches already organized in preparation therefor, and also the 1998 World Basketball Championship.

The Member States shall inform the sports federations of the provisions of this Decision.

3. Exceptions to paragraph 1 of Common Position 95/544/CFSP may also be allowed on urgent humanitarian grounds.

*Article 2*

Visas shall be granted on an individual basis only, following prior notification to all Member States.

*Article 3*

This Decision shall be published in the Official Journal.

Done at Brussels, 28 November 1997.

*For the Council*  
*The President*  
G. WOHLFART

<sup>(1)</sup> OJ L 309, 21. 12. 1995, p. 1.

<sup>(2)</sup> See page 8 of this Official Journal.



**COUNCIL DECISION**  
**of 28 November 1997**  
**concerning the extension of Common Position 95/544/CFSP on Nigeria**  
**(97/821/CFSP)**

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

*Article 1*

Having regard to the Treaty on European Union, and in particular Article J.2 thereof,

Common Position 95/544/CFSP shall be extended until 1 November 1998.

*Article 2*

Whereas, on 4 December 1995 the Council defined, on the basis of Article J.2 of the Treaty on European Union, Common Position 95/544/CFSP on Nigeria <sup>(1)</sup>;

This Decision shall be published in the Official Journal.

Done at Brussels, 28 November 1997.

Whereas that common position expires on 4 December 1997; whereas, in the light of the considerations in paragraph 3 thereof, it should be further extended,

*For the Council*

*The President*

G. WOHLFART

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<sup>(1)</sup> OJ L 309, 21.12.1995, p. 1. Common position as last amended by Decision 97/358/CFSP (OJ L 153, 11.6.1997, p. 6).

COUNCIL DECISION

of 20 October 1997

concerning the implementation of common position 97/356/CFSP defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning conflict prevention and resolution in Africa

(97/690/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles J.2 and J.11 thereof,

Whereas Article 7 of common position 97/356/CFSP of 2 June 1997<sup>(1)</sup> provides that the European Union is ready to assist in building the capacities for conflict prevention and resolution in Africa on the basis of concrete project proposals, in particular through the Organization for African Unity (OAU) and African subregional organizations;

Whereas, in the light of the conclusions adopted by the Council on 2 June 1997 on conflict prevention and resolution in Africa and in order to facilitate African efforts, the European Union should support the Mechanism for Conflict Prevention, Management and Resolution in Africa (hereinafter referred to as 'the Mechanism'), which was established by the OAU at its 29th Assembly held in Cairo in June 1993;

Whereas, in order to make the OAU Mechanism operational, it is essential to increase communications facilities at OAU headquarters, at its national and regional offices and at its field missions; whereas a specific project has been submitted by the OAU as part of a consolidated project of proposals to strengthen the OAU Mechanism in this area;

Whereas this is a pilot measure and its evaluation will enable the European Union to broaden cooperation with the OAU and to envisage support for other projects submitted by the OAU, which will be examined individually by the European Union,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The European Union shall support the Mechanism for Conflict Prevention, Management and Resolution in Africa established by the OAU in June 1993, the aim of

<sup>(1)</sup> OJ L 153 vom 11. 6. 1997, S. 1.

which is to make it possible to identify sources of conflict early and react to them rapidly.

2. In order to enable the Mechanism to improve its operational effectiveness and in view of the deficiencies observed in the field of communications in Africa, the European Union's support for 1997 will be directed towards the OAU's requirements for increasing communications facilities at OAU headquarters, at its national and regional offices and at its field missions, including training in that sector.

*Article 2*

In implementing this Decision, account will be taken of the need to ensure consistency between assistance to the OAU provided by the European Union, the Member States and other participants in the conferences on preventive diplomacy held in Washington (1995), Brussels and Madrid (1996).

*Article 3*

1. In order to cover the costs of providing equipment and of training OAU staff, an amount of ECU 860 000 shall be borne by the general budget of the European Communities for the financial year 1997.

2. The expenditure financed by the amount laid down in paragraph 1 shall be administered in accordance with the budgetary procedures and rules of the European Community.

*Article 4*

Six months after publication of this Decision, the Council shall evaluate the action taken pursuant to it, on the basis of information supplied by the Commission.

*Article 5*

This Decision shall enter into force on the date of its adoption.

It shall be published in the Official Journal.

Done at Luxembourg, 20 October 1997.

*For the Council*

*The President*

F. BODEN

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I

*(Acts whose publication is obligatory)*

COUNCIL REGULATION (EC) No 2229/97

of 30 October 1997

concerning the interruption of certain economic relations with Angola in order to induce the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 73g and 228a,

Having regard to common position 97/759/CFSP of 30 October 1997 defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning Angola and aimed at inducing the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process<sup>(1)</sup> in view of the relevant decisions of the Security Council of the United Nations, in particular its Resolutions 864 (1993), 1127 (1997), and 1130 (1997),

Having regard to the proposal from the Commission,

Whereas the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, decided in its Resolutions 864 (1993) and 1127 (1997) that all States should take certain measures with regard to their economic relations with Angola in order to obtain the implementation by the 'União Nacional para a Independência Total de Angola' (UNITA) of its obligations under the 'Acordos de Paz', the Lusaka Protocol and the relevant Security Council Resolutions;

Whereas certain of these measures fall under the scope of the Treaty establishing the European Community and, therefore, Community legislation is necessary to implement the relevant decisions of the Security Council as far as the territory of the European Community is concerned, such territory being deemed to encompass, for the purposes of this Regulation, the territories of the Member States to which the Treaty establishing the European Community is applicable, under the conditions laid down in that Treaty;

Whereas the Security Council has also called upon the United Nations Member States to apply these measures notwithstanding the existence of any right or obligations conferred or imposed by any international agreement signed, any contract entered into or any licence or permit granted before the adoption of the aforementioned Resolutions;

Whereas, therefore, the fourth ACP-EC Convention, signed at Lomé on 15 December 1989, to which the Community and Angola are parties, does not pose an obstacle to the application of the said Security Council measures;

Whereas the data contained in the Annexes to this Regulation concerning points of entry in Angola for supplies, aircraft registered in Angola and places in Angola for aircraft to take off or land should be based on the data provided by the Government of Angola to the Committee created pursuant to Resolution 864 (1993) of the Security Council and notified to the Member States of the United Nations by this Committee;

Whereas the aforesaid Resolutions provide for certain exceptions to the restrictions imposed on the condition of prior approval of said Committee;

Whereas approval of this Committee should be obtained through the competent national authorities of the Member States, whose names and addresses should, therefore, be made available in an Annex to this Regulation;

Whereas, for reasons of expediency, the Commission should be empowered to supplement and/or amend the Annexes to this Regulation on the basis of pertinent notifications from the relevant Security Council Committee or, in the case of Annex VI, the competent authorities of Member States;

Whereas, for reasons of transparency and simplicity, the interruption of certain economic relations with Angola should be governed by only one legal instrument; whereas therefore, the provisions of Council Regulation

<sup>(1)</sup> See page 8 of this Official Journal.

(EEC) No 2967/93 of 25 October 1993 prohibiting the supply of certain goods to UNITA<sup>(1)</sup>, should be incorporated in this Regulation, and the former Regulation should be repealed,

HAS ADOPTED THIS REGULATION:

#### Article 1

The following shall be prohibited:

1. to sell or supply petroleum and petroleum products listed in Annex I, whether or not originating in the Community, in the territory of Angola through points of entry other than those referred to in Annex II;
2. to supply or make available in any form any aircraft or aircraft components to the territory of Angola other than through the points of entry referred to in Annex III;
3. to provide engineering and maintenance services, certification of airworthiness, payment of new claims against existing insurance contracts or provision or renewal of direct insurance with respect to any aircraft registered in Angola other than those listed in Annex IV, or with respect to any aircraft which entered the territory of Angola other than through a point of entry referred to in Annex V;
4. to permit any aircraft to take off from, land in or overfly the territory of the Community if it has taken off from or is destined to land at a place in the territory of Angola other than one listed in Annex V;
5. to start or continue, in any form, any operational activity of any UNITA office;
6. any activity the object or effect of which is, directly or indirectly, to promote the transactions or activities referred to in this Article.

#### Article 2

The prohibition of the transactions or activities referred to in Article 1 shall not apply to cases of medical urgency or to flights of aircraft carrying food, medicine or supplies for essential humanitarian needs, on condition that, through the competent national authorities, a prior approval has been obtained from the United Nations Security Council Committee created pursuant to Resolution 864 (1993).

The names and addresses of the competent national authorities are contained in Annex VI.

<sup>(1)</sup> OJ L 268, 29. 10. 1993, p. 1.

#### Article 3

This Regulation shall apply notwithstanding any rights conferred or obligations imposed by any international agreement signed or any contract entered into or any licence or permit granted before the entry into force of this Regulation.

#### Article 4

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed.

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed shall be those determined by the Member States in order to give effect to Article 4 of Regulation (EEC) No 2967/93.

#### Article 5

The Commission and the Member States shall inform each other of the measures taken under this Regulation and supply each other with other relevant information at their disposal in connection with this Regulation, such as violation and other enforcement problems or judgments made by national courts.

#### Article 6

The Commission is hereby empowered to supplement and/or amend the Annexes on the basis of the information and notifications supplied by the competent authorities of the United Nations or, in the case of Annex VI, the Member States.

Any supplements or amendments made pursuant to the first subparagraph shall be published in the *Official Journal of the European Communities*.

#### Article 7

Regulation (EEC) No 2967/93 is hereby repealed and replaced by the provisions of this Regulation.

#### Article 8

This Regulation shall apply within the territory of the European Community including its air space and on any aircraft or any vessel under the jurisdiction of a Member State and to any person elsewhere who is a national of a Member State and any body which is incorporated or constituted under the law of a Member State.

#### Article 9

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

It shall apply from 30 October 1997 and, in the case of Articles 4 and 7, from the day of its publication in the *Official Journal*.

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

Done at Luxembourg, 30 October 1997.

*For the Council*  
*The President*  
F. BODEN

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ANNEX I

Petroleum and petroleum products referred to in Article 1

CN code	Product description
2709	Petroleum oils and oils obtained from bituminous minerals, crude
2710	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations
2711	Petroleum gases and other gaseous hydrocarbons
2712 10	Petroleum jelly
2712 20 00	Paraffin wax containing by weight less than 0,75% of oil
ex 2712 90	'Slack wax', 'scale wax'
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals
2714	Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphaltites and asphaltic rocks
2715 00 00	Bituminous mixtures based on natural asphalt, or natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cutbacks)
2901	Acyclic hydrocarbons
2902 11 00	Cyclohexane
2902 20	Benzene
2902 30	Toluene
2902 41 00	o-Xylene
2902 42 00	m-Xylene
2902 43 00	p-Xylene
2902 44	Mixed xylene isomers
2902 50 00	Styrene
2902 60 00	Ethylbenzene
2902 70 00	Cumene
2905 11 00	Methanol (methyl alcohol)
3403 19 10	Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti-corrosion preparations and mould release preparations, based on lubricants) and preparations containing as basic constituents, 70% or more by weight of petroleum oils or of oils obtained from bituminous minerals but not as the basic constituent
3811 21 00	Additives for lubricating oils containing petroleum oils or oils obtained from bituminous minerals
3823 90 10	Petroleum sulphonates, excluding petroleum sulphonated of alkali metals, of ammonium or of ethanolamines; thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts

*ANNEX II*

**Points of entry referred to in point 1 of Article 1**

The airports of Luanda and Katumbela (Benguela province) and the ports of Luanda, Malongo (Cabinda province), Lobito (Benguela province) and Namibe (Namibe province).

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*ANNEX III*

**Points of entry referred to in point 2 of Article 1**

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*ANNEX IV*

**Aircraft referred to in point 3 of Article 1**

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*ANNEX V*

**Points of entry and places referred to in points 3 and 4 of Article 1**

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ANNEX VI

Names and addresses of authorities referred to in Article 2

BELGIQUE — BELGIË

Ministère des affaires étrangères, du commerce extérieur et de la coopération au développement  
Egmont 1, rue des Petits Carmes 19  
B-1000 Bruxelles

Direction des relations économiques et bilatérales extérieures

- (a) Service Afrique du Sud du Sahara (B.22),  
tél.: (32 2) 501 85 77
- (b) Coordination de la politique commerciale (B.40)  
tél.: (32 2) 501 83 20
- (c) Service Transports (B.42), tél.: (32 2) 501 37 62

Télécopieur: (32 2) 501 88 27

Ministère des affaires économiques  
ARE 4° division, service des licences  
Avenue du Général Leman 60  
B-1040 Bruxelles  
Tél.: (32 2) 206 58 16/27  
Télécopieur: (32 2) 230 83 22

Bundesanstalt für Landwirtschaft und Ernährung (BLE)  
Adickesallee 40  
60322 Frankfurt

Bundesamt für Verkehr  
Ref. LR 13  
Postfach 200 100  
53170 Bonn

EΛΛΑΔΑ

Ministry of Foreign Affairs  
Ambassador Nikolaos Chatoupis  
Directorate A7  
Tel. (00301) 361 00 12 and  
Fax 361 00 96, 645 00 49  
Zalokosta 1  
106 71 Athens

Ministry of National Economy  
Secretariat-General for International Economic Relations  
Directorate-General for External  
Economic and Trade Relations  
Director Th. Vlassopoulos  
Tel. 32 86 401-3  
Fax 32 86 404

Directorate of Procedure of External Trade Directors:  
I. Tseros  
Tel. 32 86 021, 23 and  
Fax 32 86 059  
A. Igléssis  
Tel. 32 86 051 and  
Fax 32 86 094  
Ermou and Kornarou 1  
105 63 Athens

DANMARK

Danish Agency for Trade and Industry  
Tagensvej 137  
DK-2200 Copenhagen N  
Tel. (45) 35 86 86 86  
Fax (45) 35 86 86 87

Ministry of Foreign Affairs  
Department 5.7  
Asiatisk Plads 2  
DK-1448 Copenhagen K  
Tel. (45) 33 92 00 00/33 92 09 09  
Fax (45) 31 54 05 53

Danish Agency for Trade and Industry

Jeanne Lorentzen, desk officer  
Tel. (45) 35 86 84 89  
Fax (45) 35 86 85 75

Niels Hoeing, assistant  
Tel. (45) 35 86 84 85  
Fax (45) 35 86 85 75

*Ministry of Foreign Affairs*

Peter Lysholt Hansen, head of department 5.7  
Tel. (45) 33 92 09 01  
Fax (45) 33 92 18 02

Gert Meinecke, desk officer  
Tel. (45) 33 92 09 26  
Fax (45) 33 92 18 02

ESPAÑA

Ministerio de Economía y Hacienda  
Dirección General de Comercio Exterior  
Paseo de la Castellana, 162  
E-28046 Madrid  
Tel. (34 1) 349 38 60  
Fax (34 1) 457 28 63

FRANCE

Ministère de l'économie, des finances et de l'industrie  
Direction générale des douanes et des droits indirects  
Cellule embargo — Bureau E2  
Tél.: (33 1) 44 74 48 93  
Télécopieur: (33 1) 44 74 48 97

Ministère des affaires étrangères  
Direction des Nations unies et des organisations  
internationales  
Tél.: (33 1) 43 17 59 68  
Télécopieur: (33 1) 43 17 46 91

DEUTSCHLAND

Bundesaufuhramt (BAFA)  
Frankfurter Straße 29—35  
65760 Eschborn

IRELAND

Department of Public Enterprise  
Aviation Regulation and International Affairs Division  
44 Kildare Street  
Dublin 2  
Tel. (353 1) 670 74 44  
Fax 670 74 11  
Mr Brendan Twomey/Mr Ernest Hartman

ITALIA

Ministero Affari esteri — Roma  
D.G.A.E.-Uff. X  
Tel. 0039 6-36 91 37 50  
Fax 36 91 37 52

Ministero Commercio estero — Roma  
Gabinetto  
Tel. 0039 6-59 93 23 10  
Fax 59 64 74 94

Ministero dei Trasporti — Roma  
Gabinetto  
Tel. 0039 6-44 26 71 16/84 90 40 94  
Fax 44 26 71 14

LUXEMBOURG

Ministère des affaires étrangères  
Direction des relations économiques internationales et de la  
coopération  
BP 1602  
L-1016 Luxembourg

NEDERLAND

Ministerie van Buitenlandse Zaken  
Directie Verenigde Naties, afdeling Politieke Zaken  
2594 AC Den Haag  
Tel. (0031-70) 348 42 06  
Fax 348 67 49

ÖSTERREICH

Bundesministerium für wirtschaftliche Angelegenheiten  
Abteilung II/A/2  
Landstrasser Hauptstraße 55—57  
1030 Wien  
Bundesministerium für Wissenschaft und Verkehr  
Oberste Zivilluftfahrtbehörde (OZB)  
Raderzkystraße 2  
1030 Wien

PORTUGAL

Ministério dos Negócios Estrangeiros  
Sr. Mónica Lisboa  
Direcção-Geral dos Assuntos Multilaterais  
Lisboa

SUOMI/FINLAND

Ulkoasiainministeriö  
PL 176  
00161 Helsinki  
Utrikesministeriet  
PB 176  
00161 Helsingfors

SVERIGE

Regeringskansliet  
Utrikesdepartementet  
Rättsskretariatet för EU-frågor  
Fredsgatan 6  
S-103 39 Stockholm  
Tfn 0046 8 405 10 00  
Fax 723 11 76

UNITED KINGDOM

Export Control Organization  
Department of Trade and Industry  
Kingsgate House  
66-74 Victoria Street  
London SW1E 6SW  
Tel. (44 171) 215 6740  
Fax (44 171) 222 0612

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*(Acts adopted pursuant to Title V of the Treaty on European Union)*

COMMON POSITION

of 30 October 1997

defined by the Council on the basis of Article J.2 of the Treaty on European Union, with regard to Angola and aimed at inducing the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process

(97/759/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.2 thereof,

Whereas, on 28 August 1997 and 29 September 1997, the UN Security Council adopted Resolutions 1127 (1997) and 1130 (1997), in which it required that the Government of Angola and in particular UNITA complete fully and without further delay the remaining aspects of the peace process and of the Lusaka Protocol; whereas that Resolution should be implemented throughout the European Union, under the conditions set out therein, in particular in respect of the duration of the measures taken;

Whereas it would seem desirable at the same time to update the measures already taken with regard to UNITA under UN Security Council Resolution 864 (1993),

HAS DEFINED THIS COMMON POSITION:

*Article 1*

Relations with UNITA will be reduced in accordance with UN Security Council Resolutions 864 (1993), 1127 (1997) and 1130 (1997).

*Article 2*

This common position shall take effect on 30 October 1997.

*Article 3*

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

Done at Luxembourg, 30 October 1997.

*For the Council*  
*The President*  
F. BODEN

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*(Acts adopted pursuant to Title V of the Treaty on European Union)*

## JOINT ACTION

of 19 December 1997

adopted by the Council on the basis of Article J.3 of the Treaty on European Union in support of the democratic transition process in the Democratic Republic of Congo

(97/875/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.3 thereof,

Having regard to the conclusions of the European Council held in Florence on 21 and 22 June 1996 and in Amsterdam on 16 and 17 June 1997 and, in particular, its support for the process of transition to democracy in Zaire,

Whereas on 11 November 1996, the Council adopted, on the basis of Article J.3 of the Treaty, Joint Action 96/656/CFSP in support of the democratic transition process in Zaire<sup>(1)</sup>; whereas that Joint Action expires on 31 December 1997;

Whereas the present government of that country adopted the name of the Democratic Republic of Congo for the country and revoked the previous programme of democratic transition; whereas it has, nevertheless, declared its intention to hold democratic elections and has appointed a Constitutional Commission; whereas, in such circumstances the European Union wishes to support the declared intentions of the new government by extending and adapting in substance Joint Action 96/656/CFSP,

HAS ADOPTED THIS JOINT ACTION:

### *Article 1*

As part of an international effort, the European Union will contribute to the democratic transition process in the Democratic Republic of Congo.

The Union shall therefore assist in preparations for elections. That assistance will involve the establishing of a European Electoral Unit.

The Union shall consider and assess appropriate further measures in support of the democratic transition process in the Democratic Republic of Congo, including measures for technical assistance and possible deployment of observers.

### *Article 2*

The Council reserves the right to amend and/or terminate at any time any action by the Union embarked on within the meaning of this Joint Action, if it deems that the Democratic Republic of Congo political parties and institutions are not giving proof of their full commitment to democratization. To that end, the Council shall monitor the conduct of the electoral process at every stage.

### *Article 3*

The European Electoral Unit to be set up in the Democratic Republic of Congo pursuant to Joint Action 96/656/CFSP shall operate within the meaning of this Joint Action.

### *Article 4*

The operational balance of the amount of ECU 4 million charged to the general budget of the European Communities by virtue of Joint Action 96/656/CFSP shall be made available in order to finance expenditure arising out of this Joint Action.

Expenditure financed from the amount referred to in the first paragraph shall be administered in compliance with Community procedures and rules applicable to the budget.

### *Article 5*

The Council notes that the Commission intends to propose measures to help achieve the objectives of this

<sup>(1)</sup> OJ L 300, 25. 11. 1996, p. 1.

Joint Action, *inter alia*, within the meaning of the European Development Fund (EDF).

*Article 6*

This Joint Action shall be adopted without prejudice to any decisions which the Union might take at a later date in support of the democratic transition process in the Democratic Republic of Congo.

*Article 7*

This Joint Action shall come into force on 1 January 1998.

It shall apply until 30 June 1998.

*Article 8*

This Joint Action shall be published in the Official Journal.

Done at Brussels, 19 December 1997.

*For the Council*  
*The President*  
F. BODEN

ANNEX

**Aims and operation of the European Electoral Unit**

1. The role of the Electoral Unit shall be:
    - (i) to maintain an on-the-spot dialogue with the government, the institutions responsible for preparing for and organizing the elections, the relevant United Nations institutions and the providers of funds other than the European Union, and coordinate European assistance to the elections with them;
    - (ii) to supervise the implementation of assistance and possible observation of the elections by the Union;
    - (iii) to monitor and assess the conduct of the electoral process in the Democratic Republic of Congo and keep the Council regularly informed thereof, under the Presidency's authority.
  2. The European Electoral Unit shall be directed by a high-ranking figure with experience of electoral matters.
  3. The Head of the Electoral Unit and, in consultation with him, the staff of the Unit, is appointed by the Presidency in association with the Commission. The Commission and the Member States may propose the secondment of staff to the Electoral Unit. Remuneration of any staff seconded to the Electoral Unit by a Member State or the Commission shall be the responsibility respectively of the Member State concerned or the Commission.
  4. The Head and other staff of the Electoral Unit should be available for the planned duration of the Unit.
  5. The Head of the European Electoral Unit shall confer with the Heads of Mission of the Member States and the Commission delegation in the Democratic Republic of Congo.
  6. The Electoral Unit shall be disbanded one month after the date of the elections.
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I

*(Acts whose publication is obligatory)*

COUNCIL REGULATION (EC) No 2465/97

of 8 December 1997

concerning the interruption of certain economic relations with Sierra Leone

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 228a,

Having regard to the Common Position 97/826/CFSP defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning Sierra Leone <sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, decided in its Resolution 1132 (1997) that all States are to take certain measures with regard to Sierra Leone in order to contribute to resolving the crisis in Sierra Leone and obtaining the restoration of the constitutional order in that country; whereas it will re-examine these measures after 180 days, if, in the meantime, it has not decided to terminate them;

Whereas certain of these measures fall under the scope of the Treaty establishing the European Community; whereas, therefore, Community legislation is necessary to implement the pertinent decisions of the Security Council as far as the territory of the Community is concerned; whereas such territory is deemed to encompass, for the purposes of this Regulation, the territories of the Member States to which the Treaty establishing the European Community is applicable, under the conditions laid down in that Treaty;

Whereas the Security Council has also called upon the United Nations Member States to apply the measures set

out in Resolution 1132 (1997) notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement signed, any contract entered into or any licence or permit granted before the adoption of said Resolution;

Whereas, therefore, the Fourth ACP-EC Convention, signed in Lomé on 15 December 1989, to which the Community and Sierra Leone are parties, does not pose an obstacle to the application of the said Security Council measures;

Whereas the competent authorities of the United Nations might change the product coverage of the sanctions against Sierra Leone; whereas, therefore, Annex I to this Regulation might have to be further amended accordingly;

Whereas the Security Council Resolution provides for certain exceptions to the restrictions imposed, subject to prior approval of the Committee set up by Resolution 1132 (1997) and to the respect of arrangements for the effective monitoring of delivery;

Whereas the names and addresses of the competent national authorities of the Member States should be indicated and the Member States must obtain the prior approval of the Committee;

Whereas, for reasons of expediency, the Commission should be empowered to supplement and/or amend Annex I to this Regulation on the basis of pertinent decisions by the competent authorities of the United Nations or, in the case of Annex II, on the basis of notifications by the competent authorities of Member States,

<sup>(1)</sup> See page 6 of this Official Journal.

HAS ADOPTED THIS REGULATION:

*Article 1*

The following shall be prohibited:

- (a) to sell or supply petroleum and petroleum products listed in Annex I, whether or not originating in the Community, in the territory of Sierra Leone;
- (b) any activity, including financial, the object or effect of which is, directly or indirectly, to promote the transactions or activities referred to in point (a).

*Article 2*

The prohibition referred to in Article 1 shall not apply to:

- (a) supplies of petroleum and petroleum products to the democratically-elected Government of Sierra Leone, at its request;
- (b) supplies for verified humanitarian purposes or the needs of the Military Observer Group of Ecomog (Ecomog), at the request of other governments or United Nations Agencies,

on the condition that, through the competent national authorities, a non-objection declaration has been obtained from the Committee set up pursuant to Resolution 1132 (1997), and that the arrangements determined by the Committee for the effective monitoring of delivery are being fully respected.

The names and addresses of the competent national authorities are contained in Annex II.

*Article 3*

This Regulation shall apply notwithstanding any rights conferred or obligations imposed by any international agreement signed or any contract entered into or any licence or permit granted before the entry into force of this Regulation.

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

Done at Brussels, 8 December 1997.

*Article 4*

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed.

*Article 5*

The Commission and the Member States shall inform each other of the measures taken under this Regulation and supply each other with other relevant information at their disposal in connection with this Regulation, such as breaches and other enforcement problems, judgments handed down by national courts or decisions by the Committee established by Resolution 1132 (1997).

*Article 6*

The Commission is hereby empowered to supplement and/or amend Annex I on the basis of pertinent decisions by the competent authorities of the United Nations or, in the case of Annex II, on the basis of notifications by the competent authorities of Member States.

Such supplement and/or amendments shall be published in the *Official Journal of the European Communities*.

*Article 7*

This Regulation shall apply:

- within the territory of the European Community including its air space,
- to any aircraft or any vessel under the jurisdiction of a Member State,
- to any person elsewhere who is a national of a Member State,
- to any body which is incorporated or constituted under the law of a Member State.

*Article 8*

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

*For the Council*

*The President*

J. POOS



ANNEX I

Petroleum products referred to in Article 1 (a)

CN code	Product description
2709	Petroleum oils and oils obtained from bituminous minerals, crude
2710	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations
2711	Petroleum gases and other gaseous hydrocarbons
2712 10	Petroleum jelly
2712 20 00	Paraffin wax containing by weight less than 0,75 % of oil
ex 2712 90	'Slack wax', 'scale wax'
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals
2714	Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphaltites and asphaltic rocks
2715 00 00	Bituminous mixtures based on natural asphalt, or natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cutbacks)
2901	Acyclic hydrocarbons
2902 11 00	Cyclohexane
2902 20	Benzene
2902 30	Toluene
2902 41 00	o-Xylene
2902 42 00	m-Xylene
2902 43 00	p-Xylene
2902 44	Mixed xylene isomers
2902 50 00	Styrene
2902 60 00	Ethylbenzene
2902 70 00	Cumene
2905 11 00	Methanol (methyl alcohol)
3403 19 10	Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti-corrosion preparations and mould release preparations, based on lubricants) and preparations containing as basic constituents, 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals but not as the basic constituent
3811 21 00	Additives for lubricating oils containing petroleum oils or oils obtained from bituminous minerals
3823 90 10	Petroleum sulphonates, excluding petroleum sulphonated of alkali metals, of ammonium or of ethanolamines; thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts

ANNEX II

Names and addresses of the authorities referred to in Article 2

BELGIQUE — BELGIE

Ministère des affaires étrangères, du commerce extérieur et de la coopération au développement  
Egmont 1, rue des Petits Carmes 19  
B-1000 Bruxelles

1. Direction générale des relations politiques multilatérales  
Direction des Nations unies  
Tél.: (32 2) 501 82 20  
Télécopieur: (32 2) 513 91 48
2. Direction des relations économiques et bilatérales extérieures
  - a) Service 'Afrique du Sud du Sahara' (B.22)  
Tél.: (32 2) 501 85 77
  - b) Coordination de la politique commerciale (B.40)  
Tél.: (32 2) 501 83 20
  - c) Service 'Transports' (B.42)  
Tél.: (32 2) 501 37 62  
Télécopieur: (32 2) 501 88 27

Ministerie van Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingsamenwerking  
Egmont 1, Kleine Karmelietenstraat 19  
B-1000 Brussel

1. Algemene Directie multilaterale politieke relaties  
Directie Verenigde Naties  
Tél. (32-2) 501 82 20  
Fax (32-2) 513 91 48
2. Directie buitenlandse economische en bilaterale relaties
  - a) Dienst Afrika ten zuiden van de Sahara (B.22)  
Tél. (32-2) 501 85 77
  - b) Coordinatie van de handelspolitiek (B.40)  
Tél. (32-2) 501 83 20
  - c) Dienst Transport (B.42)  
Tél. (32-2) 501 37 62  
Fax (32-2) 501 88 27

Ministère des affaires économiques  
ARE 4<sup>e</sup> Division, service des licences  
Avenue du Général Leman 60  
B-1040 Bruxelles  
Tél.: (32 2) 206 58 16/27  
Télécopieur: (32 2) 230 83 22

Ministerie van Economische Zaken  
ARE 4e Divisie, Dienst der Vergunningen  
Generaal Lemanlaan 60  
B-1040 Brussel  
Tél. (32-2) 206 58 16/27  
Fax (32-2) 230 83 22

DANMARK

Danish Agency for Trade and Industry  
Tagensvej 137  
DK-2200 København N  
Tél. (45) 35 86 86 86  
Fax (45) 35 86 86 87

Ministry of Foreign Affairs  
Department 5.7  
Asiatisk Plads 2  
DK-1448 København K  
Tél. (45) 33 92 00 00/33 92 09 09  
Fax (45) 31 54 05 53

Danish Agency for Trade and Industry  
Jeanne Lorentzen, desk officer  
Tél. (45) 35 86 84 89  
Fax (45) 35 86 85 75  
Niels Hoeing, assistant  
Tél. (45) 35 86 84 85  
Fax (45) 35 86 85 75

Ministry of Foreign Affairs  
Peter Lysholt Hansen, head of department 5.7  
Tél. (45) 33 92 09 01  
Fax (45) 33 92 18 02  
Gert Meinecke, desk officer  
Tél. (45) 33 92 09 26  
Fax (45) 33 92 18 02

DEUTSCHLAND

Bundesausfuhramt (BAFA)  
— Referat 214 —  
Frankfurter Straße 29-35  
D-65760 Eschborn  
Tél. 0 61 96-9 08-6 89  
Fax 0 61 96-9 08-8 00

ELLADA

Ministry of Foreign Affairs  
Ambassador Nikolaos Chatoupis  
Directorate A7  
Zalokosta 1  
GR-106 71 Athens  
Tél. 00 301 361 00 12, fax 361 00 96/645 00 49

Ministry of National Economy  
Secretariat General for International Economic Relations  
Directorate General for External Economic and Trade Relations  
Director Th. Vlassopoulos  
Tél. 00 301 32 86 401-3, fax 32 86 404

Directorate of Procedure of External Trade  
Directors: I. Tseros, tél. 00 301 32 86 021/23, fax 32 86 059  
A. Igléssis, tél. 00 301 32 86 051, fax 32 86 094  
Ermou and Kornarou 1  
GR-105 63 Athens

ESPAÑA

Ministerio de Economía y Hacienda  
Subdirección General de Política Arancelaria y de Instrumentos de Defensa Comercial  
Sr. Manuel Moreno (PL 7-Desp. 3)  
Paseo de la Castellana, 162  
E-28046 Madrid  
tel.: (34 1) 349 38 95  
fax: (34 1) 349 38 02

FRANCE

Ministère de l'économie, des finances et de l'industrie  
Direction générale des douanes et des droits indirects  
Cellule 'Embargo' — Bureau E2  
Tél.: (33 1) 44 74 48 93  
Télécopieur: (33 1) 44 74 48 97  
Ministère des affaires étrangères  
Direction des Nations unies et des organisations  
internationales  
Tél.: (33 1) 43 17 59 68  
Télécopieur: (33 1) 43 17 46 91

IRELAND

Department of Public Enterprise  
Aviation Regulation and International Affairs Division  
44 Kildare Street  
Dublin 2  
Tel. 00 353 1 670 74 44  
Fax 670 74 11  
Mr Brendan Twomey/Mr Ernest Hartman

ITALIA

Ministero Affari esteri — Roma  
D.G.A.E. — Uff. X  
Tel. 00 39 6 — 36 91 37 50  
Fax: 36 91 37 52

Ministero Commercio estero — Roma  
Gabinetto  
Tel. 00 39 6 — 59 93 23 10  
Fax: 59 64 74 94

Ministero dei Trasporti — Roma  
Gabinetto  
Tel. 00 39 6 — 44 26 71 16/84 90 40 94  
Fax: 44 26 71 14

LUXEMBOURG

Ministère des affaires étrangères  
Direction des relations économiques internationales et de la  
coopération  
BP 1602  
L-1016 Luxembourg

NEDERLAND

Ministerie van Buitenlandse Zaken  
Directie Verenigde Naties, afdeling Politieke Zaken  
2594 AC Den Haag  
Tel. (31-70) 348 42 06  
Fax (31-70) 348 48 17

ÖSTERREICH

Bundesministerium für wirtschaftliche Angelegenheiten  
Abteilung II/A/2  
Landstraße Hauptstraße 55-57  
A-1030 Wien

ad. Art. 1 (4):  
Bundesministerium für Wissenschaft und Verkehr  
Oberste Zivilluftfahrtbehörde (OZB)  
Radetzkystraße 2  
A-1030 Wien

PORTUGAL

Ministério dos Negócios Estrangeiros  
Srª Mónica Lisboa  
Direcção-Geral dos Assuntos Multilaterais  
Lisboa

SUOMI/FINLAND

Ulkoasiainministeriö PL 176/Utrikesministeriet PB 176  
FIN-00161 Helsinki/FIN-00161 Helsingfors

SVERIGE

Regeringskansliet  
Utrikesdepartementet  
Rättsssekretariatet för EU-frågor  
Fredsgatan 6  
S-103 39 Stockholm  
Tfn +0046 8 405 10 00  
Fax: 723 11 76

UNITED KINGDOM

Export Control Organisation  
Department of Trade and Industry  
Kingsgate House  
66-74 Victoria Street  
London SW1E 6SW  
Tel. 00 44 171 215 67 40  
Fax 00 44 171 222 06 12



**II. Community Acts relating to the application of the  
Lomé Convention**

**A. Trade**

b) Agricultural products



COMMISSION REGULATION (EC) No 344/97

of 26 February 1997

fixing certain indicative quantities for imports of bananas into the Community  
for the second quarter of 1997

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas (1), as last amended by Regulation (EC) No 3290/94 (2), and in particular Article 20 thereof,

Whereas Article 9 (1) of Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community (3), as last amended by Regulation (EC) No 1409/96 (4), provides for the fixing of indicative quantities expressed as a percentage of the quantities allocated to the various countries or groups of countries mentioned in Annex I to Commission Regulation (EC) No 478/95 (5), as amended by Regulation (EC) No 702/95 (6), for the purpose of issuing import licences for each quarter using data and forecasts relating to the Community market;

Whereas, on the basis of an analysis of the data relating on the one hand to the quantities of bananas marketed in the Community in 1996 and in particular to actual imports in particular during the second quarter, and on the other hand to the outlook for supply of the market and consumption within the Community during the second quarter of 1997, an indicative quantity should be fixed for each country of origin at 34 % of the quantity allocated to it in the tariff quota to ensure adequate supplies to the Community as a whole;

Whereas, on the basis of the same data, the authorized quantity referred to in Article 9 (2) of Regulation (EEC) No 1442/93 which operators in categories A and B can apply for in respect of the second quarter of 1997 should be fixed;

Whereas the indicative quantities provided for in Article 14 (1) of Regulation (EEC) No 1442/93 for the purposes

of issuing import licences for traditional imports from ACP States should also be fixed;

Whereas this Regulation must enter into force prior to the period for the submission of licence applications in respect of the second quarter of 1997;

Whereas the Management Committee for Bananas has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the Community as a whole for the second quarter of 1997, the indicative quantities provided for in Article 9 (1) of Regulation (EEC) No 1442/93 for imports of bananas under the tariff quota provided for in Articles 18 and 19 of Regulation (EEC) No 404/93 shall be 34 % of the quantities laid down for each country or group of countries mentioned in Annex I to Regulation (EC) No 478/95.

The indicative quantities shall apply to import licence applications in respect of imports of bananas originating in Costa Rica, Colombia and Nicaragua from operators in Categories A and C as well as Category B.

*Article 2*

The authorized quantities for Category A and B operators for the second quarter of 1997 as provided for in Article 9 (2) of Regulation (EEC) No 1442/93 shall amount to 36 % of the quantity allocated to each operator pursuant to the second paragraph of Article 6 of that Regulation.

*Article 3*

The indicative quantities provided for in Article 14 (1) of Regulation (EEC) No 1442/93 for traditional ACP imports of bananas for the second quarter of 1997 shall be 31 % of the traditional quantities laid down in respect of each country in the Annex to Regulation (EEC) No 404/93.

*Article 4*

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

(1) OJ No L 47, 25. 2. 1993, p. 1.

(2) OJ No L 349, 31. 12. 1994, p. 105.

(3) OJ No L 142, 12. 6. 1993, p. 6.

(4) OJ No L 181, 20. 7. 1996, p. 13.

(5) OJ No L 49, 4. 3. 1995, p. 13.

(6) OJ No L 71, 31. 3. 1995, p. 84.

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

Done at Brussels, 26 February 1997.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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COMMISSION REGULATION (EC) No 934/97

of 27 May 1997

fixing certain indicative quantities for imports of bananas into the Community  
for the third quarter of 1997

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas <sup>(1)</sup>, as last amended by Regulation (EC) No 3290/94 <sup>(2)</sup>, and in particular Article 20 thereof,

Whereas Article 9 (1) of Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community <sup>(3)</sup>, as last amended by Regulation (EC) No 1409/96 <sup>(4)</sup>, provides for the fixing of indicative quantities expressed as a percentage of the quantities allocated to the various countries or groups of countries mentioned in Annex I to Commission Regulation (EC) No 478/95 <sup>(5)</sup>, as amended by Regulation (EC) No 702/95 <sup>(6)</sup>, for the purpose of issuing import licences for each quarter using data and forecasts relating to the Community market;

Whereas, on the basis of an analysis of the data relating on the one hand to the quantities of bananas marketed in the Community in 1996 and in particular to actual imports in particular during the third quarter, and on the other hand to the outlook for supply of the market and consumption within the Community during the third quarter of 1997, an indicative quantity should be fixed for each country of origin at 27 % of the quantity allocated to it in the tariff quota to ensure adequate supplies to the Community as a whole;

Whereas, on the basis of the same data, the authorized quantity referred to in Article 9 (2) of Regulation (EEC)

No 1442/93 which operators in categories A and B can apply for in respect of the third quarter of 1997 should be fixed;

Whereas the indicative quantities provided for in Article 14 (1) of Regulation (EEC) No 1442/93 for the purposes of issuing import licences for traditional imports from ACP States should also be fixed;

Whereas this Regulation must enter into force prior to the period for the submission of licence applications in respect of the third quarter of 1997;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the Community as a whole for the third quarter of 1997, the indicative quantities provided for in Article 9 (1) of Regulation (EEC) No 1442/93 for imports of bananas under the tariff quota provided for in Articles 18 and 19 of Regulation (EEC) No 404/93 shall be 27 % of the quantities laid down for each country or group of countries mentioned in Annex I to Regulation (EC) No 478/95.

The indicative quantities shall apply to import licence applications in respect of imports of bananas originating in Costa Rica, Colombia and Nicaragua from operators in Categories A and C as well as Category B.

*Article 2*

The authorized quantities for Category A and B operators for the third quarter of 1997 as provided for in Article 9 (2) of Regulation (EEC) No 1442/93 shall amount to 29 % of the quantity allocated to each operator pursuant to the second paragraph of Article 6 of that Regulation.

<sup>(1)</sup> OJ No L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(3)</sup> OJ No L 142, 12. 6. 1993, p. 6.

<sup>(4)</sup> OJ No L 181, 20. 7. 1996, p. 13.

<sup>(5)</sup> OJ No L 49, 4. 3. 1995, p. 13.

<sup>(6)</sup> OJ No L 71, 31. 3. 1995, p. 84.

*Article 3*

The indicative quantities provided for in Article 14 (1) of Regulation (EEC) No 1442/93 for traditional ACP imports of bananas for the third quarter of 1997 shall be 30 % of

the traditional quantities laid down in respect of each country in the Annex to Regulation (EEC) No 404/93.

*Article 4*

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

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

Done at Brussels, 27 May 1997.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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COMMISSION DECISION

of 25 June 1997

adopting the forecast supply balance for banana production, consumption,  
imports and exports for the Community for 1997

(Text with EEA relevance)

(97/402/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Community,

Having regard to Council Regulation (EEC) No 404/93 of  
13 February 1993 on the common organization of the  
market in bananas <sup>(1)</sup>, as last amended by Regulation (EC)  
No 3290/94 <sup>(2)</sup>, and in particular Article 20 thereof,

Whereas Article 16 of Regulation (EEC) No 404/93  
provides for a forecast supply balance to be drawn up  
each year on the basis of a number of market parameters;  
whereas the main purpose of the supply balance is to  
establish the outlook for Community production and  
consumption and the forecast for imports of traditional  
ACP bananas, and hence the supply requirements for the  
Community market and the requisite tariff quota;

Whereas the Management Committee for Bananas has  
not delivered an opinion within the time limit set by its  
chairman,

HAS ADOPTED THIS DECISION:

*Article 1*

The forecast supply balance for banana production,  
consumption, imports and exports for the Community for  
1997 shall be as shown in the Annex hereto.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 25 June 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ No L 349, 31. 12. 1994, p. 105.

*ANNEX*

**PROVISIONAL BALANCE SHEET FOR BANANAS, 1997**

	<i>(in tonnes)</i>
EC production	790 000
Traditional ACP imports	700 000
Tariff quota (including special reserve for hardship cases)	2 553 000
Gross consumption	4 043 000
Exports	p.m.
Net consumption	4 043 000

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COMMISSION REGULATION (EC) No 1247/97  
of 30 June 1997

amending Regulation (EEC) No 865/90 laying down detailed rules for the application of the special arrangements for imports of grain sorghum and millet originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) in order to implement the agreement on agriculture concluded during the Uruguay Round of negotiations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the Agreements concluded during the Uruguay Round of multilateral trade negotiations<sup>(1)</sup>, as last amended by Regulation (EC) No 1161/97<sup>(2)</sup>, and in particular Article 3 (1) thereof,

Whereas in order to take account of the existing import arrangements in the cereals sector and those resulting from the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations, transitional measures are needed to adjust the preferential concessions in the form of exemption from the import levy on certain cereal products from the ACP States and the OCT;

Whereas the period for the adoption of transitional measures was extended until 30 June 1998 by Regulation (EC) No 1161/97; whereas, pending the adoption by the Council of definitive measures, application of the measures provided for by Commission Regulation (EEC) No 865/90<sup>(3)</sup>, as last amended by Regulation (EC) No 1226/96<sup>(4)</sup>, should be extended until 30 June 1998;

Whereas Commission Regulation (EEC) No 865/90 lays down detailed rules for the application of the preferential conditions reducing the import levy for quotas of sorghum and millet; whereas, given that the levies were

replaced by customs duties and the advance fixing of the import charge was abolished on 1 July 1995, the transitional adjustment of those provisions should be extended;

Whereas the rates of duties of the customs tariff within the abovementioned quotas are those applicable on the day that the declaration of release for free circulation of the import is accepted;

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*

Regulation (EEC) No 865/90 is hereby amended as follows for the marketing year 1997/98:

1. 'levy' is replaced by 'duty' each time that it appears;
2. the last sentence of Article 2 (b) and the last sentence of Article 4 (b) are deleted;
3. Article 3 (b) is replaced by the following:

'(b) the letters "ACP" or "OCT" as the case may be in Section 8.

The licence shall oblige to import from the countries specified. The import duty shall not be increased or adjusted.'

*Article 2*

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

It shall apply from 1 July 1997 to 30 June 1998.

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(2)</sup> OJ No L 169, 27. 6. 1997, p. 1.

<sup>(3)</sup> OJ No L 90, 5. 4. 1990, p. 16.

<sup>(4)</sup> OJ No L 161, 29. 6. 1996, p. 73.

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

Done at Brussels, 30 June 1997.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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COMMISSION REGULATION (EC) No 1431/97  
of 23 July 1997

amending Regulation (EEC) No 2245/90 laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes 0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations <sup>(1)</sup>, as last amended by Regulation (EC) No 1161/97 <sup>(2)</sup>, and in particular Article 3 (1) thereof,

Whereas Commission Regulation (EEC) No 2245/90 <sup>(3)</sup>, as last amended by Regulation (EC) No 1313/96 <sup>(4)</sup>, lays down transitional measures, applicable until 30 June 1997, to facilitate the transition to the arrangements for importing cereal substitute products and processed cereal and rice products as provided for in Regulation (EEC) No 2245/90 with a view to the implementation of the Agreement on agriculture concluded during the Uruguay Round of multilateral trade negotiations;

Whereas the period for taking the transitional measures was extended to 30 June 1998 by Regulation (EC) No 1161/97 extending the period for implementing the agreements concluded under the Uruguay Round of multilateral trade negotiations; whereas, pending the adoption by the Council of a definitive measure, the aforementioned measures should be extended until 30 June 1998;

Whereas in order to take account of the existing import arrangements in the cereals sector and those resulting from the Agreement on agriculture concluded during the Uruguay Round of multilateral trade negotiations, transitional measures are necessary to adjust the preferential concessions in the form of exemption for the import levy on certain products covered by CN codes 0714 10 91 and 0714 90 11 originating in the ACP States and the OCT;

Whereas Regulation (EEC) No 2245/90 laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes

0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific States or in overseas countries and territories lays down detailed rules for the application of those arrangements as they concern preferential conditions in the form of exemption from the import levy for products covered by CN codes 0714 10 91 and 0714 90 11; whereas, since the levies are being replaced by customs duties and the advance fixing of the import charge is being suspended from 1 July 1995, it is necessary to make transitional adjustments to those provisions from that date;

Whereas the rates of the customs duties under the Common Customs Tariff shall be those applicable on the date of the declaration for release of the imported goods for free circulation;

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*

Regulation (EC) No 2245/90 is hereby amended as follows:

1. Article 1 is replaced by the following articles:

*Article 1*

1. For the purposes of Article 14 (1) of Council Regulation (EEC) No 715/90 <sup>(5)</sup>, the customs duties on imports of products listed in Annex A to Regulation (EEC) No 1766/92 and Article 1 (1) (c) of Regulation (EEC) No 3072/95 and originating in the ACP States shall be as set out in the Annex hereto.

2. Without prejudice to paragraph 1, the reduced customs duties listed in the Annex hereto on imports of the products designated below and originating in the ACP States shall be reduced by:

— ECU 2,19 per 1 000 kg in the case of products falling within CN codes 0714 10 99 and ex 0714 90 19, with the exception of arrowroot,

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 105.  
<sup>(2)</sup> OJ No L 169, 27. 6. 1997, p. 1.  
<sup>(3)</sup> OJ No L 203, 1. 8. 1990, p. 47.  
<sup>(4)</sup> OJ No L 170, 9. 7. 1996, p. 11.

- ECU 4,38 per 1 000 kg in the case of products falling within CN codes 0714 10 10 and ex 1106 20, with the exception of arrowroot flour and meal,
- 50 % in the case of products falling within CN codes 1108 14 00 and ex 1108 19 90, with the exception of arrowroot starch.

3. Notwithstanding paragraph 1, the customs duties on imports of the following products originating in the ACP States shall not be levied thereon:

- sweet potatoes falling within CN code 0714 20 10,
- products falling within CN code 0714 10 91,
- arrowroot falling within CN code 0714 90 11 and ex 0714 90 19,
- arrowroot flour and meal falling within CN code ex 1106 20,
- arrowroot starch falling within CN code ex 1108 19 90.

#### Article 1a

The detailed rules for the application of the import arrangements shall be as set out in Articles 2 to 8 as regards:

- products falling within CN codes 0714 10 91 and 0714 90 11 originating in the ACP States and imported into the Community (Title I),
- products falling within CN code 0714 90 11 originating in the ACP States or the OCT and imported into the French overseas territories (Title II).

(<sup>1</sup>) OJ No L 84, 30. 3. 1990, p. 85.'

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

- Producto ACP/PTU:
  - exención del derecho de aduana
  - apartado 2 del artículo 1 y apartados 1 y 3 del artículo 14 del Reglamento (CEE) n° 715/90
- AVS/OLT-produkt:
  - toldfritagelse
  - forordning (EØF) nr. 715/90: artikel 1, stk. 2, og artikel 14, stk. 1 og 3
- Erzeugnis AKP/ÜLG:
  - Zollfrei
  - Verordnung (EWG) Nr. 715/90, Artikel 1 Absatz 2 und Artikel 14 Absätze 1 und 3
- προϊόν ΑΚΕ/ΥΧΕ:
  - Απαλλαγή από τους τελωνειακούς δασμούς
  - άρθρο 1 παράγραφος 2 και άρθρο 14 παράγραφοι 1 και 3 του κανονισμού (ΕΟΚ) αριθ. 715/90

— ACP/OCT product:

- exemption from customs duty
- Regulation (EEC) No 715/90, Article 1 (2) and Article 14 (1) and (3)
- produit ACP/PTOM:
  - exemption du droit de douane
  - règlement (CEE) n° 715/90, article 1<sup>er</sup> paragraphe 2 et article 14 paragraphes 1 et 3
- prodotto ACP/PTOM:
  - esenzione dal dazio doganale
  - regolamento (CEE) n. 715/90, articolo 1, paragrafo 2 e articolo 14, paragrafi 1 e 3
- Product ACS/LGO:
  - vrijgesteld van douanerecht
  - Verordening (EEG) nr. 715/90: artikel 1, lid 2, en artikel 14, leden 1 en 3

— produto ACP/PTU:

- isenção do direito aduaneiro
- Regulamento (CEE) n° 715/90, n° 2 do artigo 1° e n°s 1 e 3 do artigo 14°
- AKT-maista/Merentakaisista maista ja merentakaisilta alueilta peräisin oleva tuote
  - Tullivapaa
  - asetuksen (ETY) N:o 715/90 1 artiklan 2 kohta ja 14 artiklan 1 ja 3 kohta
- AVS/ULT-produkt:
  - Tullfri
  - Förordning (EEG) nr 715/90 artiklarna 1.2, 14.1 och 14.3.'

3. Article 4 (3) is replaced by the following:

'3. The licence shall contain one of the following entries in box 24:

- Producto ACP/PTU:
  - exención del derecho de aduana
  - apartado 1 del artículo 24 del Reglamento (CEE) n° 715/90
  - exclusivamente válido para el despacho a libre práctica en los departamentos de Ultramar
- AVS/OLT-produkt:
  - toldfritagelse
  - forordning (EØF) nr. 715/90: artikel 24, stk. 1
  - gælder udelukkende for overgang til fri omsætning i de oversøiske departementer



- Erzeugnis AKP/ÜLG:
  - Zollfrei
  - Verordnung (EWG) Nr. 715/90 Artikel 24 Absatz 1
  - Gilt ausschließlich für die Abfertigung zum freien Verkehr in den französischen überseeischen Departements
- προϊόν ΑΚΕ/ΥΧΕ:
  - Απαλλαγή από τους τελωνειακούς δασμούς
  - άρθρο 1 παράγραφος 2 και άρθρο 14 παράγραφοι 1 και 3 του κανονισμού (ΕΟΚ) αριθ. 715/90
  - ισχύει αποκλειστικά για τη θέση σε ελεύθερη κυκλοφορία στα υπερπόντια διαμερίσματα
- ACP/OCT product:
  - exemption from customs duty
  - Regulation (EEC) No 715/90, Article 24 (1)
  - valid exclusively for release for free circulation in the overseas departments
- produit ACP/PTOM:
  - exemption du droit de douane
  - règlement (CEE) n° 715/90, article 24 paragraphe 1
  - exclusivement valable pour une mise en libre pratique dans les départements d'outre-mer
- prodotto ACP/PTOM:
  - esenzione dal dazio doganale
  - regolamento (CEE) n. 715/90, articolo 24, paragrafo 1
  - valido esclusivamente per l'immissione in libera pratica nei DOM
- Product ACS/LGO:
  - vrijgesteld van douanerecht
  - Verordening (EEG) nr. 715/90, artikel 24, lid 1
  - geldt uitsluitend voor het in het vrije verkeer brengen in de Franse overzeese departementen
- produto ACP/PTU:
  - isenção do direito aduaneiro
  - Regulamento (CEE) n° 715/90, n° 1 do artigo 24°
  - válido exclusivamente para uma introdução em livre prática nos departamentos ultramarinos
- AKT-maista/Merentakaisista maista ja merentakaisilta alueilta peräisin oleva tuote
  - Tullivapaa
  - asetuksen (ETY) N:o 715/90 24 artiklan 1 kohta
  - voimassa ainoastaan merentakaisilla alueilla vapaaseen liikkeeseen laskemiseksi
- AVS/ULT-produkt:
  - Tullfri
  - Förordning (EEG) nr 715/90 artikel 24.1
  - Uteslutande avsedd för övergång till fri omsättning i de utomeuropeiska länderna och territorierna.

4. The Annex to this Regulation is added.

#### *Article 2*

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 July 1997 to 30 June 1998.

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

Done at Brussels, 23 July 1997.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

ANNEX

CN code	Description	Customs duty applicable
1	2	3
0714	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets; sago pith:	
0714 10	- Manioc (cassava):	
0714 10 10	- - Pellets of flour and meal	ECU 11,8/100 kg/net
	- - Other:	
0714 10 91	- - - Of a kind used for human consumption in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	ECU 12,2/100 kg/net
0714 10 99	- - - Other	ECU 11,8/100 kg/net
0714 90	- Other:	
	- - Arrowroot, salep and similar roots and tubers with high starch content:	
0714 90 11	- - - Of a kind used for human consumption, in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	ECU 12,2/100 kg/net
0714 90 19	- - - Other	ECU 11,8/100 kg/net
1102	Cereal flours other than that of wheat or meslin (!):	
1102 20	- Maize (corn) flour:	
1102 20 10	- - Of a fat content not exceeding 1,5 % by weight	ECU 214,7/t
1102 20 90	- - Other	ECU 121,9/t
1102 30 00	- Rice flour	ECU 172,9/t
1102 90	- Other:	
1102 90 10	- - Barley flour	ECU 211,7/t
1102 90 30	- - Oat flour	ECU 203,2/t
1102 90 90	- - Other	ECU 121,9/t
1103	Cereal groats, meal and pellets (!):	
	Groats and meal:	
1103 12 00	- Of oats:	ECU 203,2/t
1103 13	- - Of maize (corn):	
1103 13 10	- - - Of a fat content not exceeding 1,5 % by weight:	ECU 214,7/t
1103 13 90	- - - Other	ECU 121,9/t
1103 14 00	- - Of rice	ECU 172,9/t
1103 19	- - Of other cereals:	
1103 19 10	- - - Of rye	ECU 211,7/t
1103 19 30	- - - Of barley	ECU 211,7/t
1103 19 90	- - - Other	ECU 121,9/t
	- Pellets:	
1103 21 00	- - Of wheat	ECU 217,2/t
1103 29	- - Of other cereals:	
1103 29 10	- - - Of rye	ECU 211,7/t

CN code	Description	Customs duty applicable
1	2	3
1103 29 20	--- Of barley	ECU 211,7/t
1103 29 30	--- Of oats	ECU 203,2/t
1103 29 40	--- Of maize	ECU 214,7/t
1103 29 50	--- Of rice	ECU 172,9/t
1103 29 90	--- Other	ECU 121,9/t
1104	Cereal grains otherwise worked (for example, hulled, rolled, flaked, pearled, sliced or kibbled), except rice of heading No 1006: germ of cereals, whole, rolled, flaked or ground (!):	
	- Rolled or flaked grains:	
1104 11	-- Of barley:	
1104 11 10	--- Rolled	ECU 120,4/t
1104 11 90	--- Flaked	ECU 235,2/t
1104 12	-- Of oats:	
1104 12 10	--- Rolled	ECU 115,4/t
1104 12 90	--- Flaked	ECU 226,2/t
1104 19	-- Of other cereals:	
1104 19 10	--- Of wheat	ECU 217,2/t
1104 19 30	--- Of rye	ECU 211,7/t
1104 19 50	--- Of maize	ECU 214,7/t
	--- Other:	
1104 19 91	--- Flaked rice	ECU 292,7/t
1104 19 99	--- Other	ECU 214,7/t
	- Other worked grains (for example, hulled, pearled, sliced or kibbled):	
1104 21	-- Of barley:	
1104 21 10	--- Hulled (shelled or husked)	ECU 188,9/t
1104 21 30	--- Hulled and sliced or kibbled ('Grütze' or 'grutten')	ECU 188,9/t
1104 21 50	--- Pearled	ECU 295,2/t
1104 21 90	--- Not otherwise worked than kibbled	ECU 120,4/t
1104 21 99	--- Other	ECU 120,4/t
1104 22	-- Of oats:	
1104 22 20	--- Hulled (shelled or husked)	ECU 203,9/t
1104 22 30	--- Hulled and sliced or kibbled ('Grütze' or 'grutten')	ECU 203,9/t
1104 22 50	--- Pearled	ECU 181,9/t
1104 22 90	--- Not otherwise worked than kibbled	ECU 115,4/t
1104 22 98	--- Other	ECU 115,4/t
1104 23	-- Of maize:	
1104 23 10	--- Hulled (shelled or husked), whether or not sliced or kibbled	ECU 191,4/t
1104 23 30	--- Pearled	ECU 191,4/t
1104 23 90	--- Not otherwise worked than kibbled	ECU 121,9/t
1104 23 99	--- Other	ECU 121,9/t
1104 29	-- Of other cereals:	
	--- Hulled (shelled or husked) whether or not sliced or kibbled:	
1104 29 11	--- Of wheat	ECU 161,4/t
1104 29 15	--- Of rye	ECU 161,4/t

CN code	Description	Customs duty applicable
1	2	3
1104 29 19	--- Other	ECU 161,4/t
	--- Pearled:	
1104 29 31	--- Of wheat	ECU 193,9/t
1104 29 35	--- Of rye	ECU 193,9/t
1104 29 39	--- Other	ECU 193,9/t
	--- Not otherwise worked than kibbled:	
1104 29 51	--- Of wheat	ECU 123,4/t
1104 29 55	--- Of rye	ECU 120,4/t
1104 29 59	--- Other	ECU 121,9/t
	--- Other:	
1104 29 81	--- Of wheat	ECU 123,4/t
1104 29 85	--- Of rye	ECU 120,4/t
1104 29 89	--- Other	ECU 121,9/t
1104 30	- Germ of cereals, whole, rolled, flaked or ground:	
1104 30 10	- Of wheat	ECU 89,7/t
1104 30 90	- Other	ECU 88,7/t
1106	Flour, meal and powder of the dried leguminous vegetables of heading No 0713, of sago or of roots or tubers of heading No 0714 or of the products of Chapter 8:	
1106 20	- Of sago or of roots or tubers of heading No 0714:	
1106 20 10	- Denatured (?)	ECU 117,9/t
1106 20 90	- Other	ECU 188,2/t
1108	- Starches; inulin:	
	- Starches:	
1108 11 00	- Wheat starch	ECU 262,2/t
1108 12 00	- Maize (corn) starch	ECU 188,2/t
1108 13 00	- Potato starch	ECU 188,2/t
1108 14 00	- Manioc (cassava) starch	ECU 188,2/t
1108 19	- Other starches:	
1108 19 10	- Rice starch	ECU 239,8/t
1108 19 90	- Other	ECU 188,2/t
1109 00 00	Wheat gluten, whether or not dried	ECU 437/t
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey; whether or not mixed with natural honey; caramel:	
1702 30	- Glucose and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose:	
	- Other:	
	Other:	
1702 30 51	--- In the form of white crystalline powder, whether or not agglomerated	ECU 22,6/100 kg/net
1702 30 59	--- Other	ECU 17,5/100 kg/net
1702 30 91	--- In the form of white crystalline powder, whether or not agglomerated	ECU 22,6/100 kg/net
1702 30 99	--- Other	ECU 17,5/100 kg/net

CN code	Description	Customs duty applicable
1	2	3
1702 40	– Glucose and glucose syrup, containing in the dry state at least 20 % but less than 50 % by weight of fructose:	
1702 40 90	– – Other	ECU 17,5/100 kg/net
1702 90	– Other, including invert sugar:	
1702 90 50	– – Maltodextrine and maltodextrine syrup – – Caramel: – – – Other:	ECU 17,5/100 kg/net
1702 90 75	– – – – In the form of powder, whether or not agglomerated	ECU 23,8/100 kg/net
1702 90 79	– – – – Other	ECU 16,5/100 kg/net
2106	Food preparations not elsewhere specified or included:	
2106 90	– Other: – – Flavoured or coloured sugar syrups: – – – Other:	
2106 90 55	– – – – Glucose syrup and maltodextrine	ECU 17,5/100 kg/net
2302	Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals or of leguminous plants:	
2302 10	– Of maize (corn):	
2302 10 10	– – With a starch content not exceeding 35 % by weight	ECU 48,8/t
2302 10 90	– – Other	ECU 106,8/t
2302 20	– Of rice:	
2302 20 10	– – With a starch content not exceeding 35 % by weight	ECU 48,8/t
2302 20 90	– – Other	ECU 106,8/t
2302 30	– Of wheat:	
2302 30 10	– – Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 % by weight	ECU 48,8/t
2302 30 90	– – Other	ECU 106,8/t
2302 40	– Of other cereals:	
2302 40 10	– – Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 % by weight	ECU 48,8/t
2302 40 90	– – Other	ECU 106,8/t
2303	Residues of starch manufacture and similar residues, beet-pulp, bagasse and other waste of sugar manufacture, brewing or distilling dregs and waste, whether or not in the form of pellets:	
2303 10	– Residues of starch manufacture and similar residues:	
2303 10 11	– – Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product: – – – exceeding 40 % by weight	ECU 191/t

CN code	Description	Customs duty applicable
1	2	3
2309	Preparations of a kind used in animal feeding:	
ex 2309 10	— Dog or cat food, put up for retail sale:	
	— — Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products:	
	— — — Containing starch, glucose, syrup, maltodextrine or maltodextrine syrup:	
	— — — — Containing no starch or containing 10 % or less by weight of starch:	
2309 10 11	— — — — — Containing no milk products or containing less than 10 % by weight of such products	exemption
2309 10 13	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	ECU 627,1/t
2309 10 31	— — — — — Containing no milk products or containing less than 10 % by weight of milk products	exemption
2309 10 33	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	ECU 668,1/t
2309 10 51	— — — — — Containing no milk products or containing less than 10 % by weight of such products	ECU 119,6/t
2309 10 53	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	ECU 728,6/t
ex 2309 90	— Other:	
	— — Other:	
	— — — Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products:	
	— — — — Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup:	
	— — — — — Containing no starch or containing 10 % or less by weight of starch:	
2309 90 31	— — — — — Containing no milk products or containing less than 10 % by weight of such products	ECU 18,6/t
2309 90 33	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	ECU 627,1/t
2309 90 41	— — — — — Containing no milk products or containing less than 10 % by weight of such products	ECU 59,6/t
2309 90 43	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	ECU 668,1/t
2309 90 51	— — — — — Containing no milk products or containing less than 10 % by weight of milk products	ECU 119,6/t
2309 90 53	— — — — — Containing not less than 10 % but less than 50 % by weight of milk products	ECU 728,6/t

(<sup>1</sup>) For the purpose of distinguishing between products covered by CN codes 1102, 1103 and 1104 and those covered by CN codes 2302 10 to 2302 40, products covered by CN codes 1102, 1103 and 1104 are those having both of the following:

- a starch content (determined by the modified Ewers polarimetric method) exceeding 45 % by weight referred to dry matter,
- an ash content by weight, referred to dry matter (after deduction of any added mineral matter), not exceeding 1,6 % for rice, 2,5 % for wheat and rye, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whether or not in the form of flour, is covered in all cases by CN codes 1101 00 00 and 1102.

(<sup>2</sup>) Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

### CORRIGENDA

**Corrigendum to Commission Regulation (EC) No 1431/97 of 23 July 1997 amending Regulation (EEC) No 2245/90 laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes 0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT)**

*(Official Journal of the European Communities L 196 of 24 July 1997)*

Page 44, Article 1 (2):

*for:* '2. Article 2 (2) is replaced by the following:

— Producto ACP/PTU';

*read:* '2. Article 2 (2) is replaced by the following:

'2. The licence shall contain one of the following entries in box 24:

— Producto ACP/PTU'.

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COMMISSION REGULATION (EC) No 1433/97

of 23 July 1997

fixing the quantities of banana imports for supply to the Community for the fourth quarter of 1997

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas the Management Committee for Bananas has not delivered an opinion within the time limit set by its chairman,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas<sup>(1)</sup>, as last amended by Regulation (EC) No 3290/94<sup>(2)</sup>, and in particular Article 20 thereof,

HAS ADOPTED THIS REGULATION:

Whereas Article 9 (1) of Commission Regulation (EEC) No 1442/93<sup>(3)</sup>, as last amended by Regulation (EC) No 1409/96<sup>(4)</sup>, provides that indicative quantities, expressed where necessary as percentages of the shares allocated to the various countries or groups of countries listed in Annex I to Commission Regulation (EC) No 478/95<sup>(5)</sup>, as last amended by Regulation (EC) No 702/95<sup>(6)</sup>, or of the quantities of those quotas available are to be fixed using data and forecasts relating to the Community market, for the purposes of issuing import licences for each quarter,

*Article 1*

1. The quantities available for import in respect of the fourth quarter of 1997 under the tariff quota arrangements for banana imports from the countries or groups of countries listed in Annex I to Regulation (EC) No 478/95 shall be as set out in Annex I hereto.

Whereas the tariff quota quantities available for imports from the countries or groups of countries listed in Annex I to Regulation (EC) No 478/95 for the fourth quarter of 1997 should be determined taking account on the one hand of the import licences issued during the first three quarters and on the other hand of the tariff quota provided for in Article 18 of Regulation (EEC) No 404/93 plus the quantity laid down in Commission Regulation (EC) No 1154/97<sup>(7)</sup>;

2. Applications for import licences in respect of the fourth quarter of 1997 from individual operators may not cover a quantity exceeding the difference between the quantity allocated to the operator pursuant to Article 4 (4) and Article 6 of Regulation (EEC) No 1442/93 and the total quantity covered by import licences issued to him in respect of the first three quarters. Import licence applications shall be accompanied by copies of any import licences issued to the operator in respect of the preceding quarters.

Whereas, with a view to achieving the same objectives, the indicative quantities provided for in Article 14 (1) of Regulation (EEC) No 1442/93 should be fixed for the purposes of issuing licences for traditional banana imports from the African, Caribbean and Pacific (ACP) States;

*Article 2*

Pursuant to Article 14 (1) of Regulation (EEC) No 1442/93, quantities available for traditional imports of bananas from the ACP States for the fourth quarter of 1997 shall be as set out in Annex II hereto.

Whereas this Regulation must enter into force immediately so that licence applications can be lodged in respect of the fourth quarter of 1997;

*Article 3*

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

<sup>(1)</sup> OJ No L 47, 25. 2. 1993, p. 1.  
<sup>(2)</sup> OJ No L 349, 31. 12. 1994, p. 105.  
<sup>(3)</sup> OJ No L 142, 12. 6. 1993, p. 6.  
<sup>(4)</sup> OJ No L 181, 20. 7. 1996, p. 13.  
<sup>(5)</sup> OJ No L 49, 4. 3. 1995, p. 13.  
<sup>(6)</sup> OJ No L 71, 31. 3. 1995, p. 84.  
<sup>(7)</sup> OJ No L 168, 26. 6. 1997, p. 65.



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

Done at Brussels, 23 July 1997.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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ANNEX I

Tariff quota quantities available for bananas imports from the countries or groups of countries listed in Annex I to Regulation (EC) No 478/95 in respect of the fourth quarter of 1997

TABLE 1

*(tonnes net weight)*

Country	Quantity	
	Categories A and C	Category B
Colombia	83 305,639	30 495,609
Costa Rica	109 083,569	34 047,311
Nicaragua	29 351,222	21 864,542
Venezuela	26 863,424	

TABLE 2

*(tonnes net weight)*

Country	Quantity
Non-traditional imports from ACP States:	
Dominican Republic	11 415,836
Belize	4 279,984
Côte d'Ivoire	2 387,884
Cameroon	7 500,000
Other ACP States	2 422,954

TABLE 3

*(tonnes net weight)*

Country	Quantity
Other	240 641,060

*ANNEX II*

**Quantities available for traditional imports of bananas from the ACP States in respect of the fourth quarter of 1997**

*(tonnes net weight)*

Country	Quantity
Traditional imports from ACP States:	
Côte d'Ivoire	34 723,000
Cameroon	36 144,000
Suriname	11 900,000
Somalia	35 300,000
Jamaica	38 000,000
Windward Islands	164 729,000
Belize	9 500,000
Cape Verde	4 800,000
Madagascar	5 900,000

COMMISSION REGULATION (EC) No 1820/97  
of 19 September 1997  
on the issuing of licences for traditional imports of bananas originating in the  
ACP States for the fourth quarter of 1997

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas<sup>(1)</sup>, as last amended by Regulation (EC) No 3290/94<sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community<sup>(3)</sup>, as last amended by Regulation (EC) No 1409/96<sup>(4)</sup>, and in particular Article 16 (2) second subparagraph thereof,

Whereas Article 16 (2) of Regulation (EEC) No 1442/93 provides that where the quantities of bananas originating in one and the same ACP State listed in the Annex to Regulation (EEC) No 404/93 for which import licences are applied for exceed the quantity fixed for the period in question, the Commission is to set a single reduction percentage to all licence applications mentioning that country of origin;

Whereas Commission Regulation (EC) No 1433/97<sup>(5)</sup> fixes quantities for imports of bananas into the Community for the fourth quarter of 1997 for imports originating in the ACP States under the traditional quantities imported;

Whereas, for Cameroon the quantities requested for traditional imports of ACP bananas during the fourth quarter

of 1997 are higher than the quantities fixed by Regulation (EC) No 1433/97; whereas, as a result, a single reduction percentage should be fixed for each application indicating this country of origin pursuant to Article 16 (2) of Regulation (EEC) No 1442/93;

Whereas this Regulation should take effect without delay in order to allow licences to be issued as quickly as possible,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the fourth quarter of 1997, as regards licence applications for traditional imports of bananas originating in the ACP States, import licences shall be issued:

- for the quantity indicated in the licence application, multiplied by a reduction coefficient of 0,9729 for applications indicating the origin 'Cameroon',
- in the case of applications indicating other origins, for the quantities indicated in the application.

*Article 2*

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

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

Done at Brussels, 19 September 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

(1) OJ L 47, 25. 2. 1993, p. 1.

(2) OJ L 349, 31. 12. 1994, p. 105.

(3) OJ L 142, 12. 6. 1993, p. 6.

(4) OJ L 181, 20. 7. 1996, p. 13.

(5) OJ L 196, 24. 7. 1997, p. 52.

COUNCIL DECISION

of 22 April 1997

approving the Agreement in the form of an exchange of letters between the Community and the ACP States concerning Annex XL to the fourth ACP-EC Convention relating to the Joint Declaration concerning agricultural products referred to in Article 168 (2) (a) (ii)

(97/683/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement in the form of an exchange of letters between the Community and the ACP States concerning Annex XL to the fourth ACP-EC Convention relating to the Joint Declaration concerning agricultural products referred to in Article 168 (2) (a) (ii) should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an exchange of letters between the Community and the ACP States concerning Annex XL to the fourth ACP-EC Convention relating to the Joint Declaration concerning agricultural products

referred to in Article 168 (2) (a) (ii) is hereby approved on behalf of the Community and shall apply with effect from 1 January 1996.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council shall notify the ACP States of the Agreement in the form of an exchange of letters on behalf of the European Community.

*Article 3*

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

Done at Luxembourg, 22 April 1997.

*For the Council*

*The President*

J. VAN AARTSEN

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**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**  
**between the Community and the ACP States concerning Annex XL to the fourth**  
**ACP-EC Convention relating to the Joint Declaration concerning agricultural**  
**products referred to in Article 168 (2) (a) (ii)**

*A. Letter from the Community*

Brussels, 12 June 1997.

Sir,

Annex XL set out in the fourth ACP-EC Convention is replaced by the text set out in point 81 of the Agreement amending the fourth ACP-EC Convention of Lomé, signed in Mauritius on 4 November 1995.

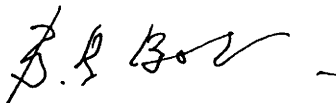
However, in its present form the text will have to be adapted to take account of the results of the Uruguay Round negotiations which have been transposed into the Common Customs Tariff adopted by the Community in consequence.

Aware of that, the Community has undertaken to bring the text of Annex XL signed in Mauritius up to date and has consulted the ACP States on this matter over the last few months.

I enclose the final revised text in annex and should be obliged if you would confirm that the ACP States have taken note thereof.

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

*On behalf of the Council  
of the European Union*



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*ANNEX*

*ANNEX XL*

**Joint Declaration concerning agricultural products referred to in Article 168 (2) (a) (ii)**

The Contracting Parties have taken note that the Community intends to take the measures mentioned in the Annex, and which are laid down at the date of signing of the Convention, with a view to granting ACP States the preferential treatment provided for in Article 168 (2) (a) (ii), for certain agricultural and processed products.

They have taken note that the Community declares that it will take all the measures required to ensure that the corresponding agricultural regulations are adopted in good time and that, wherever possible, they come into force at the same time as the interim arrangements which will be introduced after the signing of the Agreement amending the fourth ACP-EC Convention of Lomé, signed in Mauritius on 4 November 1995.

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Import treatment applicable to agricultural products and foodstuffs originating in the ACP States

Common organization of market	Special treatment for the ACP States
<p>1 BEEF AND VEAL</p> <p>CN code:</p> <p>0102 90 05 0102 90 21 0102 90 29 0102 90 41 0102 90 49 0102 90 51 0102 90 59 0102 90 61 0102 90 69 0102 90 71 0102 90 79 0201 0202 0206 10 91 0206 10 95 0206 10 99 0206 21 00 0206 22 90 0206 29 91 0206 29 99 0210 20 0210 90 41 0210 90 49 0210 90 90 ex 1502 00 90 1602 50 10 1602 50 31 1602 50 39 1602 50 80 1602 90 61 1602 90 69</p> <p>ex 1602 10 00 ex 1602 20 90 ex 1602 90 10</p>	<p>Exemption from <i>ad valorem</i> customs duties for the following products covered by the common organization of the market:</p> <p>Where, in the course of a year, imports of beef and veal falling within CN codes 0201, 0202, 0206 10 95, 0206 29 91, 1602 50 10 and 1602 90 61, originating in an ACP State exceed the greatest quantity of Community imports recorded for one year between 1969 and 1974 inclusive for the origin in question, plus an annual growth rate of 7 %, exemption from customs duties on the products of that origin shall be partially or totally suspended.</p> <p>In such case, the Commission shall report to the Council of Ministers of the European Union, who acting by a qualified majority on a proposal from the Commission, shall decide on the treatment to be applied to the imports concerned.</p> <p>16 % reduction in the customs duty for the following products:</p> <p>Homogenized preparations of beef and veal Preparations of cows' or calves' liver Preparations of cows' or calves' blood</p>
<p>2. SHEEPMEAT AND GOATMEAT</p> <p>CN code:</p> <p>0104 0204 0206 80 99 0206 90 99 0210 90 11 0210 90 19 0210 90 60 ex 1502 00 90 1602 90 72 1602 90 74 1602 90 76 1602 90 78</p>	<p>Exemption from <i>ad valorem</i> customs duties for the following products covered by the common organization of the market</p> <p>Non-application of specific CCT duties for an annual quota of 100 tonnes for CN codes:</p> <p>(a) 0104 10 30 0104 10 80 0104 20 90 (other than pure-bred breeding animals);</p> <p>(b) 0204 0210 90 11 0210 90 19 (other than meat of domestic sheep).</p> <p>For this meat, reduction 65 % of specific CCT duties for an annual quota of 500 tonnes</p>



Common organization of market	Special treatment for the ACP States
ex 1602 10 00 ex 1602 20 90 ex 1602 90 10	16 % reduction in the customs duty for the following products: Homogenized preparations of sheepmeat and goatmeat Preparations of sheep's or goats' liver Preparations of sheep's or goats' blood
<p>3. POULTRY MEAT</p>	
CN code: 0105 11 11 0105 11 19 0105 11 91 0105 11 99 0105 92 00 0105 93 00  0105 12 00 0105 19 20 0105 99 20 0105 99 30  0105 19 90 0105 99 10 0105 99 50  0209 00 90  0210 90 71 0210 90 79  1501 00 90   0207 1602 31 1602 32 11 1602 32 19 1602 32 30 1602 32 90 1602 39	16 % reduction in the customs duty for the following products: — Fowl of the species <i>Gallus domesticus</i>  — Geese and turkeys  — Ducks and guinea fowls  — Poultry fat, fresh, chilled or frozen — Offal of poultry livers  — Poultry fat, rendered  Reduction of the CCT duty by 65 % for: — poultry meat up to an annual quota of 400 tonnes — other preserved or prepared poultry meat and offal up to an annual quota of 500 tonnes
<p>4. DAIRY PRODUCTS</p>	
CN code: 0401  0403 10 11 0403 10 13 0403 10 19 0403 10 31 0403 10 33 0403 10 39  0403 90 11 to 0403 90 69  0404 10  0404 90  0405  1702 11 00 1702 19 00  2106 90 51	16 % reduction in import duties for the following products: Milk and cream, non-concentrated nor containing added sugar or other sweetening matter Yogurt, not flavoured nor containing added fruit, nuts or cocoa  Other fermented or acidified milk and cream, not flavoured nor containing added fruit, nuts or cocoa Whey and modified whey Products consisting of natural milk constituents Butter and other fats and oils derived from milk Lactose and lactose syrup  Lactose syrup, flavoured or coloured

Common organization of market	Special treatment for the ACP States
2309 10 15 2309 10 19 2309 10 39 2309 10 59 2309 10 70	Dog or cat food containing more than 50 % of milk products
2309 90 35 2309 90 39 2309 90 49 2309 90 59 2309 90 70	Other preparations of a kind used for animal feeding containing more than 50 % of milk products
	Reduction of third country customs duties by 65 % for:
0402	— milk and cream, concentrated or containing added sugar within the limits of an annual quota of 1 000 tonnes
0406	— cheese and curd within the limits of an annual quota of 1 000 tonnes
<b>5. EGGS</b>	
CN code:	16 % reduction in customs duties for products covered by the common organizations of the markets:
0407 00 11 0407 00 19 0407 00 30	Poultry eggs
0408 11 80 0408 19 81 0408 19 89	Yolks of birds' eggs
0408 91 80 0408 99 80	Birds' eggs
<b>6. PIGMEAT</b>	
CN code:	16 % reduction in customs duties on the following products:
0103 91 10 0103 92 11 0103 92 19	Live swine other than pure-bred breeding animals
1501 00 11 1501 00 19	Pig fat (including lard)
ex 1602 10 00 ex 1602 20 90 1602 41 10 1602 42 10 1602 49	Prepared or preserved meat of swine
ex 1602 90 10 1602 90 51 1902 20 30	Stuffed pasta, whether or not cooked or otherwise prepared, containing more than 20 % by weight of sausages and the like, of meat and meat offal of any kind, including fats of any kind or origin
0203 11 10 0203 12 11 0203 12 19 0203 19 11 0203 19 13 0203 19 15	50 % reduction in customs duty within an annual quota of 500 tonnes for the following products:  Meat of swine, fresh or chilled

Common organization of market	Special treatment for the ACP States
ex 0203 19 55 0203 19 59	except tenderloin, presented singly
0203 21 10 0203 22 11 0203 22 19 0203 29 11 0203 29 13 0203 29 15	Meat of swine, frozen
ex 0203 29 55 0203 29 59	except tenderloin, presented singly
0206 30 21 0206 30 31 0206 41 91 0206 49 91	Offal of domestic swine, fresh or chilled  Offal of domestic swine, frozen
0209 00 11 0209 00 19 0209 00 30	Pig fat
0210 11 11 to 0210 11 39	Hams, shoulders and cuts thereof, with bone in, of domestic swine salted, dried or smoked
0210 12 11 0210 12 19	Bellies of domestic swine, salted, dried or smoked
0210 19 10 to 0210 19 89	Other cuts of domestic swine, salted, dried or smoked
0210 90 31 0210 90 39	Edible flours and meals of offal of domestic swine
1601 00	Reduction of customs duty by 65 % within an annual quota of 500 tonnes for:  — Sausages and similar products of meat, meat offal and blood

7. FISHERY PRODUCTS

CN code: 03 1604 1605 1902 20 10 2301 20 00	Exemption of customs duties for all products covered by the common organization of the market
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8. SUGAR

CN code: 1212 91 20 1212 91 80  1212 92 00  1702 20 10 1702 20 90 1702 30 10 1702 40 10 1702 60 10 1702 60 90 1702 90 30 1702 90 60 1702 90 71 1702 90 80 1702 90 99	16 % reduction in customs duties for the following products:  Sugar beet  Sugar cane  Maple sugar and maple syrup  Isoglucose  Other fructose and fructose syrup  Other, including invert sugar
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Common organization of market	Special treatment for the ACP States
2106 90 30 2106 90 59	Isoglucose syrups Sugar syrups as food preparations  This reduction will not be applicable when the Community, in accordance with its Uruguay Round commitments, applies additional duties  Exemption from third country customs duty within the limits of an annual quota of 600 000 tonnes for:
1703	— molasses

9. OIL SEEDS AND OLEAGINOUS FRUIT

CN code:

1201 00 90  
1202 10 90  
1202 20 00  
1203 00 00  
1204 00 90  
1205 00 90  
1206 00 91  
1206 00 99  
1207 10 90  
1207 20 90  
1207 30 90  
1207 40 90  
1207 50 90  
1207 60 90  
1207 91 90  
1207 92 90  
1207 99 91  
1207 99 99  
1208  
1504  
1507  
1508  
1509 90 00  
1510 00 90  
1511  
1512  
1513  
1514  
1515 11 00  
1515 19  
1515 21  
1515 29  
1515 50  
1515 90 21  
1515 90 29  
1515 90 31  
1515 90 39  
1515 90 40  
1515 90 51  
1515 90 59  
1515 90 60  
1515 90 91  
1515 90 99  
1516 10  
1516 20 91  
1516 20 95  
1516 20 96  
1516 20 98  
1517 10 90

Exemption from customs duties for all products covered by the common organization of the market

Exemption from customs duties

Common organization of market	Special treatment for the ACP States
1517 90 91 1517 90 99 1518 00 31 1518 00 39 1522 00 91 1522 00 99 2304 00 00 2305 00 00 2306 10 00 2306 20 00 2306 30 00 2306 40 00 2306 50 00 2306 60 00 2306 70 00 2306 90 90	

10. CEREALS

CN code:

0709 90 60 0712 90 16 1005 10 90 1005 90 00	Sweet corn	Reduction of customs duty by ECU 1,81/tonne
1007 00	Sorghum	60 % reduction in customs duty within the limit of an annual ceiling of 100 000 tonnes
1008 20 00	Millet	Non-application of customs duty within the limit of an annual ceiling of 60 000 tonnes
		50 % reduction in the customs duty can be reintroduced above the annual ceiling for sorghum and millet
1101 00		16 % reduction in customs duties on the following products: Wheat or meslin flour
1102 10 00		Rye flour
1103 11		Groats and meal of wheat
1103 21 00		Pellets of wheat
1001 10 00		50 % reduction in the customs duty within a quota of 15 000 tonnes for the following products: Wheat and meslin, except spelt for sowing
1001 90 91		
1001 90 99		
1002 00 00		Rye
1003 00 10		Barley
1003 00 90		
1004 00 00		Oats
1008 10 00		Buckwheat
1008 30 00		Canary seed
1008 90 10		Triticale
1008 90 90		Other cereals

11. RICE

CN Code:

1006 10 21 to 1006 10 98	Paddy rice, except for sowing	In compliance with common rules, reduction of customs duty per 1 000 kg: — for paddy rice, by 65 % and ECU 4,34
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Common organization of market		Special treatment for the ACP States
1006 20	Husked rice	— for husked rice, by 65 % and ECU 4,34
1006 30	Milled and semi-milled rice	— for milled and semi-milled rice, by ECU 16,78, subsequently reduced by 65 % and ECU 6,52
1006 40 00	Broken rice	— for broken rice, by 65 % and ECU 3,62
		This exception is valid only if a charge of an equivalent amount is levied at the time of export by the ACP State concerned.
		Should 125 000 tonnes (husked rice equivalent) of rice (CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30) and 20 000 tonnes of broken rice (CN code 1006 40 00) be exceeded, the general third-country arrangement shall apply.

12. CEREAL SUBSTITUTES AND PROCESSED CEREAL AND RICE PRODUCTS

CN code:	Exemption from customs duties for the following products:
0714 10 91	Manioc
0714 20	Sweet potatoes
0714 90 11	Arrowroot
ex 0714 90 19	Arrowroot flour and meal
ex 1106 20	Arrowroot starch
ex 1108 19 90	Dog or cat food, put up for retail sale
2309 10 11	
2309 10 31	
1108 14 00	50 % reduction in customs duties for the following products: <i>Note:</i> This reduction is additional to the per tonne ECU 24,8 reductions for these same products (see below).
ex 1108 19 90	Manioc starch
	Other starches, other than arrowroot
	ECU 6,19 reduction per tonne for the following products:
0714 10 99	Other roots and tubers
ex 0714 90 19	Other roots, other than arrowroot
	ECU 8,38 reduction per tonne for the following products:
0714 10 10	Manioc roots
	ECU 7,98 reduction per tonne for the following products:
ex 1106 20 10	Flour and meal of sago, roots or tubers of heading No 0714, denatured, other than arrowroot flour or meal
	ECU 29,18 reduction per tonne for the following products:
ex 1106 20 90	Flour and meal of sago, roots or tubers of heading No 0714, other than denatured, other than arrowroot flour or meal
	ECU 7,3 reduction per tonne for the following products:
1102 20 10	Maize flour
1102 90 10	Barley flour
1102 90 30	Rice flour
1103 12 00	Oat groats and meal
1103 13 10	Maize groats and meal

Common organization of market	Special treatment for the ACP States
1103 19 10	Rye groats and meal
1103 19 30	Barley groats and meal
1103 21 00	Wheat pellets
1103 29 10	Rye pellets
1103 29 20	Barley pellets
1103 29 30	Oat pellets
1103 29 40	Maize pellets
1104 11 90	Flaked barley
1104 12 90	Flaked oats
1104 19 10	Grains of wheat
1104 19 30	Grains of rye
1104 19 80	Grains of maize
1104 19 91	Flaked rice
1104 19 99	Other flaked grains
1104 21 50	Pearled grains of barley
1104 30	Germ of cereals
	ECU 3,6 reduction per tonne for the following products:
1102 20 90	Maize flour
1102 30 00	Rice flour
1102 90 90	Other cereal flours
1103 13 90	Maize groats and meal
1103 14 00	Rice groats and meal
1103 19 90	Groats and meal of other cereals
1103 29 50	Rice pellets
1103 29 90	Pellets of other cereals
1104 11 10	Rolled barley
1104 12 10	Rolled oats
1104 21 10	Hulled barley
1104 21 30	Hulled barley, sliced or kibbled
1104 21 90	Barley grains, not otherwise worked than kibbled
1104 21 99	Other barley grains
1104 22	Oat grains
1104 23	Maize grains
1104 29	Other cereal grains
	ECU 24,8 reduction per tonne for the following products:
1108 11 00	Wheat starch
1108 12 00	Maize starch
1108 13 00	Potato starch
1108 14 00	Manioc (cassava) starch
1108 19 90	Other starches, exc. rice
	ECU 37,2 reduction per tonne for:
1108 19 10	Rice starch
	ECU 219 reduction per tonne for the following products:
1109 00 00	Wheat gluten
2303 10 11	Residues of starch from maize
	ECU 117 reduction per tonne for the following products:
1702 30 51	Glucose and glucose syrup in the form of white crystalline powder
1702 30 91	Other glucose in the form of white crystalline powder
1702 90 75	Other sugars and molasses in powder form
	ECU 81 reduction per tonne for the following products:
1702 30 59	Other glucose and glucose syrup
1702 30 99	
1702 40 90	
1702 90 50	Maltodextrine and maltodextrine syrup
1702 90 79	Other sugars and molasses
2106 90 55	Glucose syrup and maltodextrine syrup

Common organization of market	Special treatment for the ACP States
2302 10 2302 20 2302 30 2302 40	ECU 7,2 reduction for the following products: Maize bran Rice bran Wheat bran Other cereal bran
2309 10 13 2309 10 33 2309 10 51 2309 10 53 2309 90 31 2309 90 33 2309 90 41 2309 90 43 2309 90 51 2309 90 53	ECU 10,9 reduction per tonne for the following products: Dog or cat food, put up for retail sale  Other preparation of a kind used in animal feeding

13. FRESH OR CHILLED FRUIT AND VEGETABLES

CN code:

0706 90 30  
 ex 0706 90 90  
 ex 0706 90 90  
 ex 0707 00 10  
 ex 0707 00 15  
 ex 0707 00 20  
 ex 0707 00 35  
 ex 0707 00 40  
  
 0708  
 0709 30 00  
 0709 40 00  
 0709 51 90  
 0709 60 10  
 0709 90 71  
 0709 90 73  
 0709 90 75  
 0709 90 77  
 0709 90 79  
  
 0709 90 90  
 0802 31 00 and  
 0802 32 00  
 0802 50 00  
 0802 90 10  
 0802 90 50  
 0802 90 60  
 0802 90 88  
  
 0804 30 00  
 0804 40  
 0804 50 00  
  
 0805 30 90

Exemption from customs duty for the following products:

Horse-radish  
 Salad beetroot  
 Radishes (*Raphanus sativus*), known as 'mooli'  
 Small winter cucumbers  
 (Exemption limited to the *ad valorem* component of the customs duty)  
  
 Leguminous vegetables  
 Aubergines (egg-plants)  
 Celery, other than celeriac  
 Mushrooms, other  
 Sweet peppers  
  
 Courgettes  
 (Exemption limited to the *ad valorem* component of the customs duty)  
  
 Other vegetables  
 Walnuts, in shell or shelled  
  
 Pistachios  
 Pecans  
 Pine nuts  
 Macadamia nuts  
 Other nuts  
  
 Pineapples  
 Avocados  
 Guavas, mangoes and mangosteens  
  
 Limes (*Citrus aurantifolia*)



Common organization of market	Special treatment for the ACP States
0805 40	Grapefruit
0805 90 00	Other citrus fruit
0807 11 00	Melons (including watermelons)
0807 19 00	
0807 20 00	Pawpaws
0809 40 90	Sloes
0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>
0810 90	Other fresh fruit
0813 50 31	Mixtures exclusively of nuts of headings CN code Nos 0801 and 0802
0813 50 39	
	Reduction in customs duties on the following products:
ex 0702 00 45	Tomatoes (other than cherry tomatoes) from 15 November to 30 April: reduction of the <i>ad valorem</i> component of the duty by 60 % within the limits of a quota of 2 000 tonnes
0702 00 50	
0702 00 15	
0702 00 20	
ex 0702 00 45	Cherry tomatoes from 15 November to 30 April: exemption from the <i>ad valorem</i> component of the duty within the limits of a quota of 2 000 tonnes
0702 00 50	
0702 00 15	
0702 00 20	
0703 10 19	Onions, other than sets, from 1 February to 15 May: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
0703 20 00	Garlic from 1 February to 31 May: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
ex 0704 90 90	Chinese cabbage from 1 November to 31 December: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
ex 0705 11 05	Iceberg lettuce from 1 July to 31 October: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
ex 0705 11 10	
ex 0705 11 80	
ex 0706 10 00	Carrots from 1 January to 31 March: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
0709 10	Artichokes from 1 October to 31 December: exemption from the <i>ad valorem</i> component of the customs duty. For the rest of the year, 15 % reduction in the customs duty.
0709 20 00	Asparagus:
	— exemption from the customs duty from 15 August to 15 January
	— 40 % reduction from 16 January to 31 January
	— 15 % reduction for the rest of the year
ex 0804 20 10	Figs (fresh) from 1 November to 30 April:
	— exemption from the customs duty within the limits of a ceiling of 200 tonnes
0805 10	Oranges:
	— exemption from the <i>ad valorem</i> component of the customs duty from 15 May to 30 September in the framework of a reference quantity of 25 000 tonnes
	— above this quantity and throughout the year an 80 % reduction in the <i>ad valorem</i> component of the customs duty

Common organization of market	Special treatment for the ACP States
0805 20	<p>Mandarins (including tangerines and satsumas), clementines, wilkings and other similar citrus hybrids:</p> <ul style="list-style-type: none"> <li>— exemption from the customs duty from 15 May to 30 September in the framework of a reference quantity of 4 000 tonnes</li> <li>— above this quantity and throughout the year an 80 % reduction in the <i>ad valorem</i> component of the customs duty</li> </ul>
ex 0806 10 29 ex 0806 10 69	<p>Seedless table grapes: exemption from customs duties from 1 December to 31 January within the limits of a quota of 800 tonnes and from 1 February to 31 March within the limits of a reference quantity of 100 tonnes</p>
0808 10	<p>Apples: reduction in the <i>ad valorem</i> component of the customs duty by 50 % within the limits of a quota of 1 000 tonnes</p>
ex 0808 20	<p>Pears: reduction in the <i>ad valorem</i> component of the customs duty by 65 % within the limits of a quota of 2 000 tonnes</p>
0809 10	<p>Apricots: exemption from the customs duty from 1 September to 30 April. For the rest of the year, a 15 % reduction in the <i>ad valorem</i> component of the customs duty.</p>
ex 0809 20 71 ex 0809 20 79 ex 0809 20 11 ex 0809 20 19	<p>Cherries: exemption from the customs duty from 1 November to 31 March</p>
0809 30	<p>Peaches, including nectarines: exemption from the customs duty from 1 December to 31 March. For the rest of the year, a 15 % reduction in the <i>ad valorem</i> component of the customs duty</p>
0809 40 10 to 0809 40 40	<p>Plums: exemption from the customs duty from 15 December to 31 March. For the rest of the year, a 15 % reduction in the <i>ad valorem</i> component of the customs duty</p>
ex 0810 10 05 ex 0810 10 80	<p>Strawberries: exemption from 1 November to end February in the framework of a quota of 1 600 tonnes</p>
0810 40 50	<p>Reduction of the customs duty to the following levels:</p> <ul style="list-style-type: none"> <li>— 3 % for fruit of the species <i>Vaccinium macrocarpum</i> and <i>Vaccinium corymbosum</i></li> </ul>
0810 40 90	<ul style="list-style-type: none"> <li>— 5 % for other fruits of the <i>Vaccinium</i> species</li> </ul>
0703 10 90	<p>16 % reduction in customs duties for the following products:</p> <p>Shallots</p>
0703 90 00	<p>Leeks and other alliaceous vegetables</p>
0704 10	<p>Cauliflowers and headed broccoli</p>
0704 20 00	<p>Brussels sprouts</p>
0704 90 10	<p>White cabbages and red cabbages</p>
0704 90 90	<p>Other cabbages</p>
0705 11	<p>Cabbage lettuce, except iceberg</p>
0705 19 00	<p>Other lettuce</p>
0705 21 00	<p>Witloof chicory</p>
0705 29 00	<p>Other chicory</p>
ex 0706 10 00	<p>Turnips</p>
0706 90 05	<p>Celeriac</p>
0706 90 11	
0706 90 17	
ex 0707 00 10 ex 0707 00 15 ex 0707 00 20 ex 0707 00 35 ex 0707 00 40	<p>Winter cucumbers, other than small cucumbers (Reduction limited to the <i>ad valorem</i> component of the customs duty)</p>

Common organization of market	Special treatment for the ACP States
0707 00 90	Gherkins
0709 51 10	Cultivated mushrooms
0709 51 30	Chanterelles
0709 51 50	Flap mushrooms
0709 52 00	Truffles
0709 70 00	Spinach, New Zealand spinach and orache spinach
0709 90 10	Salad vegetables other than lettuce and chicory
0709 90 20	Chard (or white beet) and cardoons
0709 90 40	Capers
0709 90 50	Fennel
0802 11 90	Almonds, other
0802 12 90	
0802 21 00	Hazelnuts
0802 22 00	
0802 40 00	Chestnuts
0808 20 90	Quinces
0810 20 10	Raspberries .
0810 20 90	Blackberries, mulberries and loganberries
0810 30 10	Gooseberries and black-, white- or redcurrants
0810 30 30	
0810 30 90	

14. PROCESSED FRUIT AND VEGETABLE PRODUCTS

CN code:

ex 0710  
ex 0711  
ex 0712  
0804 20 90  
0806 20  
ex 0811  
ex 0812  
ex 0813  
0814 00 00  
0904 20 10  
1302 20  
ex 2001  
2002  
2003  
ex 2004  
ex 2005  
ex 2006 00  
ex 2007  
ex 2008  
ex 2009

Exemption from customs duties for all products covered by the common organization of the market (Council Regulation (EC) No 2201/96)

In addition, non-application of the specific component of custom duties for the following products:

Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter:

— Homogenized preparations with a sugar content exceeding 13 % by weight

2007 10 10

Common organization of market	Special treatment for the ACP States
2007 99 20 2007 99 31 2007 99 33 2007 99 35 2007 99 39 2007 99 51 2007 99 55 2007 99 58	— Purée and pastes
ex 2008 20 ex 2008 30 ex 2008 40 ex 2008 80 ex 2008 92 ex 2008 99	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included: — Pineapples — Grapefruit segments — Pears — Strawberries — Mixtures of tropical fruit — Grapes — Passionfruit, guava and tamarinds — Grapefruit juice
2009 20 11 2009 20 91	— Pineapple juice — Passionfruit and guava juice — Mixtures of tropical fruit juices
ex 2009 40 ex 2009 80 ex 2009 90	16 % reduction in customs duties for the following products: Potatoes prepared or preserved other than in the form of flour, meal or flakes
15. WINE	
CN code: 2009 60 2204 30 92 2204 30 94 2204 30 96 2204 30 98	Exemption from customs duties for: Unfermented grape juice (including grape must)
16. UNMANUFACTURED TOBACCO	
CN code: 2401	Exemption from customs duties If serious disruptions occur as a result of a large increase in duty-free imports of unmanufactured tobacco (CN code 2401) originating in the ACP States, or if these imports create difficulties which result in deterioration of the economic situation of a region of the Community, the Community may take the necessary safeguard measures pursuant to Article 177 (1) of the Convention, including measures to offset deflection of trade.
17. CERTAIN GOODS RESULTING FROM THE PROCESSING OF AGRICULTURAL PRODUCTS	
CN code: 0403 10 51 to 0403 10 99 0403 90 71 to 0403 90 99	Exemption from the customs duties for the following products (Regulation (EEC) No 3448/93)

Common organization of market	Special treatment for the ACP States
0710 40 00	
0711 90 30	
1517 10 10	
1517 90 10	
1702 50 00	
1704 (other than	
1704 90 10)	
1806	
1902 (other than	
1902 20 10 and	
1902 20 30)	
1903	
1904	
1905	
2001 90 30	
2001 90 40	
2004 90 10	
2005 80 00	
2008 99 85	Maize (corn) other than sweet corn ( <i>Zea mays var. saccharata</i> )
2008 99 91	
2101 12 98	
2101 20 98	
2101 30 19	
2101 30 99	
2102 10 31	
2102 10 39	
2105	
ex 2106 (other than	
2106 90 30 to	
2106 90 59)	
2202 90 91	
2202 90 95	
2202 90 99	
2905 43 00	
2905 44	
3302 10 29	
3501	
3505 10	
3505 20	
3809 10	
3824 60	
1702 50 00	In addition, suspension of the agricultural component for:
1704 90 30	Chemically pure fructose
1806 20	White chocolate
1806 31 00	Chocolate and other food preparations containing cocoa:
1806 32	— Preparations in block slabs or bars weighing more than 2 kilo-
1806 90 11	grams or in liquid, paste, powder, granular or other bulk form
1806 90 19	in containers or immediate packings, of a content exceeding 2
1806 90 31	kilograms, excluding those falling within CN code 1806 20 70
1806 90 39	— Other, in blocks, slabs or bars, filled or unfilled
1806 90 50	— Other chocolate and chocolate products and sugar confec-
	tionery and substitutes therefor made from sugar substitution
	products containing cocoa

Common organization of market	Special treatment for the ACP States
ex 1901	Malt extract, food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight (of non-fat solids) of less than 40 %, not elsewhere specified or included; food preparations of goods of CN codes Nos 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight (of non-fat solids) of less than 5 %, not elsewhere specified or included: — not containing milk fats or containing milk fats in a proportion by weight of less than 1,5 %, containing 50 % or more but less than 75 % by weight of starches
1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms  Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
ex 1905 30	Sweet biscuits; waffles and wafers: — Biscuits
ex 1905 40	— Rusks, toasted bread and similar (toasted products other than ships biscuits)
ex 1905 90	— Other: — Biscuits
2008 99 85	Maize (corn), otherwise prepared or preserved, not containing added sugar or spirit, other than sweet corn ( <i>Zea mays var. saccharata</i> )
2101 12 98	Coffee-based preparations

18. SPECIAL ARRANGEMENTS FOR IMPORTING CERTAIN AGRICULTURAL PRODUCTS ORIGINATING IN THE ACP STATES OR THE OCT INTO THE FRENCH OVERSEAS DEPARTMENTS

CN code:

0102 90 05 0102 90 21 0102 90 29 0102 90 41 0102 90 49 0102 90 51 0102 90 59 0102 90 61 0102 90 69 0102 90 71 0102 90 79	Live animal of domestic bovine species other than pure-bred breeding animals	
0201 0202 0206 10 95 0206 29 91	Meat of bovine animals, fresh, chilled or frozen	Non-application of the customs duty
0709 90 60 0712 90 19 1005 10 90 1005 90 00	Maize	Non application of the customs duty. Necessary measures against disturbances of the Community market should imports exceed 25 000 tonnes per annum
0714 10 91 0714 90 11	(including yarns)	Non application of the customs duty within the limits of an annual quota of 2 000 tonnes

19. SPECIAL ARRANGEMENT FOR IMPORTS OF RICE INTO RÉUNION

Non-application of the customs duty.

*B. Letter from the ACP States*

Brussels, 12 June 1997.

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'Annex XL set out in the fourth ACP-EC Convention is replaced by the text set out in point 81 of the Agreement amending the fourth ACP-EC Convention of Lomé, signed in Mauritius on 4 November 1995.

However, in its present form the text will have to be adapted to take account of the results of the Uruguay Round negotiations which have been transposed into the Common Customs Tariff adopted by the Community in consequence.

Aware of that, the Community has undertaken to bring the text of Annex XL signed in Mauritius up to date and has consulted the ACP States on this matter over the last few months.

I enclose the final revised text in annex (1) and should be obliged if you would confirm that the ACP States have taken note thereof.

I have the honour to inform you that the ACP States have taken note of its content and the provisions attached thereto.

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

*On behalf of the ACP States*

A handwritten signature in black ink, appearing to be 'L. L. L.', written in a cursive style. Below the signature is a horizontal line.

(1) See page 32 of this Official Journal.

COMMISSION REGULATION (EC) No 2553/97  
of 17 December 1997

on rules for issuing import licences for certain products covered by CN codes  
1701, 1702, 1703 and 1704 and qualifying as ACP/OCT originating products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Community<sup>(1)</sup>, as last amended by Decision 97/803/EC<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(3)</sup>, as last amended by Regulation (EC) No 1599/96<sup>(4)</sup>, and in particular Article 13 (2) (b) thereof,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>(5)</sup>, and in particular Article 7 (2) thereof,

Whereas on 24 November 1997 the Council adopted a Decision amending Decision 91/482/EEC at mid-term; whereas, in accordance with the wording of the new Article 108b of that Decision, the ACP/OCT cumulation of origin is allowed up to a total annual quantity of 3 000 tonnes of sugar in the case of products covered by tariff headings CN 1701, 1702, 1703 and 1704;

Whereas the rules for issuing import licences for the products referred to in Article 108b of Decision 91/482/EEC should be laid down with a view to imports of the quantities provided for in that Decision and the controls necessary;

Whereas the list of products containing sugar referred to in Article 108b of Decision 91/482/EEC and falling within the scope of Regulations (EEC) No 1785/81 and (EC) No 3448/93 should be drawn up and specific licence arrangements should be introduced for those products;

Whereas Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural

products<sup>(6)</sup>, as last amended by Regulation (EC) No 1404/97<sup>(7)</sup>, should apply, save as otherwise provided herein; whereas the detailed rules laid down herein either supplement or derogate from the provisions of Regulation (EEC) No 3719/88;

Whereas, with a view to ensuring orderly management, preventing speculation and providing for effective controls, rules for submitting licence applications should be laid down; whereas such rules must in particular cover the production by the applicant of proof that he is customarily engaged in trade in sugar, of a declaration to the effect that he has lodged no other licence applications and of proof that he has lodged a security guaranteeing performance of the obligations stemming from licences;

Whereas the way the various sections of licence application forms are to be completed should be specified, as should the other characteristics of licences specifically for imports of products qualifying under Article 108b of Decision 91/482/EEC; whereas, in order to ensure such imports are administered strictly, provision should be made in particular for rights stemming from licences to be non-transmissible and the release for free circulation of quantities of products exceeding those covered by licences issued to be prohibited;

Whereas a timetable should be laid down for the presentation of applications and for the issuing of licences by the competent authorities of the Member States; whereas that timetable must in particular provide for a period during which the Member States are to notify the Commission of particulars relating to licence applications submitted and the Commission is to fix a single reducing coefficient to apply to any overrun in the maximum of 3 000 tonnes a year; whereas that reducing coefficient must be applied by the Member States when import licences are issued so that the maximum quantity is not exceeded; whereas, in order to prevent operators from carrying out operations which are no longer in their interest once the reducing coefficient has been applied, provision should be made for them to be able, in such cases, to withdraw their licence applications and for their securities to be released immediately; whereas, with a view to the time required to publish this Regulation, special time limits should be set for the submission of licence applications and the issuing of the licences in January 1998;

<sup>(1)</sup> OJ L 263, 19. 9. 1991, p. 1.

<sup>(2)</sup> OJ L 329, 29. 11. 1997, p. 50.

<sup>(3)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(4)</sup> OJ L 206, 16. 8. 1996, p. 43.

<sup>(5)</sup> OJ L 318, 20. 12. 1993, p. 18.

<sup>(6)</sup> OJ L 331, 2. 12. 1988, p. 1.

<sup>(7)</sup> OJ L 194, 23. 7. 1997, p. 5.



Whereas, in order to ensure that Decision 97/803/EC is actually implemented on its entry into force and to prevent speculation on the market, transitional provisions should be laid down regarding simplified rules for issuing licences before the arrangements laid down in this Regulation are fully applicable;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the Management Committees for Sugar and Horizontal Questions concerning trade in processed agricultural products not listed in Annex II,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Imports of the products listed below under the ACP/OCT cumulation of origin provided for in Article 108b of Decision 91/482/EEC shall be subject to the presentation of import licences issued in accordance with this Regulation.

CN code	Description
1701	Cane or beet sugar and chemically pure sucrose, in solid form
1702 20	Maple sugar and maple syrup
1702 60 95 1702 90 99	Other sugars and sugar syrups not containing added flavouring or colouring matter, excluding lactose, glucose, maltodextrine and isoglucose
1702 90 60	Artificial honey, whether or not mixed with natural honey
1702 90 71	Caramel containing 50 % or more by weight of sucrose in the dry matter
1702 30 10 1702 40 10 1702 60 10 1702 90 30	Isoglucose
1702 60 80 1702 90 80	Inulin syrup
1703	Molasses resulting from the extraction or refining of sugar
ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, with the exception of liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, of CN code 1704 90 10

2. For the purposes of determining the quantities which may be imported into the Community exempt from import duties under ACP/OCT cumulation of origin, section 22 of the import licence shall refer:

- in the case of products covered by CN code 1701: to the product as such,
- in the case of products covered by CN codes 1702 20, 1702 60 95, 1702 90 99, 1702 90 60 and 1702 90 71: to the sucrose content of the product, including other sugars expressed as sucrose, determined by the method laid down in Article 5 (2) of Commission Regulation (EC) No 1423/95<sup>(1)</sup>,
- in the case of products covered by CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30: to the dry matter content of the product, determined by the method laid down in the second subparagraph of Article 5 (2) of Regulation (EC) No 1423/95,
- in the case of products covered by CN codes 1702 60 80 and 1702 90 80: to the sucrose equivalent of the product, determined by the method laid down in Article 5 (4) of Regulation (EC) No 1423/95,
- in the case of products covered by CN code 1703: to the product of the standard quality defined in Article 1 of Regulation (EEC) No 785/68<sup>(2)</sup>,
- in the case of products covered by CN code 1704: to the sucrose content of the product, determined by applying the percentages laid down in the Annex to the net weight of the product in question.

3. Import licences issued pursuant to this Regulation shall bear the serial number 09.4096.

*Article 2*

1. Imports of the products listed in Article 1 shall be subject to the presentation of import licences.

2. Save where this Regulation specifically provides otherwise, Regulation (EEC) No 3719/88 shall apply.

*Article 3*

1. Import licence applications shall be lodged with the competent authorities of the Member States.

2. Import licence applications for the products listed in Article 1 shall relate to a quantity of at least 25 tonnes and not more than 3 000 tonnes of sugar.

<sup>(1)</sup> OJ L 141, 24. 6. 1995, p. 16.

<sup>(2)</sup> OJ L 145, 27. 6. 1968, p. 12.

3. Import licence applications shall be accompanied by:

- proof that the applicant is a natural or legal person who has been engaged in trade in sugar for at least six months,
- a written declaration by the applicant to the effect that he has not submitted more than one application during the application submission period. Where an applicant submits more than one import licence application, all applications from the same person shall be inadmissible,
- proof that the party concerned has lodged a security equal to 50 % of the Common Customs Tariff duty applicable on the day of submission of the application.

#### Article 4

1. Import licence applications and import licences shall show:

- (a) the country of provenance in section 7, the word 'yes' being marked with a cross;
- (b) the country of origin in section 8, the word 'yes' being marked with a cross. Import licences shall be valid only for products originating in the country shown in that section;
- (c) one of the following in section 20:

- Exención de derechos de importación (Decisión 91/482/CEE, artículo 101), número de orden 09.4096
- Fritages for importafgifter (artikel 101 i afgørelse 91/482/EØF), løbenummer 09.4096
- Frei von Einfuhrabgaben „Zucker“ (Beschluss 91/482/EWG, Artikel 101), Ordnungsnummer 09.4096
- Απαλλαγή από τον τελωνειακό δασμό (απόφαση 91/482/EOK, άρθρο 101), αύξων αριθμός 09.4096
- Free from 'sugar' import duty (Decision 91/482/EEC, Article 101), serial number 09.4096
- Exemption du droit d'importation «sucres» (Décision 91/482/CEE, article 101), numéro d'ordre 09.4096
- Esenzione dal dazio all'importazione (Decisione 91/482/CEE, articolo 101), numero d'ordine 09.4096
- Vrij van invoerrechten „suiker“ (Besluit 91/482/EEG, artikel 101), volgnummer 09.4096

- Isenção de direitos de importação (Decisão 91/482/CEE, artigo 101º), número de ordem 09.4096
- Vapaa tuontitulleista (päättöksen 91/482/ETY 101 artikla), järjestysnumero 09.4096
- Importtullfri (beslut 91/482/EEG, artikel 101), løpnummer 09.4096.

2. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not exceed that shown in sections 17 and 18 of the import licence. To that end, the figure '0' shall be entered in section 19 of the licence.

3. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, rights stemming from import licences shall not be transmissible.

4. For the purposes of this Regulation, the concept of 'originating products' and the methods of administration cooperation shall be as set out in Annex II to Decision 91/482/EEC.

#### Article 5

1. Licence applications may be submitted to the competent authorities of the Member States in the first five working days of January, April, July and October of each year.

2. On the sixth working day of each month referred to in paragraph 1, the Member States shall notify the Commission of:

- (a) the quantities of products, broken down by eight-digit CN codes and by country of origin covered by import licence applications lodged, with the relevant dates of submission;
- (b) the quantities of products, broken down by eight-digit CN codes and by country of origin covered by unused or partly used import licences, corresponding to the difference between the quantities attributed on the back of licences and those for which the latter were issued.

If no import licence applications are lodged in a Member State during the periods referred to in paragraph 1, that Member State shall so inform the Commission on the day referred to in the first subparagraph of this paragraph.

3. Where licence applications submitted for the products listed in Article 1 cover annual quantities in excess of 3 000 tonnes of sugar, the Commission shall:

- by the time limit laid down in paragraph 5, adopt a regulation fixing a single reducing coefficient to be applied to applications submitted, and
- suspend the submission of further applications during the year in progress.

4. For the purposes of paragraph 3, a single reducing coefficient shall be applied to the quantities covered by licence applications submitted each quarter, in proportion to the quantity of sugar corresponding to products listed in Article 1 and available for importing.

5. The licences shall be issued by the 15th working day of the months referred to in paragraph 1.

6. Where the quantity for which import licences are issued is less than that applied for, the security as provided for in Article 3 (3), last indent, shall be reduced proportionately.

7. Where paragraph 3 applies, licence applications may be withdrawn within three working days of publication of the regulation fixing the single reducing coefficient. The security shall be released forthwith.

8. Notwithstanding paragraphs 1, 2 and 5 and solely as regards January 1998, the time limit for the submission of licence applications shall expire on Friday 16 January 1998; the Member States shall forward the particulars referred to in paragraph 2 on Monday 19 January 1998 and the licences shall be issued on Friday 30 January 1998 at the latest.

#### *Article 6*

The term of validity of import licences shall expire on the last day of the second month following that of their issue.

#### *Article 7*

No part of the 3 000 tonnes of products as listed in Article 1 for import each year may be carried over to another year.

#### *Article 8*

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 January 1998.

However, import licences applied for between 10 and 31 December 1997 shall be issued by the competent authorities of the Member States, after prior authorization has been granted by the Commission departments, in the order in which the applications are submitted and for quantities not exceeding the total maximum of 3 000 tonnes for the Community.

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

Done at Brussels, 17 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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*ANNEX*

**Percentage sugar content of products for the purposes of determining quantities qualifying under ACP/OCT cumulation of origin**

(Percentages referred to in the sixth indent of Article 1 (2))

CN Code	%
1704 10 11	58
1704 10 19	58
1704 10 91	70
1704 10 99	70
1704 90 30	45
1704 90 51	60
1704 90 55	60
1704 90 61	60
1704 90 65	60
1704 90 71	60
1704 90 75	60
1704 90 81	60
1704 90 99	60

**COMMISSION REGULATION (EC) No 2603/97**  
**of 16 December 1997**

**laying down the detailed implementing rules for imports of rice originating in the ACP countries or the overseas countries and territories (OCT)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(1)</sup>, as last amended by Decision 97/803/EC<sup>(2)</sup>, and in particular Article 108a (5) thereof,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)<sup>(3)</sup>, as last amended by Regulation (EC) No 619/96<sup>(4)</sup>, and in particular Article 13 (1) and (3) thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations<sup>(5)</sup>, as last amended by Regulation (EC) No 1161/97<sup>(6)</sup>, and in particular Article 3 (1) thereof,

Whereas, by Decision 97/803/EC, the Council adapted the import arrangements for rice originating in the overseas countries and territories (OCTs); whereas the new Article 108a states that the cumulation of ACP/OCT origin referred to in Article 6 of Annex II to Decision 91/482/EEC is permitted up to an overall limit of 160 000 tonnes of husked rice equivalent, including the tariff quota for rice originating in the ACP States under the Fourth Lomé Convention; whereas imports from the OCTs can reach the above level if the ACP States do not make effective use of their direct export options under the above tariff quota; whereas import licences for 35 000 tonnes in husked rice equivalent is initially issued to the OCTs in January each year;

Whereas to ensure balanced management of the Community market in rice, import licences are issued in respect of several periods over the course of a year;

Whereas, to manage the cumulative system, the detailed rules for the import of rice from the ACP States and OCT need to be adopted in a single text; whereas Commission Regulation (EEC) No 999/90 of 20 April 1990 laying down detailed implementing rules for imports of rice originating in the African, Caribbean and Pacific States (ACP) and the overseas countries and territories (OCT)<sup>(7)</sup>, as last amended by Regulation (EC) No 1407/97<sup>(8)</sup>, should therefore be repealed and its appropriate provisions included herein; whereas the provisions governing the reductions in the customs duties applying to imports and the collection of an export charge by the exporting country should be included in particular;

Whereas this Regulation should apply from 1 January 1998; whereas Commission Regulation (EC) No 2352/97 of 27 November 1997 introducing specific measures in respect of imports of rice originating in the overseas countries and territories<sup>(9)</sup> should therefore be repealed;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation lays down the detailed implementing rules for imports of rice originating in the ACP States or in the overseas countries and territories (OCT) pursuant to Article 108a of Decision 91/482/EEC.

TITLE I

**Imports of rice originating in the ACP States**

*Article 2*

1. As regards the quantity of 125 000 tonnes or rice, in husked-rice equivalent, falling within CN codes 1006 10 21 to 10006 10 98, 1006 20 and 1006 30 laid

<sup>(1)</sup> OJ L 263, 19. 9. 1991, p. 1.

<sup>(2)</sup> OJ L 329, 29. 11. 1997, p. 50.

<sup>(3)</sup> OJ L 84, 30. 3. 1990, p. 85.

<sup>(4)</sup> OJ L 89, 10. 4. 1996, p. 1.

<sup>(5)</sup> OJ L 349, 31. 12. 1994, p. 105.

<sup>(6)</sup> OJ L 169, 27. 6. 1997, p. 1.

<sup>(7)</sup> OJ L 101, 21. 4. 1990, p. 20.

<sup>(8)</sup> OJ L 194, 23. 7. 1997, p. 13.

<sup>(9)</sup> OJ L 326, 28. 11. 1997, p. 21.

down in Article 13 (1) of Regulation (EEC) No 715/90, licences for imports at a reduced rate of customs duty shall be issued each year under the following tranches:

January:	41 668 tonnes
May:	41 666 tonnes
September:	41 666 tonnes.

2. Without prejudice to Article 7, quantities not covered by import licences issued for the first or second tranche shall be carried over to the following tranche.

For quantities not covered to import licences issued under the September tranche, import licence applications may be submitted under an additional tranche in October, in accordance with Article 8 (1).

#### Article 3

1. As regards the quantity of 20 000 tonnes of broken rice falling within CN code 1006 40 00 laid down in Article 13 (1) of Regulation (EEC) No 715/90, licences for imports at a reduced rate of customs duty shall be issued each year under the following tranches:

January:	10 000 tonnes
May:	10 000 tonnes
September:	—

2. Quantities not covered by import licences issued for the first or second tranches shall be carried over to the following tranche.

For quantities not covered by import licences issued under the September tranche, import licence applications may be submitted under an additional tranche in October, in accordance with Article 8 (1).

#### Article 4

The customs duties shall be calculated weekly but shall be fixed by the Commission every second week in accordance with the following:

- the applicable rate for imports of paddy rice falling within CN codes 1006 10 21 to 1006 10 98 shall be equal to the customs duties fixed in the Common Customs Tariff, less 50 % and ECU 4,34,
- the applicable rate for imports of husked rice falling within CN code 1006 20 shall be equal to the duty fixed in accordance with Article 11 (2) of Council Regulation (EC) No 3072/95 (\*) less 50 % and ECU 4,34,
- the applicable rate for imports of whole-milled rice falling within CN code 1006 30 shall be equal to the

duty fixed in accordance with Article 11 (2) of Regulation (EC) No 3072/95, minus ECU 16,78 and then less 50 % and ECU 6,52,

- the applicable rate for imports of broken rice falling within CN code 1006 40 00 shall be equal to the rate fixed in the Common Customs Tariff, less 50 % and ECU 3,62.

#### Article 5

1. Article 4 shall apply only to imports of rice for which an export charge corresponding to the difference between the applicable customs duties on import of the rice from third countries and the amounts referred to in Article 4 has been collected by the exporting country.

2. Proof that the charge has been collected is provided where the customs authorities of the exporting country enter one of the following in the box marked 'Remarks' of the EUR.1 movement certificate:

Amount in national currency:

- Tasa especial percibida a la exportacion del arroz
- Særælgift, der opkræves ved eksport af ris
- Bei der Ausfuhr von Reis erhobene Sonderabgabe
- Ειδικός φόρος που εισπράττεται κατά την εξαγωγή του ρυζιού
- 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
- Direito especial cobrado na exportação do arroz
- Riisin viennin yhteydessä perittävä erityismaksu
- Særskild avgift för risexport

(Signature and official stamp)

3. Where the charge collected by the exporting country is less than the reduction resulting from the application of Article 4, the reduction shall be limited to the amount collected.

4. If the export charge collected is in a currency other than that of the importing Member State, the exchange rate to be used to calculate the amount of charge actually collected shall be the rate registered on the most representative currency exchange or exchanges in that Member State on the date the customs duty was fixed in advance.

5. The customs duty shall be that applying on the day the licence application is lodged. The duty shall be adjusted in line with the difference between the intervention price valid in the month in which the application for a licence is made and the intervention price valid upon release for free circulation, the difference being increased further, where appropriate, by:

(\*) OJ L 329, 30. 12. 1995, p. 18.

- 80 % in the case of husked indica rice,
- 163 % in the case of wholly-milled indica rice,
- 88 % in the case of husked japonica rice,
- 167 % in the case of wholly-milled japonica rice.

By indica and japonica are meant the rices referred to in Article 3 of Commission Regulation (EC) No 1503/96<sup>(1)</sup>.

## TITLE II

### Imports of rice originating in the OCT

#### Article 6

1. As regards the quantity of 35 000 tonnes of rice, in husked-rice equivalent, falling within CN code 1006 pursuant to Article 108a of Decision 91/482/EEC, licences for imports exempt from customs duty shall be issued each year under the following tranches:

January:	35 000 tonnes
May:	—
September:	—

2. Quantities not covered by import licences issued for the first or second tranches shall be carried over to the following tranche.

For quantities not covered by import licences issued under the September tranche, import licence applications may be submitted under an additional tranche in October, in accordance with Article 8 (1).

## TITLE III

### Detailed rules common to Titles I and II

#### Article 7

The quantities carried over referred to in Article 2 (2) may be the subject of licence applications for the import of rice originating in the ACP States falling within CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30 and rice originating in the OCT falling within CN code 1006.

#### Article 8

1. Licence applications shall be lodged with the competent authority in the Member State concerned during the first five working days in the month corresponding to each tranche.

2. The country of origin shall be entered in Section 8 of licence applications and of the import licences and the word 'yes' shall be marked with a cross.

3. In Section 20 of the import licence application the applicant shall indicate the tranche for which he is submitting the application. One of the following entries shall be made:

- OCT (Article 6 of Regulation (EC) No 2603/97)
- ACP (Article 2 (1) of Regulation (EC) No 2603/97)
- ACP broken rice (Article 3 of Regulation (EC) No 2603/97)
- ACP + OCT (Article 7 of Regulation (EC) No 2603/97)

4. Section 24 of the licences shall bear one of the following entries:

(a) for the OCTs:

- Exención del derecho de aduana hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n° 2603/97]
- Toldfri op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (Forordning (EF) nr. 2603/97)
- Zollfrei bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 2603/97)
- Ατελώς μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [Κανονισμός (ΕΚ) αριθ. 2603/97]
- Exemption from customs duty up to the quantity indicated in Sections 17 and 18 of this licence (Regulation (EC) No 2603/97)
- Exemption du droit de douane jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [Règlement (CE) n° 2603/97]
- Esenzione del dazio doganale limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [Regolamento (CE) n. 2603/97]
- Vrijgesteld van douanerecht voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 2603/97)
- Isenção de direito aduaneiro até à quantidade indicada nas casais 17 e 18 do presente certificado [Regulamento (CE) n° 2603/97]
- Tullivapaa tämän todistuksen kohdissa 17 ja 18 esitettyyn määrään asti (asetus (EY) N:o 2603/97)
- Tullfri upp till den mängd som anges i fält 17 och 18 i denna licens (Förordning (EG) nr 2603/97)

(b) for the ACP States:

- Derecho de aduana reducido hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n° 2603/97]
- Nedsat told op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (Forordning (EF) nr. 2603/97)
- Ermäßigter Zollsatz bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 2603/97)

<sup>(1)</sup> OJ L 189, 30. 7. 1996, p. 71.

- Μειωμένος δασμός μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [Κανονισμός (ΕΚ) αριθ. 2603/97]
- Reduced duty up to the quantity indicated in Sections 17 and 18 of this licence (Regulation (EC) No 2603/97)
- Droit réduit jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [Règlement (CE) n° 2603/97]
- Dazio ridotto limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [Regolamento (CE) n. 2603/97]
- Verminderd douanerecht voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 2603/97)
- Direito reduzido até à quantidade indicada nas casas 17 e 18 do presente certificado [Regulamento (CE) n° 2603/97]
- Tulli, joka on alennettu tämän todistuksen kohdissa 17 ja 18 esitettyyn määrään asti (asetus (EY) N:o 2603/97)
- Tullsatsen nedsatt upp till den mängd som anges i fält 17 och 18 i denna licens (Förordning (EG) nr 2603/97).

5. Import licence applications shall be admissible only where the following conditions are fulfilled:

- applications must be submitted by natural or legal persons who, in a least one of the three years preceding the date of submission of the application, have been engaged in trade in rice and were entered in a public register of a Member State,
- applicants may submit one application only in the Member State where they are entered in a public register. Where several applications are submitted by the same person in one or more Member States, none of those applications shall be admissible,
- applications may be submitted for no more than the maximum quantity laid down for each tranche or origin. However, the quantity applied for under each tranche and origin shall not exceed 5 000 tonnes in husked-rice equivalent.

6. Notwithstanding Article 10 of Commission Regulation (EC) No 1162/95<sup>(1)</sup>, the security for import licences shall be ECU 28 per tonne.

#### Article 9

1. Within two working days of the closing date for the submission of licence applications, the Member States shall notify the Commission, by telex or fax and in ac-

cordance with the Annex to this Regulation, of the quantities covered by import licence applications, broken down by eight-digit CN code per tranche and country of origin, the number of the licence applied for and the name and address of the applicant.

Such notification shall also be made where no application has been submitted in a Member State.

The above information must be notified separately from that relating to other import licence applications covering rice and in accordance with the same procedure.

2. Within 10 days of the final date for notification by Member States, the Commission shall:

- decide to what extent applications may be accepted. Where the quantities applied for exceed those available in respect of the tranche and origin in question, it shall set a percentage reduction to be applied to each application,
- fix the quantities available under the following tranche and, where appropriate, the additional tranche for October.

3. Where the percentage reduction referred to in paragraph 2 is applied, applications for licences may be withdrawn no later than two working days after the date of publication of the Regulation fixing the percentage. The security shall be released immediately.

#### Article 10

1. Within three working days of publication of the Commission decision, import licences shall be issued for the quantities resulting from the application of Article 9 (2).

Where the quantities covered by import licences issued are lower than those applied for, the security fixed in Article 10 of Regulation (EC) No 1162/95 shall be reduced proportionately.

2. Notwithstanding Article 9 of Commission Regulation (EEC) No 3719/88<sup>(2)</sup>, rights accruing under import licences shall not be transferable.

#### Article 11

1. The fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88 shall not apply.

2. The reduction in customs duties for rice originating in the ACP countries and the exemption from duties for rice originating in the OCT provided for respectively in Articles 4 and 6 of this Regulation shall not apply to quantities imported within the tolerance referred to in Article 8 (4) of Regulation (EEC) No 3719/88.

(1) OJ L 117, 24. 5. 1995, p. 2.

(2) OJ L 331, 2. 12. 1988, p. 1.



3. Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.

4. Notwithstanding Article 6 of Regulation (EC) No 1162/95, import licences for husked, wholly-milled, semi-milled and broken rice shall be valid from the actual day of issue until the end of the third month following, pursuant to Article 21 (2) of Regulation (EEC) No 3719/88. However, they shall not be valid beyond 31 December of the year of issue.

*Article 12*

The Member States shall notify the Commission by telex or fax in the form set out in Annex I to this Regulation:

- within two working days of their issue, of the quantities, broken down by eight-digit CN code and country of origin, covered by the import licences issued, the date of issue, the number of the licence and the name and address of the holder,
- on the last working day of each month following the month of release for free circulation, of the quantities, broken down by eight-digit CN code and country of

origin, actually released for free circulation, the date of release, the number of the licence and the name and address of the holder.

Such notifications must also be made where no licence has been issued and no imports have taken place.

*Article 13*

Regulation (EEC) No 999/90 is repealed.

*Article 14*

Regulation (EC) No 2352/97 is repealed.

*Article 15*

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 January 1998.

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

Done at Brussels, 16 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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ANNEX

RICE - REGULATION (EC) No 2603/97

Application for an import licence (\*)

Issue of an import licence (\*)

Release for free circulation (\*)

To: DG VI-C-2

Fax: (32 2) 296 60 21

From:

Date	No of licence	Tranche (†) — OCT (Article 6) — ACP (Article 2 (1)) — ACP broken rice (Article 3) — ACP + OCT (Article 7)	CN code	Quantity (tonnes)	Country of origin	Name and address of applicant/holder

(\*) Delete as appropriate.

(†) Specify to which of the four possibilities the application/issue/release for free circulation relates.

**II. Community Acts relating to the application of the  
Lomé Convention**

**A. Trade**

c) Cereals



COMMISSION REGULATION (EC) No 1816/97

of 19 September 1997

on the issuing of a standing invitation to tender for the sale of common wheat of breadmaking quality held by the German intervention agency for export to certain ACP countries in the 1997/98 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 2131/93<sup>(3)</sup>, as last amended by Regulation (EC) No 2193/96<sup>(4)</sup>, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, with a view to supplying the markets of the ACP countries, favoured partners of the Community, significant quantities of common wheat are required; whereas these markets are usually supplied on the basis of regular contracts to ensure stable prices for the ACP countries over a certain period; whereas it is therefore necessary to issue a specific invitation to tender to ensure that users in these countries have access to common wheat of breadmaking quality under conditions appropriate to the highly competitive situation on the world market;

Whereas the German intervention agency holds stocks of common wheat of breadmaking quality; whereas part of the wheat coming from the intervention stocks held by the aforementioned agency should therefore be resold to the ACP countries to meet their quantitative and qualitative needs; whereas the common wheat successfully tendered for must be exported to the countries of destination by 28 February 1998 at the latest;

Whereas the specific nature of the operation and the accounting position of the common wheat in question require greater flexibility in the mechanisms and obligations governing the resale of intervention stocks and also require exclusion of any refund, tax or monthly increase; whereas special procedures must be laid down to ensure

that the operations and their monitoring are properly effected; whereas to that end provision should be made for a security lodgment scheme which ensures that the aims are met while avoiding excessive costs for the operators; whereas derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, in addition to the conditions laid down in Article 30 of Commission Regulation (EEC) No 3719/88<sup>(5)</sup>, as last amended by Regulation (EC) No 1404/97<sup>(6)</sup>, provision should be made for the release for consumption in the ACP State(s) laid down in the Regulation;

Whereas, where removal of the wheat is delayed by more than five days, or the release of one of the securities required is delayed, for reasons imputable to the intervention agency the Member State concerned will have to pay compensation;

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*

1. A standing invitation to tender is hereby issued for the export of 225 133 tonnes of common wheat of breadmaking quality, held by the German intervention agency.
2. The common wheat must be exported to an ACP State or to several States within one of the groups of ACP States listed in Annex I.
3. The regions in which the 225 133 tonnes of German common wheat of breadmaking quality are stored are listed in Annex II.
4. The intervention agency concerned shall prepare a notice of invitation to tender indicating for each lot or, where appropriate, each part lot:

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ L 293, 16. 11. 1996, p. 1.

<sup>(5)</sup> OJ L 331, 2. 12. 1988, p. 1.

<sup>(6)</sup> OJ L 194, 23. 7. 1997, p. 5.

- the location,
- and at least the following features:
  - specific weight,
  - moisture content,
  - Hagberg falling number,
  - impurity contents and sprouted grains,
  - protein content.

5. It shall publish the notice of invitation to tender at least two days before the date set for the first partial invitation to tender.

#### *Article 2*

Subject to the provisions of this Regulation, the sales of common wheat of breadmaking quality referred to in Article 1 shall take place in accordance with the procedure and conditions laid down by Regulation (EEC) No 2131/93.

#### *Article 3*

1. The time limit for submitting tenders for the first partial invitation to tender shall be 9 a.m. (Brussels time) on Thursday 25 September 1997.
2. The time limit for submitting tenders for the second partial invitation to tender shall be 9 a.m. (Brussels time) on the following Thursday.

The time limit for the last partial invitation to tender shall be 18 December 1997.

3. Tendere must be submitted to the German intervention agency.

#### *Article 4*

1. Tendere shall only be admissible if:
  - the tenderer provides written proof from an official body in the ACP country of destination or a company having its overseas subsidiary in the said country, that he has concluded for the quantity in question a commercial supply contract for common wheat for export to an ACP State or to several States within one of the groups of ACP States listed in Annex I. That contract may cover only those deliveries to be made during the period October 1997 to February 1998 for quantities traditionally supplied; such proof shall be lodged with the competent authorities at least two working days before the date of the partial invitation to tender against which the tender is to be submitted,
  - they are accompanied by an application for an export licence for the destination in question.

The proof provided for in the first indent shall also indicate the quality provided for in the contract, the time limit for delivery and the price terms.

The Member State shall send the Commission a copy of the said proof forthwith, for information.

2. Tendere may not exceed the quantity laid down in the commercial contract submitted.

#### *Article 5*

1. No export refund or export tax or monthly increase shall be applied for exports carried out pursuant to this Regulation.

2. The validity of the export licences issued in accordance with this Regulation shall expire on 28 February 1998.

3. The licence obliges the operator to export to the ACP State or States for which the licence application was submitted. However, up to a limit of 30 % of the quantity for which the licence was issued, the operator may effect his contract at another destination on condition that it belongs to the same group of countries listed in Annex I.

4. The export licences shall be issued as soon as the successful tenderers have been selected.

5. Article 9 of Regulation (EEC) No 3719/88 notwithstanding, the rights deriving from the licence referred to in this Article shall not be transferable.

#### *Article 6*

1. The intervention agency, the storer and the successful tenderer, if he so wishes, shall, by common agreement, either before or at the moment of removal from storage, as the successful tenderer chooses, take reference samples at the rate of at least one sample for every 500 tonnes, and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The Commission must be informed of the findings of the analyses in the event of a dispute.

Reference samples shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples were taken on removal from storage. If the final result of the sample analyses indicates a quality:

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender, with the difference remaining within a limit of up to:

- 2 kg/hl for the specific weight, which must not, however, be less than 72 kg/hl,
  - one percentage point for the moisture content,
  - 20 percentage points for the Hagberg falling index,
  - one percentage point for the protein content,
  - half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Commission Regulation (EEC) No 689/92<sup>(1)</sup>,
- and
- half a percentage point for the impurities referred to in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,
- the successful tenderer must accept the lot as established;
- (c) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender with the difference surpassing the limit referred to in point (b), the successful tenderer may:
- either accept the lot as established,
  - or refuse to take over the lot in question. The successful tenderer shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex V; however, if he requests the intervention agency to supply him with another lot of intervention breadmaking wheat of the quality laid down, and that without additional charges, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex V;
- (d) below the minimum characteristics required for intervention, the successful tenderer may not remove the lot in question. He shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex V; however, he may request the intervention agency to supply him with another lot of intervention breadmaking wheat of the quality laid down, without additional charges. In this case, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex V.

2. However, if the breadmaking wheat is removed before the results of the analysis are known, all risks shall be borne by the successful tenderer from the time of removal of the lot, without prejudice to the forms of

recourse the successful tenderer may have against the storer.

3. If, after successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for replacement, he shall be released from all his obligations, including the securities once he has informed the Commission and the intervention agency forthwith in accordance with Annex V.

4. The costs of the taking of samples and the analyses referred to in paragraph 1, except those where the final result of the analyses produces a quality inferior to the minimum characteristics required for intervention, shall be borne by the EAGGF up to a maximum of one analysis per 500 tonnes with the exception of the transilage costs.

The cost of transilage and of any additional analyses requested by the successful tenderer shall be borne by him.

#### Article 7

The successful tenderer shall pay for the common wheat before removing it at the price indicated in the tender. The final date for removal is 31 January 1998. The payment due for each of the lots to be removed shall be indivisible.

#### Article 8

1. The security lodged pursuant to Article 13 (4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.

2. The obligation to export and import into one of the countries of destination listed in Annex I shall be covered by a security amounting to ECU 45 per tonne of which ECU 15 per tonne shall be lodged upon issue of the export licence, with the balance of ECU 30 being lodged before removal of the cereals.

Article 15 (2) of Commission Regulation (EEC) No 3002/92<sup>(2)</sup> notwithstanding:

- the amount of ECU 15 per tonne must be released within 20 working days of the date on which the successful tenderer supplies proof that the wheat removed has left the customs territory of the Community,
- the amount of ECU 30 per tonne must be released within 15 working days of the date on which the successful tenderer supplies proof of entry for consumption into the ACP State or States referred to in Article 5 (3). This proof shall be supplied in accordance with Articles 18 and 47 of Commission Regulation (EEC) No 3665/87<sup>(3)</sup>.

<sup>(1)</sup> OJ L 301, 17. 10. 1992, p. 17.

<sup>(2)</sup> OJ L 351, 14. 12. 1987, p. 1.

<sup>(3)</sup> OJ L 74, 20. 3. 1992, p. 18.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to ECU 0,015/10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

#### Article 9

Article 12 of Regulation (EEC) No 3002/92 notwithstanding, the documents relating to the sale of common wheat in accordance with this Regulation and in particular the export licence, the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, the export declaration and, where appropriate, the T5 control copy must bear the words:

- Trigo blando panificable de intervención sin aplicación de restitución ni gravamen, destinado a (nombre del Estado o de los Estados ACP), Reglamento (CE) n° 1816/97
- Bageegnet blød hvede fra intervention uden restitutionsydelse eller -afgift bestemt for (navnet på det eller de pågældende AVS-lande), forordning (EF) nr. 1816/97
- Interventions-Brotweichweizen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Bestimmung (Name des AKP-Staates oder der AKP-Staaten), Verordnung (EG) Nr. 1816/97
- Μαλακός αρτοποιήσιμος σίτος παρέμβασης, χωρίς εφαρμογή επιστροφής ή φόρου προοριζόμενος για (όνομα της χώρας ΑΚΕ ή των χωρών ΑΚΕ), κανονισμός (ΕΚ) αριθ. 1816/97
- Intervention common wheat of breadmaking quality without application of refund or tax, bound for (name of the ACP State or States), Regulation (EC) No 1816/97

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

Done at Brussels, 19 September 1997.

- Blé tendre d'intervention panifiable ne donnant pas lieu à restitution ni à taxe, destiné à (nom de l'État ACP ou des États ACP), règlement (CE) n° 1816/97
- Frumento tenero d'intervento panificabile senza applicazione di restituzione o di tassa, destinato al (nome del paese o dei paesi ACP), regolamento (CE) n. 1816/97
- Zachte tarwe van bakkwaliteit uit interventie, zonder toepassing van restitutie of belasting, bestemd voor (naam van de ACS-Staat of de ACS-Staten), Verordening (EG) nr. 1816/97
- Trigo mole panificável de intervenção sem aplicação de uma restituição, ou imposição destinado a (nome do Estado ou dos Estados ACP), Regulamento (CE) n° 1816/97
- Interventioleipävehnä, jolle ei makseta vientukea eikä vientimaksua ja jonka määräpaikka on (AKT-maan nimi tai AKT-maiden nimet), asetus (EY) N:o 1816/97
- Interventionsvete av brödkvalitet, ej utan bidrag eller avgift avsett för (AVS-statens eller AVS-staternas namn), förordning (EG) nr 1816/97.

#### Article 10

1. The German intervention agency shall inform the Commission of the tenders received within three hours of the expiry of the time limit for submitting tenders. The information must be sent in the form laid down in Annex III to one of the telex or fax numbers listed in Annex IV.
2. It shall inform the Commission on a monthly basis of the quantities of common wheat removed pursuant to this Regulation.

#### Article 11

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

For the Commission

Franz FISCHLER

Member of the Commission



ANNEX I

Groups of ACP States signatories to the Lomé Convention

Group I	Group II	Group III
Mauritania Mali Niger Senegal Burkina Faso Gambia Guinea-Bissau Guinea Cape Verde Sierra Leone Liberia Côte d'Ivoire Ghana Togo	Chad Central African Republic Benin Cameroon Equatorial Guinea São Tomé and Príncipe Gabon Congo Democratic Republic of Congo Rwanda Burundi	Seychelles Comoros Madagascar Mauritius Angola Zambia Malawi Mozambique Namibia Botswana Zimbabwe Lesotho Swaziland Djibouti Ethiopia Eritrea

ANNEX II

Region of storage	Quantities <i>(tonnes)</i>
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	138 156
Hessen/Rheinland-Pfalz/ Baden-Württemberg/ Saarland/Bayern	67 348
Berlin/Brandenburg/ Mecklenburg-Vorpommern	705
Sachsen/Sachsen-Anhalt/ Thüringen	18 924

*ANNEX III*

**Standing invitation to tender for the export of 225 133 tonnes of common wheat of  
breadmaking quality held by the German intervention agency**

(Regulation (EC) No 1816/97)

1	2	3	4	5	6	7
Registration number of the tenderer	Lot number	Quantity in tonnes	Offer price (ECU/tonne) ( <sup>1</sup> )	Increases (+) Reductions (-) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

(<sup>1</sup>) This price includes the increases and reductions relating to the lot for which the tender is submitted.

*ANNEX IV*

The only telex and fax numbers in Brussels to be used are:

DG VI/C/1:

- telex: 22037 AGREC B,  
22070 AGREC B (Greek characters),
- fax: 296 49 56,  
295 25 15.

*ANNEX V*

**Communication of refusal of lots under the standing invitation to tender for the export of  
225 133 tonnes of breadmaking common wheat held by the German intervention agency**

(Article 6 of Regulation (EC) No 1816/97)

- Name of successful tenderer:
- Date of award of contract:
- Date of refusal of lot by successful tenderer:

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			<ul style="list-style-type: none"><li>— Specific weight (kg/hl)</li><li>— % sprouted grains</li><li>— % miscellaneous impurities (Schwarzbesatz)</li><li>— % of matter which is not wheat of unimpaired quality</li><li>— Other</li></ul>

**COMMISSION REGULATION (EC) No 1883/97  
of 26 September 1997**

**opening an invitation to tender for the refund or the tax for the export of  
common wheat to Ceuta, Melilla and certain ACP States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(3)</sup>, as last amended by Regulation (EC) No 1259/97<sup>(4)</sup>, and in particular Article 4 thereof,

Whereas, with a view to supplying the markets of the ACP countries, favoured partners of the Community, and the markets of Ceuta and Melilla, significant quantities of common wheat are required; whereas these markets are usually supplied on the basis of regular contracts to ensure stable prices for Ceuta, Melilla and the ACP countries over a certain period; whereas it is therefore necessary to issue a specific invitation to tender to ensure that users in Ceuta, Melilla and certain ACP States have access to common wheat under conditions appropriate to the highly competitive situation on the world market;

Whereas the detailed procedural rules governing invitations to tender are as regards the fixing of the export refund, or export tax in Regulation (EC) No 1501/95; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of ECU 12 per tonne when they submit their tenders;

Whereas, in order to ensure the smooth operation of the export tendering procedure it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

Whereas provision should be made for a security lodging scheme which ensures that the aims are met while avoiding excessive costs for the operators;

Whereas, in addition to the conditions laid down in Article 30 of Commission Regulation (EEC) No

3719/88<sup>(5)</sup>, as last amended by Regulation (EC) No 1404/97<sup>(6)</sup>, provision should be made for the release for consumption in Ceuta, Melilla or the ACP State(s) laid down in this Regulation;

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*

1. Tenders shall be invited for the export refund and/or export tax concerning common wheat, as provided for in Article 4 of Regulation (EC) No 1501/95.
2. The common wheat must be exported to Ceuta, Melilla, to an ACP State or to several States within one of the groups of ACP States listed in Annex I.
3. The invitation shall remain open until 18 December 1997. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

*Article 2*

A tender shall be valid only if it relates to an amount of not less than 500 tonnes for Ceuta and Melilla, or not less than 1 000 tonnes for the ACP States listed in Annex I.

*Article 3*

The security referred to in Article 5 (3a) of Regulation (EC) No 1501/95 shall be ECU 12 per tonne.

*Article 4*

1. Tenders shall only be admissible if:
  - the tenderer provides written proof from an official body in Ceuta, Melilla or in the ACP country of destination or a company having its overseas subsidiary in Ceuta, Melilla or the said country, that he has concluded for the quantity in question a commercial supply contract for common wheat for export to Ceuta, Melilla, to an ACP State or to several States

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 174, 2. 7. 1997, p. 10.

<sup>(5)</sup> OJ L 331, 2. 12. 1988, p. 1.

<sup>(6)</sup> OJ L 194, 23. 7. 1997, p. 5.

within one of the groups of ACP states listed in Annex I. That contract may cover only those deliveries to be made during the period October 1997 to February 1998 for quantities traditionally supplied; such proof shall be lodged with the competent authorities at least two working days before the date of the partial invitation to tender against which the tender is to be submitted,

- they are accompanied by an application for an export licence for the destination in question.

The proof provided for in the first indent shall also indicate the quality provided for in the contract, the time limit for delivery and the price terms.

The Member State shall send the Commission a copy of the said proof forthwith, for information.

2. Tenders may not exceed the quantity laid down in the commercial contract submitted. The tenderers may not submit simultaneously several bids on the basis of the same contract.

When transmitting the tenders submitted, the Member States shall inform the Commission of the above, mentioning if necessary the names of the tenderers involved.

#### *Article 5*

1. The licence obliges the operator to export to Ceuta, Melilla or the ACP State or States for which the licence application was submitted. However, for ACP States and up to a limit of 30 % of the quantity for which the licence was issued, the operator may effect his contract at another destination on condition that it belongs to the same group of countries listed in Annex I.

2. The export licences shall be issued as soon as the successful tenderers have been selected.

3. Article 9 of Regulation (EEC) No 3719/88 notwithstanding, the rights deriving from the licence referred to in this Article shall not be transferable.

#### *Article 6*

The obligation to export and import into Ceuta, Melilla or one of the countries of destination listed in Annex I shall be covered by a security amounting to ECU 20 per tonne, lodged upon issue of the export licence.

The amount of ECU 20 per tonne must be released within 15 working days of the date on which the successful tenderer supplies proof of entry for consumption into Ceuta, Melilla or the ACP State or States referred to in Article 1 (2). This proof shall be supplied in accordance with Articles 18 and 47 of Commission Regulation (EEC) No 3665/87 (\*).

#### *Article 7*

1. Notwithstanding Article 21 (1) of Regulation (EEC) No 3719/88, export licences issued under Article 8 (1) of

Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Subject to the provisions of Article 1 of Commission Regulation (EC) No 1521/94 (\*) export licences issued in connection with the invitations to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

#### *Article 8*

1. The Commission shall decide, pursuant to the procedures laid down in Article 23 of Regulation (EEC) No 1766/92:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to fix a minimum export tax, taking into account in particular the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to make no award.

2. Where a maximum export refund is fixed, the contract shall be awarded to the tenderer or tenderers whose bids are equal to or lower than the maximum refund, as well as to the tenderer or tenderers whose bid relates to an export tax.

3. Where a minimum export tax is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of tax equal to or more than such minimum export tax.

#### *Article 9*

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex II, to the telex or fax numbers in Annex III.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

#### *Article 10*

The time limits fixed for the submission of tenders shall correspond to Belgian time.

#### *Article 11*

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

(\*) OJ L 351, 14. 12. 1987, p. 1.

(\*) OJ L 162, 30. 6. 1994, p. 47.

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

Done at Brussels, 26 September 1997.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

ANNEX I

Groups of ACP States signatories to the Lomé Convention

Group I	Group II	Group III
Mauritania	Chad	Seychelles
Mali	Central African Republic	Comoros
Niger	Benin	Madagascar
Senegal	Cameroon	Mauritius
Burkina Faso	Equatorial Guinea	Angola
Gambia	São Tomé and Príncipe	Zambia
Guinea-Bissau	Gabon	Malawi
Guinea	Congo	Mozambique
Cape Verde	Democratic Republic of Congo	Namibia
Sierra Leone	Rwanda	Botswana
Liberia	Burundi	Zimbabwe
Côte d'Ivoire		Lesotho
Ghana		Swaziland
Togo		Djibouti
		Ethiopia
		Eritrea

*ANNEX II*

**Weekly tender for the refund or the tax for the export of common wheat to Ceuta, Melilla and certain ACP-States**

(Regulation (EC) No 1883/97)

Closing date for the submission of tenders (date/time)

1	2	3	
		A	B
		Amount of export tax in ECU per tonne	Amount of export refund in ECU per tonne
Number of tenders	Quantity in tonnes		
1			
2			
3			
etc.			

*ANNEX III*

The only numbers to use to call Brussels (DG VI-C-1) are:

- telex: — 22037 AGREC B,  
— 22070 AGREC B (Greek characters);
- fax: — 295 25 15,  
— 296 49 56.

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COMMISSION REGULATION (EC) No 1884/97

of 26 September 1997

amending Regulation (EC) No 1339/97 opening an invitation to tender for the refund or the tax for the export of common wheat to all third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of the Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(3)</sup>, as last amended by Regulation (EC) No 1259/97<sup>(4)</sup>, and in particular Article 4 thereof,

Whereas Commission Regulation (EC) No 1883/97<sup>(5)</sup> opens an invitation to tender relating to the export of common wheat to Ceuta, Melilla and certain ACP States; whereas the destinations laid down in Commission Regulation (EC) No 1339/97<sup>(6)</sup> should therefore be amended;

Whereas Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products<sup>(7)</sup>, as last amended by Regulation (EC) No 815/97<sup>(8)</sup>, requires that, where refunds vary according to destination, payment of the refund be made conditional *inter alia* on presentation of proof that the product has been imported in its unaltered state into the third country or into one of the third countries for which the refund applies; whereas that proof is required under the invitation to tender opened by Regulation (EC) No 1883/97 for exports of common wheat to Ceuta, Melilla and certain ACP States; whereas exports to other third countries under the invitation to tender opened by Regulation (EC) No 1339/97 are carried out under less fa-

vourable conditions; whereas the risk of fraud is therefore small; whereas, in order to avoid obstructing these exports to other third countries, proof of arrival should not be required; whereas certificates drawn up by the competent authorities of the Member States stating that the products have left the territory of the Community on board a vessel suitable for sea transport may be considered to provide a sufficient guarantee;

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*

Regulation (EC) No 1339/97 is amended as follows:

1. The title is replaced by the following:

'opening an invitation to tender for the refund or the tax for the export of common wheat to all third countries except Ceuta, Melilla and certain ACP States.'

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

'2. The invitation to tender shall cover common wheat for export to all third countries except Ceuta, Melilla and ACP States listed in Annex III.'

3. The following Article 4a is added after Article 4:

*'Article 4a*

Notwithstanding Article 18 of Regulation (EEC) No 3665/87, proof of completion of customs formalities for release for consumption shall not be required for payment of refunds fixed in a contract awarded under this tender, in so far as the operator provides proof that a quantity of at least 1 500 tonnes of cereal product have left the customs territory of the Community on board a vessel suitable for sea transport.'

4. The title of Annex I is replaced by the following:

'Weekly tender for the refund or the tax for the export of common wheat to all third countries except Ceuta, Melilla and certain ACP States.'

5. The following Annex III is added:

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ L 174, 2. 7. 1997, p. 10.

<sup>(5)</sup> See page 69 of this Official Journal.

<sup>(6)</sup> OJ L 184, 12. 7. 1997, p. 7.

<sup>(7)</sup> OJ L 351, 14. 12. 1987, p. 1.

<sup>(8)</sup> OJ L 116, 6. 5. 1997, p. 22.



ANNEX III

Groups of ACP States signatories to the Lomé Convention

Group I	Group II	Group III
Mauritania	Chad	Seychelles
Mali	Central African Republic	Comoros
Niger	Benin	Madagascar
Senegal	Cameroon	Mauritius
Burkina Faso	Equatorial Guinea	Angola
Gambia	São Tomé and Príncipe	Zambia
Guinea Bissau	Gabon	Malawi
Guinea	Congo	Mozambique
Cape Verde	Democratic Republic of Congo	Namibia
Sierra Leone	Rwanda	Botswana
Liberia	Burundi	Zimbabwe
Côte d'Ivoire		Lesotho
Ghana		Swaziland
Togo		Djibouti
		Ethiopia
		Eritrea

Article 2

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

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

Done at Brussels, 26 September 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

**COMMISSION REGULATION (EC) No 2545/97**  
**of 17 December 1997**  
**amending Regulation (EC) No 1883/97 opening an invitation to tender for the**  
**refund or the tax for the export of common wheat to Ceuta, Melilla and certain**  
**ACP States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals (\*), as last amended by Commission Regulation (EC) No 923/96 (\*\*),

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals (\*), as last amended by Regulation (EC) No 2052/97 (\*\*), and in particular Article 4 thereof,

Whereas Commission Regulation (EC) No 1883/97 (\*) opens an invitation to tender relating to the export of common wheat to Ceuta, Melilla and certain ACP States;

Whereas for economical reasons, it is appropriate to extend the period during which this invitation to tender remains open; whereas Article 4 of Regulation (EC) No 1883/97 must therefore be amended;

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*

Regulation (EC) No 1883/97 is hereby amended as follows:

1. Article 1 (3) is replaced by the following:

'3. The invitation shall remain open until 26 February 1998. During the period of its validity,

weekly awards shall be made for which the quantities and time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.'

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

'1. Tenders shall only be admissible if:

— the tenderer provides written proof from an official body in Ceuta, Melilla or in the ACP country of destination or a company having its overseas subsidiary in Ceuta, Melilla or the said country, that he has concluded for the quantity in question a commercial supply contract for common wheat for export to Ceuta, Melilla, to an ACP State or to several States within one of the groups of ACP states listed in Annex I. That contract may cover only those deliveries to be made during the 1997/98 marketing year for quantities traditionally supplied; such proof shall be lodged with the competent authorities at least two working days before the date of the partial invitation to tender against which the tender is to be submitted,

— they are accompanied by an application for an export licence for the destination in question.

The proof provided for in the first indent shall also indicate the quality provided for in the contract, the time limit for delivery and the price terms.

The Member State shall send the Commission a copy of the said proof forthwith, for information.'

*Article 2*

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

(\*) OJ L 181, 1. 7. 1992, p. 21.

(\*\*) OJ L 126, 24. 5. 1996, p. 37.

(\*) OJ L 147, 30. 6. 1995, p. 7.

(\*) OJ L 287, 21. 10. 1997, p. 14.

(\*) OJ L 265, 27. 9. 1997, p. 69.

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

Done at Brussels, 17 December 1997.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**II. Community Acts relating to the application of the  
Lomé Convention**

**A. Trade**

**d) Beef and veal**



## COMMISSION DECISION

of 19 December 1996

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(97/40/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 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 (ACP) or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 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 <sup>(3)</sup>, in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 December 1996, expressed in terms of boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities in respect of which licences may be applied for from 1 January 1997, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

### *Article 1*

The following Member States shall issue on 21 December 1996 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

#### *Germany:*

— 170,000 tonnes originating in Botswana;

#### *United Kingdom:*

- 21,000 tonnes originating in Botswana,
- 24,200 tonnes originating in Swaziland,
- 1 720,000 tonnes originating in Zimbabwe,
- 1 082,000 tonnes originating in Namibia.

### *Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of January 1997 for the following quantities of boned beef and veal:

- Botswana: 18 916,000 tonnes,
- Kenya: 142,000 tonnes,
- Madagascar: 7 579,000 tonnes,
- Swaziland: 3 363,000 tonnes,
- Zimbabwe: 9 100,000 tonnes,
- Namibia: 13 000,000 tonnes.

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 84, 3. 4. 1996, p. 22.

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 December 1996.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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## COMMISSION DECISION

of 20 January 1997

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(97/88/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 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 (ACP) or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 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 <sup>(3)</sup>, in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 January 1997, expressed in terms of boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 February 1997, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection

problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

### Article 1

The following Member States shall issue on 21 January 1997 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

#### Denmark:

— 15,000 tonnes originating in Madagascar;

#### Germany:

— 13,500 tonnes originating in Botswana,  
— 160,000 tonnes originating in Swaziland;

#### United Kingdom:

— 750,000 tonnes originating in Botswana,  
— 50,000 tonnes originating in Swaziland,  
— 220,000 tonnes originating in Namibia.

### Article 2

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of February 1997 for the following quantities of boned beef and veal:

— Botswana:	18 152,500 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 564,000 tonnes,
— Swaziland:	3 153,000 tonnes,
— Zimbabwe:	9 100,000 tonnes,
— Namibia:	12 780,000 tonnes.

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 84, 3. 4. 1996, p. 22.

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 20 January 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION DECISION

of 6 February 1997

amending Decision 97/88/EC on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(97/130/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 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 (ACP) or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 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 <sup>(3)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the Commission has adopted Decision 97/88/EC <sup>(4)</sup> relating to licence applications submitted from 1 to 10 January 1997, expressed as boned meat, in accordance with Regulation (EC) No 589/96; whereas, as a result of an administrative error, certain quantities applied

for under these arrangements were not correctly communicated to the Commission; whereas, therefore, Commission Decision 97/88/EC should be amended to take account of those quantities,

HAS ADOPTED THIS DECISION:

### *Article 1*

Decision 97/88/EC is hereby amended as follows:

1. in Article 1, as regards Germany, the text relating to the quantities and countries of origin is replaced by the following:

*'Germany:*

- 13,500 tonnes originating in Madagascar,
- 160,000 tonnes originating in Botswana;

2. in Article 2, the figures for Botswana, Madagascar and Swaziland are replaced by '18 006,000 tonnes', '7 550,500 tonnes' and '3 313,000 tonnes' respectively.

### *Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 6 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 84, 3. 4. 1996, p. 22.

<sup>(4)</sup> OJ No L 27, 30. 1. 1997, p. 43.

**COMMISSION DECISION**  
**of 18 February 1997**  
**on import licences in respect of beef and veal products originating in Botswana,**  
**Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

(97/149/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 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 (ACP) or in the overseas countries and territories (OCT) (\*), as last amended by Regulation (EC) No 619/96 (\*\*), and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 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 (\*), in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 February 1997, expressed in terms of

boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 March 1997, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries (\*), as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 February 1997 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

(\*) OJ No L 84, 30. 3. 1990, p. 85.

(\*\*) OJ No L 89, 10. 4. 1996, p. 1.

(\*) OJ No L 84, 3. 4. 1996, p. 22.

(\*) OJ No L 302, 31. 12. 1972, p. 28.



*Germany:*

— 90,000 tonnes originating in Madagascar;

*United Kingdom:*

— 157,000 tonnes originating in Zimbabwe,

— 80,000 tonnes originating in Namibia,

— 5,000 tonnes originating in Swaziland.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 389/96 during the first 10 days of March 1997 for the following quantities of boned beef and veal:

— Botswana:	18 006,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 460,500 tonnes,
— Swaziland:	3 308,000 tonnes,
— Zimbabwe:	8 943,000 tonnes,
— Namibia:	12 700,000 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION DECISION**  
**of 18 March 1997**  
**on protective measures in relation to anthrax in Madagascar**  
**(Text with EEA relevance)**

(97/192/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by Directive 96/43/EC<sup>(2)</sup>, and in particular Article 19 thereof,

Whereas cases of anthrax have been reported in Madagascar;

Whereas the authorities of Madagascar have taken measures to confine the outbreak to 14 communes in the region of Vakinankaratra where the infection originally occurred;

Whereas the authorities of Madagascar should give guarantees that measures have been taken to prevent the disease causing agent being transmitted through animal products;

Whereas in Part I of the Annex to Council Decision 79/542/EEC of 21 December 1976 drawing up a list of third countries from which the Member States authorize imports of bovine animals, swine, equidae, sheep, and goats, fresh meat and meat products<sup>(3)</sup>, as last amended by Decision 97/10/EC<sup>(4)</sup>, Madagascar is listed for the export of certain categories of fresh meat to the Community;

Whereas Commission Decision 94/278/EC<sup>(5)</sup>, as last amended by Decision 96/344/EC<sup>(6)</sup>, lays down the list of

third countries authorized to export other products of animal origin;

Whereas Commission Decision 90/156/EEC<sup>(7)</sup> lays down the animal health conditions and veterinary certification requirements for the importation from Madagascar of fresh meat from deboned carcasses of bovine animals;

Whereas Commission Decision 94/187/EC<sup>(8)</sup>, as last amended by Decision 96/106/EC<sup>(9)</sup> lays down the health conditions and certification requirements for the importation from third countries of casings;

Whereas Commission Decision 97/168/EC<sup>(10)</sup> lays down the health conditions and certification requirements for the importation from third countries of hides and skins;

Whereas Commission Decision 94/446/EC<sup>(11)</sup>, as last amended by Decision 96/106/EC, lays down the health conditions and certification requirements for the importation from third countries of bones and bone products;

Whereas Commission Decision 94/344/EC<sup>(12)</sup>, as last amended by Decision 96/106/EC, lays down the conditions and certification requirements for the importation from third countries of processed animal protein;

Whereas it seems appropriate to request the competent authorities in Madagascar to implement control measures in order to prevent the transfer of the disease agent through animal products; whereas the respect of such measures should be officially certified by these authorities;

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

<sup>(1)</sup> OJ No L 373, 21. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 162, 1. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 146, 14. 6. 1979, p. 15.

<sup>(4)</sup> OJ No L 3, 7. 1. 1997, p. 9.

<sup>(5)</sup> OJ No L 120, 11. 5. 1994, p. 44.

<sup>(6)</sup> OJ No L 133, 4. 6. 1996, p. 28.

<sup>(7)</sup> OJ No L 89, 4. 4. 1990, p. 13.

<sup>(8)</sup> OJ No L 89, 6. 4. 1994, p. 18.

<sup>(9)</sup> OJ No L 24, 31. 1. 1996, p. 34.

<sup>(10)</sup> OJ No L 67, 7. 3. 1997, p. 19.

<sup>(11)</sup> OJ No L 183, 19. 7. 1994, p. 46.

<sup>(12)</sup> OJ No L 154, 21. 6. 1994, p. 45.

HAS ADOPTED THIS DECISION:

*Article 1*

Member States shall ensure that the certificate which must accompany consignments of fresh meat from Madagascar is completed with the following mention:

**'Meat from animals which:**

- do not originate in the infected communes in the region in Madagascar affected by the outbreaks of anthrax or have not been transported through that region,
- have been submitted to an observation period of at least 7 days prior to slaughter. During this observation period, the animals have been under the supervision of an official veterinarian, and no signs of anthrax have been observed. In addition, no pathological changes due to anthrax have been observed during the post mortem inspection procedures.'

*Article 2*

Member States shall ensure that the certificate which must accompany hides and skins, casings, bones and bone

products and processed animal proteins from Madagascar is completed with the following mention:

'Products from animals which do not originate in the region in Madagascar affected by anthrax or have not been transported through that region.'

*Article 3*

Member States shall amend the measures they apply in respect of Madagascar to bring them into line with this Decision. They shall inform the Commission thereof.

*Article 4*

This Decision shall apply until 1 July 1997.

*Article 5*

The present Decision is addressed to the Member States.

Done at Brussels, 18 March 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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COMMISSION DECISION

of 19 March 1997

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(97/233/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 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 (ACP) or in the overseas countries and territories (OCT) (<sup>1</sup>), as last amended by Regulation (EC) No 619/96 (<sup>2</sup>), and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 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 (<sup>3</sup>), in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 March 1997, expressed in terms of boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 April 1997, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12

December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries (<sup>4</sup>), as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 March 1997 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

*Germany:*

- 500,000 tonnes originating in Botswana,
- 31,500 tonnes originating in Madagascar,
- 100,000 tonnes originating in Namibia,

*United Kingdom:*

- 850,000 tonnes originating in Botswana;
- 410,000 tonnes originating in Zimbabwe,
- 800,000 tonnes originating in Namibia,
- 45,000 tonnes originating in Swaziland.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of April 1997 for the following quantities of boned beef and veal:

- |               |                    |
|---------------|--------------------|
| — Botswana:   | 16 656,000 tonnes, |
| — Kenya:      | 142,000 tonnes,    |
| — Madagascar: | 7 429,000 tonnes,  |
| — Swaziland:  | 3 263,000 tonnes,  |
| — Zimbabwe:   | 8 533,000 tonnes,  |
| — Namibia:    | 11 800,000 tonnes. |

(<sup>1</sup>) OJ No L 84, 30. 3. 1990, p. 85.

(<sup>2</sup>) OJ No L 89, 10. 4. 1996, p. 1.

(<sup>3</sup>) OJ No L 84, 3. 4. 1996, p. 22.

(<sup>4</sup>) OJ No L 302, 31. 12. 1972, p. 28.



*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 March 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION DECISION**

of 18 April 1997

**on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

(97/286/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 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 (ACP) or in the overseas countries and territories (OCT) (\*), as last amended by Regulation (EC) No 619/96 (\*\*), and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 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 (\*), in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 April 1997, expressed in terms of

boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 May 1997, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries (\*), as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 April 1997 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

(\*) OJ No L 84, 30. 3. 1990, p. 85.

(\*\*) OJ No L 89, 10. 4. 1996, p. 1.

(\*) OJ No L 84, 3. 4. 1996, p. 22.

(\*) OJ No L 302, 31. 12. 1972, p. 28.

*Germany:*

- 50 tonnes originating in Botswana,
- 60 tonnes originating in Madagascar,

*United Kingdom:*

- 1 500 tonnes originating in Botswana,
- 700 tonnes originating in Zimbabwe,
- 400 tonnes originating in Namibia.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of May 1997 for the following quantities of boned beef and veal:

— Botswana:	15 106 tonnes,
— Kenya:	142 tonnes,
— Madagascar:	7 369 tonnes,
— Swaziland:	3 263 tonnes,
— Zimbabwe:	7 833 tonnes,
— Namibia:	11 400 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 April 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION DECISION**  
**of 16 May 1997**  
**on import licences in respect of beef and veal products originating in Botswana,**  
**Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

(97/314/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 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 (ACP) or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 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 <sup>(3)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 May 1997, expressed in terms of boned

meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 June 1997, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 May 1997 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 84, 3. 4. 1996, p. 22.

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.

*Germany:*

- 350 tonnes originating in Botswana,
- 75 tonnes originating in Madagascar,
- 80 tonnes originating in Namibia.

*Denmark:*

- 15 tonnes originating in Madagascar.

*United Kingdom:*

- 650 tonnes originating in Botswana,
- 20 tonnes originating in Swaziland,
- 785 tonnes originating in Zimbabwe,
- 1 000 tonnes originating in Namibia.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of June 1997 for the following quantities of boned beef and veal:

— Botswana:	14 106 tonnes,
— Kenya:	142 tonnes,
— Madagascar:	7 279 tonnes,
— Swaziland:	3 243 tonnes,
— Zimbabwe:	7 048 tonnes,
— Namibia:	10 320 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 16 May 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION DECISION

of 19 June 1997

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(97/411/EC)

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 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 (ACP) or in the overseas countries and territories (OCT) (<sup>1</sup>), as last amended by Regulation (EC) No 619/96 (<sup>2</sup>), and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 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 (<sup>3</sup>), and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 June 1997, expressed in terms of boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 July 1997, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries (<sup>4</sup>), as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

### Article 1

The following Member States shall issue on 21 June 1997 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

#### Germany:

- 250 tonnes originating in Botswana,
- 60 tonnes originating in Madagascar.

#### The Netherlands:

- 100 tonnes originating in Botswana.

#### United Kingdom:

- 150,000 tonnes originating in Botswana,
- 5,000 tonnes originating in Swaziland,
- 83,341 tonnes originating in Zimbabwe,
- 350,000 tonnes originating in Namibia.

### Article 2

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of July 1997 for the following quantities of boned beef and veal:

- |               |                    |
|---------------|--------------------|
| — Botswana:   | 13 606,000 tonnes, |
| — Kenya:      | 142,000 tonnes,    |
| — Madagascar: | 7 219,000 tonnes,  |
| — Swaziland:  | 3 238,000 tonnes,  |
| — Zimbabwe:   | 6 954,659 tonnes,  |
| — Namibia:    | 9 970,000 tonnes.  |

### Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

(<sup>1</sup>) OJ No L 84, 30. 3. 1990, p. 85.

(<sup>2</sup>) OJ No L 89, 10. 4. 1996, p. 1.

(<sup>3</sup>) OJ No L 84, 3. 4. 1996, p. 22.

(<sup>4</sup>) OJ No L 302, 31. 12. 1972, p. 28.

## COMMISSION DECISION

of 16 July 1997

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(97/547/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 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 (ACP) or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 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 <sup>(3)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 July 1997, expressed in terms of boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 August 1997, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

### Article 1

The following Member States shall issue on 21 July 1997 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

#### Germany:

- 1 350,000 tonnes originating in Botswana,
- 45,000 tonnes originating in Madagascar.

#### United Kingdom:

- 1 850,000 tonnes originating in Botswana,
- 60,000 tonnes originating in Swaziland,
- 470,000 tonnes originating in Zimbabwe,
- 401,000 tonnes originating in Namibia.

### Article 2

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of August 1997 for the following quantities of boned beef and veal:

- |               |                    |
|---------------|--------------------|
| — Botswana:   | 10 406,000 tonnes, |
| — Kenya:      | 142,000 tonnes,    |
| — Madagascar: | 7 174,000 tonnes,  |
| — Swaziland:  | 3 178,000 tonnes,  |
| — Zimbabwe:   | 6 494,659 tonnes,  |
| — Namibia:    | 9 569,000 tonnes.  |

### Article 3

This Decision is addressed to the Member States.

Done at Brussels, 16 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 84, 3. 4. 1996, p. 22.

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.

**COMMISSION DECISION**

of 13 August 1997

**amending Decisions 97/515/EC, 97/513/EC, 97/516/EC and 97/517/EC concerning protective measures with regard to certain products of animal origin originating in India, Bangladesh and Madagascar**

(Text with EEA relevance)

(97/553/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by Directive 96/43/EC<sup>(2)</sup>, and in particular Article 19 (7) thereof,

Whereas the Commission, in adopting Decisions 97/515/EC<sup>(3)</sup>, 97/513/EC<sup>(4)</sup>, 97/516/EC<sup>(5)</sup> and 97/517/EC<sup>(6)</sup>, has established measures in order to ensure that possibly hazardous products of animal origin cannot enter the Community; whereas these measures tend to suspend all imports of fishery products from India, Bangladesh and Madagascar, as well as of other products of animal origin from Madagascar;

Whereas these measures include an opportunity for products which have been despatched to the Community before the entry into force of these requirements and presented for importation into the Community before 15 August 1997, to gain entry to the Community on condition that they are systematically submitted to a microbiological examination upon arrival;

Whereas it is necessary to extend this delay, whilst ensuring a high level of consumer protection;

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

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 2 of Decisions 97/515/EC, 97/513/EC, 97/516/EC and 97/517/EC, the words 'before 15 August 1997' are replaced by the words 'before 15 September 1997'.

*Article 2*

The Member States shall alter the measures they apply in trade in order to bring them into line with this Decision. They shall immediately inform the Commission thereof.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 13 August 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 162, 1. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 214, 6. 8. 1997, p. 52.

<sup>(4)</sup> OJ No L 214, 6. 8. 1997, p. 46.

<sup>(5)</sup> OJ No L 214, 6. 8. 1997, p. 53.

<sup>(6)</sup> OJ No L 214, 6. 8. 1997, p. 54.



## COMMISSION DECISION

of 19 August 1997

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(97/601/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 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 (ACP) or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 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 <sup>(3)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 August 1997, expressed in terms of boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 September 1997, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from

third countries <sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

### Article 1

The following Member States shall issue on 21 August 1997 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

#### Germany:

- 200,000 tonnes originating in Botswana,
- 30,000 tonnes originating in Madagascar,
- 240,000 tonnes originating in Namibia.

#### United Kingdom:

- 150,000 tonnes originating in Botswana,
- 10,000 tonnes originating in Swaziland,
- 200,000 tonnes originating in Zimbabwe,
- 530,000 tonnes originating in Namibia.

### Article 2

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of September 1997 for the following quantities of boned beef and veal:

- |               |                    |
|---------------|--------------------|
| — Botswana:   | 10 056,000 tonnes, |
| — Kenya:      | 142,000 tonnes,    |
| — Madagascar: | 7 144,000 tonnes,  |
| — Swaziland:  | 3 168,000 tonnes,  |
| — Zimbabwe:   | 6 294,659 tonnes,  |
| — Namibia:    | 8 799,000 tonnes.  |

### Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 August 1997.

For the Commission

Karel VAN MIERT

Member of the Commission

<sup>(1)</sup> OJ L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ L 84, 3. 4. 1996, p. 22.

<sup>(4)</sup> OJ L 302, 31. 12. 1972, p. 28.

## COMMISSION DECISION

of 18 September 1997

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(97/637/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 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 (ACP) or in the overseas countries and territories (OCT) (1), as last amended by Regulation (EC) No 619/96 (2), and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 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 (3), and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 September 1997, expressed in terms of boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 October 1997, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries (4), as last amended by Directive 96/91/EC (5),

HAS ADOPTED THIS DECISION:

### Article 1

The following Member States shall issue on 21 September 1997 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

#### Germany:

— 100,000 tonnes originating in Botswana.

#### United Kingdom:

- 180,000 tonnes originating in Botswana,
- 1 700,000 tonnes originating in Zimbabwe,
- 450,000 tonnes originating in Namibia.

### Article 2

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of October 1997 for the following quantities of boned beef and veal:

— Botswana:	9 776,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 144,000 tonnes,
— Swaziland:	3 168,000 tonnes,
— Zimbabwe:	4 594,659 tonnes,
— Namibia:	8 349,000 tonnes.

(1) OJ L 84, 30. 3. 1990, p. 85.

(2) OJ L 89, 10. 4. 1996, p. 1.

(3) OJ L 84, 3. 4. 1996, p. 22.

(4) OJ L 302, 31. 12. 1972, p. 28.

(5) OJ L 13, 16. 1. 1997, p. 26.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 September 1997.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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## COMMISSION DECISION

of 20 October 1997

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(97/687/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 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 (ACP) or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 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 <sup>(3)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 October 1997, expressed in terms of boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating

in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 November 1997, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(4)</sup>, as last amended by Directive 96/91/EC <sup>(5)</sup>,

HAS ADOPTED THIS DECISION:

### *Article 1*

The following Member States shall issue on 21 October 1997 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

#### *United Kingdom:*

- 600,000 tonnes originating in Botswana,
- 1 620,000 tonnes originating in Zimbabwe,
- 392,000 tonnes originating in Namibia,
- 5,000 tonnes originating in Swaziland.

<sup>(1)</sup> OJ L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ L 84, 3. 4. 1996, p. 22.

<sup>(4)</sup> OJ L 302, 31. 12. 1972, p. 28.

<sup>(5)</sup> OJ L 13, 16. 1. 1997, p. 26.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of November 1997 for the following quantities of boned beef and veal:

— Botswana:	9 176,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 144,000 tonnes,
— Swaziland:	3 163,000 tonnes,
— Zimbabwe:	2 974,659 tonnes,
— Namibia:	7 957,000 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 20 October 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION DECISION

of 19 November 1997

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(97/802/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 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 (ACP) or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 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 <sup>(3)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 November 1997, expressed in terms of boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States;

whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 December 1997, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(4)</sup>, as last amended by Directive 96/91/EC <sup>(5)</sup>,

HAS ADOPTED THIS DECISION:

### *Article 1*

The following Member States shall issue on 21 November 1997 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

#### *Germany:*

- 260,000 tonnes originating in Botswana,
- 180,000 tonnes originating in Namibia.

#### *United Kingdom:*

- 520,000 tonnes originating in Botswana,
- 300,000 tonnes originating in Zimbabwe,
- 288,000 tonnes originating in Namibia,
- 10,000 tonnes originating in Swaziland.

<sup>(1)</sup> OJ L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ L 84, 3. 4. 1996, p. 22.

<sup>(4)</sup> OJ L 302, 31. 12. 1972, p. 28.

<sup>(5)</sup> OJ L 13, 16. 1. 1997, p. 26.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of December 1997 for the following quantities of boned beef and veal:

— Botswana:	8 396,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 144,000 tonnes,
— Swaziland:	3 153,000 tonnes,
— Zimbabwe:	2 674,659 tonnes,
— Namibia:	7 489,000 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 November 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**II. Community Acts relating to the application of the  
Lomé Convention**

**A. Trade**

**e) Pigmeat**



COMMISSION REGULATION (EC) No 1207/97  
of 27 June 1997

amending Regulation (EEC) No 904/90 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT), in order to implement the Agricultural Agreement concluded during the Uruguay Round of negotiations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement agreements concluded during the Uruguay Round of multilateral trade negotiations<sup>(1)</sup>, as last amended by Regulation (EC) No 1161/97<sup>(2)</sup>, and in particular Article 3 (1) thereof,

Whereas, in order to take account of existing import arrangements in the pigmeat sector and those resulting from the Agricultural Agreement concluded during the Uruguay Round of multilateral trade negotiations, transitional measures are needed to adjust the preferential concessions in the form of exemption from the import duty for certain pigmeat products from the ACP States and the OCT;

Whereas Commission Regulation (EEC) No 904/90<sup>(3)</sup>, as last amended by Regulation (EEC) No 1216/96<sup>(4)</sup>, lays down detailed rules for the application of preferential conditions in the form of a reduction in the import levy for pigmeat quotas; whereas, since the levies are being replaced by customs duties from 1 July 1995, transitional adjustments to these rules have been made;

Whereas the period for the adoption of transitional measures was extended until 30 June 1998 by Regulation (EC) No 3290/94; whereas the adjustments should be extended over the period concerned;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Regulation (EEC) No 904/90 the word 'levy' is replaced by the words 'customs duty' each time that it appears.

*Article 2*

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

It shall apply from 1 July 1997 to 30 June 1998.

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

Done at Brussels, 27 June 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(2)</sup> OJ No L 169, 27. 6. 1997, p. 1.

<sup>(3)</sup> OJ No L 93, 10. 4. 1990, p. 23.

<sup>(4)</sup> OJ No L 161, 29. 6. 1996, p. 49.



**II. Community Acts relating to the application of the  
Lomé Convention**

**A. Trade**

**f) Poultrymeat**



COMMISSION REGULATION (EC) No 1206/97  
of 27 June 1997

amending Regulation (EEC) No 903/90 laying down detailed rules for the application of the arrangements applicable to imports of certain poultrymeat products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT), in order to implement the Agricultural Agreement concluded during the Uruguay Round of negotiations

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

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement agreements concluded during the Uruguay Round of multilateral trade negotiations<sup>(1)</sup>, as last amended by Regulation (EC) No 1161/97<sup>(2)</sup>, and in particular Article 3 (1) thereof,

Whereas in order to take account of existing import arrangements in the poultrymeat sector and those resulting from the Agricultural Agreement concluded during the Uruguay Round of multilateral trade negotiations, transitional measures are needed to adjust the preferential concessions in the form of exemption from the import duty for certain poultrymeat products from the ACP States and the OCT;

Whereas Commission Regulation (EEC) No 903/90<sup>(3)</sup>, as last amended by Regulation (EC) No 1215/96<sup>(4)</sup>, lays down detailed rules for the application of preferential conditions in the form of a reduction in the import levy for poultrymeat quotas; whereas, since the levies have been replaced by customs duties from 1 July 1995, transitional adjustments to these rules have been made;

Whereas the period for the adoption of transitional measures was extended until 30 June 1998 by Regulation (EC) No 3290/94; whereas the adjustments should be extended over the period concerned;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 903/90 is hereby amended as follows:

The word 'levy' is replaced by the words 'customs duty laid down in the Common Customs Tariff' each time that it appears.

*Article 2*

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 July 1997 to 30 June 1998.

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

Done at Brussels, 27 June 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(2)</sup> OJ No L 169, 27. 6. 1997, p. 1.

<sup>(3)</sup> OJ No L 93, 10. 4. 1990, p. 20.

<sup>(4)</sup> OJ No L 161, 29. 6. 1996, p. 48.





**II. Community Acts relating to the application of the  
Lomé Convention**

**A. Trade**

**g) Milkproducts**



**COMMISSION REGULATION (EC) No 911/97  
of 22 May 1997**

**on import licences for milk and milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)**

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 <sup>(3)</sup>, as last amended by Regulation (EC) No 1220/96 <sup>(4)</sup>, provides that if the total quantity for which applications have been submitted is less than that available the Commission is to calculate the quantity remaining, which is to be added to that available for the following half year; whereas under these circumstances the

quantity available for the second half of 1997 of the products referred to in Article 7 of Regulation (EEC) No 715/90 should be determined,

HAS ADOPTED THIS REGULATION:

*Article 1*

Further licence applications may be lodged during the first 10 days of July 1997 for the following quantities:

- 500 tonnes of products falling within CN code 0402,
- 500 tonnes of products falling within CN code 0406.

*Article 2*

This Regulation shall enter into force on 26 May 1997.

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

Done at Brussels, 22 May 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.  
<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.  
<sup>(3)</sup> OJ No L 114, 5. 5. 1990, p. 21.  
<sup>(4)</sup> OJ No L 161, 29. 6. 1996, p. 57.

COMMISSION REGULATION (EC) No 1246/97  
of 30 June 1997

amending Regulation (EEC) No 1150/90 as regards the transitional adjustment of certain provisions relating to imports into the Community of certain milk products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) in order to implement the Agreement on Agriculture concluded during the Uruguay Round of negotiations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations<sup>(1)</sup>, as last amended by Regulation (EC) No 1161/97<sup>(2)</sup>, and in particular Article 3 (1) thereof,

Whereas Commission Regulation (EC) No 1220/96<sup>(3)</sup> lays down transitional measures until 30 June 1997 to facilitate the move from the arrangements provided for by Commission Regulation (EEC) No 1150/90 of 4 May 1990 laying down detailed rules for the application of the arrangements applicable to imports of certain milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)<sup>(4)</sup>, as last amended by Regulation (EC) No 1220/96, to those introduced by the agreements concluded during the Uruguay Round of multilateral trade negotiations;

Whereas the period for the application of the transitional measures was extended until 30 June 1998 by Regulation (EC) No 1161/97; whereas, pending the adoption by the Council of definitive measures, the measures provided for by Regulation (EC) No 1220/96 should be extended until 30 June 1998;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 3 (d) of Regulation (EEC) No 1150/90 is hereby replaced by the following:

'(d) the heading "notes" and Section 24 of licence applications and licences shall show respectively one of the following:

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(2)</sup> OJ No L 169, 27. 6. 1997, p. 1.

<sup>(3)</sup> OJ No L 161, 29. 6. 1996, p. 57.

<sup>(4)</sup> OJ No L 114, 5. 5. 1990, p. 21.

- Derecho de aduana reducido en un 50 %, Producto ACP/PTOM  
Reglamento (CEE) n° 715/90
- Told nedsat med 50 %, AVS/OLT-varer  
forordning (EØF) nr. 715/90
- Zoll, ermäßigt um 50 %, AKP/ÜLG-Erzeugnis  
Verordnung (EWG) Nr. 715/90
- Δασμός μειωμένος κατά 50 %, προϊόν  
ΑΚΕ/ΥΧΕ  
Κανονισμός (ΕΟΚ) αριθ. 715/90
- Customs duty reduced by 50 %, ACP/OCT-  
Product  
Regulation (EEC) No 715/90
- Droit de douane réduit de 50 %, produit  
ACP/PTOM  
règlement (CEE) n° 715/90
- Dazio doganale ridotto del 50 %, prodotto  
ACP/PTOM  
regolamento (CEE) n. 715/90
- Douanerecht verminderd met 50 %, ACS/  
LGO-product  
Verordening (EEG) nr. 715/90
- Direito aduaneiro reduzido de 50 %, produto  
ACP/PTOM  
Reglamento (CEE) n° 715/90
- Tullia alennettu viidelläkymmenellä prosentilla,  
AKT/MMA-tuote  
Asetus (ETY) N:o 715/90
- Nedsättning med 50 % av tullsatsen, produkt  
AVS/ULT  
Förordning (EEG) nr 715/90.'

*Article 2*

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

It shall apply from 1 July 1997 to 30 June 1998.

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

Done at Brussels, 30 June 1997.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**II. Community Acts relating to the application of the  
Lomé Convention**

**B. Financial and technical cooperation**





**COUNCIL RECOMMENDATION**

of 17 March 1997

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1984) (Sixth EDF) for the financial year 1995

(97/190/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 206 thereof,

Having regard to the Third ACP-EEC Convention, signed at Lomé on 8 December 1984,

Having regard to Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community<sup>(1)</sup>,

Having regard to the Internal Agreement on the financing and administration of Community aid<sup>(2)</sup>, signed in Brussels on 19 February 1985, as amended by Decision 86/281/EEC<sup>(3)</sup>, and in particular Article 29 (3) thereof,

Having regard to the Financial Regulation of 11 November 1986 applicable to the Sixth European Development Fund<sup>(4)</sup>, and in particular Articles 66 to 73 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1984) (Sixth EDF) as at 31 December 1995 and the Court of Auditors' report relating to the financial year 1995 together with the Commission's replies<sup>(5)</sup>,

Whereas, pursuant to Article 29 (3) of the Internal Agreement, the discharge for the management of the European Development Fund (1984) (Sixth EDF) must be given to the Commission by the European Parliament on a recommendation from the Council;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1984) (Sixth EDF) during the financial year 1995 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1984) (Sixth EDF) for the financial year 1995.

Done at Brussels, 17 March 1997.

*For the Council*

*The President*

G. ZALM

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<sup>(1)</sup> OJ No L 175, 1. 7. 1986, p. 1.

<sup>(2)</sup> OJ No L 86, 31. 3. 1986, p. 210.

<sup>(3)</sup> OJ No L 178, 2. 7. 1986, p. 13.

<sup>(4)</sup> OJ No L 325, 20. 11. 1986, p. 42.

<sup>(5)</sup> OJ No C 340, 12. 11. 1996, pp. 290 to 333.

## COUNCIL RECOMMENDATION

of 17 March 1997

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1989) (Seventh EDF) for the financial year 1995

(97/191/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 206 thereof,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(1)</sup>,

Having regard to the Internal Agreement on the financing and administration of Community aid<sup>(2)</sup>, signed in Brussels on 16 July 1990, and in particular Article 33 (3) thereof,

Having regard to the Financial Regulation of 29 July 1991 applicable to the Seventh European Development Fund<sup>(3)</sup>, and in particular Articles 69 to 77 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1989) (Seventh EDF) as at 31 December 1995 and the Court of Auditors' report relating to the financial year 1995 together with the Commission's replies<sup>(4)</sup>,

Whereas, pursuant to Article 33 (3) of the Internal Agreement, the discharge for the management of the European Development Fund (1989) (Seventh EDF) must be given to the Commission by the European Parliament on a recommendation from the Council;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1989) (Seventh EDF) during the financial year 1995 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1989) (Seventh EDF) for the financial year 1995.

Done at Brussels, 17 March 1997.

*For the Council*

*The President*

G. ZALM

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<sup>(1)</sup> OJ No L 263, 19. 9. 1991, p. 1.

<sup>(2)</sup> OJ No L 229, 17. 8. 1991, p. 288.

<sup>(3)</sup> OJ No L 266, 21. 9. 1991, p. 1.

<sup>(4)</sup> OJ No C 340, 12. 11. 1996, pp. 290 to 333.

**EUROPEAN PARLIAMENT DECISION**

of 10 April 1997

giving discharge to the Commission in respect of the financial management of the sixth European Development Fund for the financial year 1995

(97/384/EC)

THE EUROPEAN PARLIAMENT,

- Having regard to the Treaty establishing the European Community,
  - Having regard to the third ACP-EEC Convention <sup>(1)</sup>,
  - Having regard to the balance sheets and revenue and expenditure accounts of the fifth, sixth and seventh European Development Funds (EDF) for the 1995 financial year (SEC(96) 0989),
  - Having regard to the Statement of Assurance and special report of the Court of Auditors concerning the activities of the sixth and seventh European Development Funds for the financial year 1995 together with the Commission's reply (C4-0109/97) <sup>(2)</sup>,
  - Having regard to the recommendation of the Council of 17 March 1997 (C4-0147/97),
  - Having regard to the report of the Committee on Budgetary Control (A4-0121/97),
1. Gives discharge to the Commission in respect of the financial management of the sixth European Development Fund for the financial year 1995 on the basis of the following amounts:

**BALANCE SHEET OF THE SIXTH EDF AT 31 DECEMBER 1995**

(ECU 1 000)

ASSETS	SITUATION AS AT 31 DECEMBER 1995
Grants	3 969 214
Loans	890 663
Stabex	1 451 123
Sysmin	91 951
Administrative costs	1 717
SUBTOTAL	6 404 668
Cash at bank	728 203
Other current assets	708 978
Items under verification	41 098
TOTAL	7 882 947
LIABILITIES	
Contributions called up	7 558 866
Other income	504 239
Transfers to the seventh EDF	-180 158
Amount due to the sixth EDF	—
Other debtors (interest under verification)	—
TOTAL	7 882 947

<sup>(1)</sup> OJ No L 86, 31. 3. 1986.

<sup>(2)</sup> OJ No C 395, 31. 12. 1996, pp. 87 and 93.

USE OF RESOURCES — SIXTH EDF AT 31 DECEMBER 1995

Breakdown of funds

	Initial appropriation	Resources or reductions at 31 December 1994	Resources or reductions during 1995	New situation
Total ACP	7 400 000 000,00	380 543 664,73	10 706,85	7 780 554 371,58
Total OCT	100 000 000,00	3 526 646,39	0,00	103 526 646,39
Sundry receipts	50 137 221,02	- 50 137 221,02		0,00
Total	7 550 137 221,02	333 933 090,10	10 706,85	7 884 081 017,97

2. Records its observations in the resolution which forms part of this Decision;
3. Instructs its President to forward this Decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors, the European Investment Bank and the ACP-EU Assembly and to have them published in the *Official Journal of the European Communities* (L series).

*The Secretary-General*  
Julian PRIESTLEY

*The President*  
José María GIL-ROBLES

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EUROPEAN PARLIAMENT DECISION

of 10 April 1997

giving discharge to the Commission in respect of the financial management of the seventh European Development Fund for the financial year 1995

(97/385/EC)

THE EUROPEAN PARLIAMENT,

- Having regard to the Treaty establishing the European Community,
  - Having regard to the fourth ACP-EEC Convention <sup>(1)</sup>,
  - Having regard to the balance sheets and revenue and expenditure accounts of the fifth, sixth and seventh European Development Funds (EDF) for the 1995 financial year (SEC(96) 0989),
  - Having regard to the Statement of Assurance and special report of the Court of Auditors concerning the activities of the sixth and seventh European Development Funds for the financial year 1995 together with the Commission's reply (C4-0109/97) <sup>(2)</sup>,
  - Having regard to the recommendation of the Council of 17 March 1997 (C4-0148/97),
  - Having regard to the report of the Committee on Budgetary Control (A4-0121/97),
1. Gives discharge to the Commission in respect of the financial management of the seventh European Development Fund for the financial year 1995 on the basis of the following amounts:

BALANCE SHEET OF THE SEVENTH EDF AT 31 DECEMBER 1995

(ECU 1 000)

ASSETS	SITUATION AS AT 31 DECEMBER 1995
Grants	2 682 846
Loans	212 638
Stabex	1 445 570
Sysmin	76 833
Administrative costs	—
<b>SUBTOTAL</b>	<b>4 417 887</b>
Cash at bank	—
Other current assets	—
Items under verification	—
<b>TOTAL</b>	<b>4 417 887</b>
LIABILITIES	
Contributions called up	2 849 888
Other income	884 154
Transfers to the seventh EDF	—
Amount due to the sixth EDF	679 975
Other debtors (interest under verification)	3 871
<b>TOTAL</b>	<b>4 417 887</b>

<sup>(1)</sup> OJ No L 229, 17. 8. 1991.

<sup>(2)</sup> OJ No C 395, 31. 12. 1996, pp. 87 and 93.

USE OF RESOURCES — SEVENTH EDF AT 31 DECEMBER 1995

Breakdown of funds

	Initial appropriation	Resources or reductions at 31 December 1994	Resources or reductions during 1995	New situation
Total ACP	10 800 000 000,00	815 439 576,80	12 571 700,53	11 628 011 277,33
Total OCT	140 000 000,00	14 800 730,06	0,00	154 800 730,06
Sundry receipts	0,00	45 910 590,30	-4 568 992,22	41 341 598,08
Total	10 940 000 000,00	876 150 897,16	8 002 708,31	11 824 153 605,47

2. Records its observations in the resolution which forms part of this Decision;
3. Instructs its President to forward this Decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors, the European Investment Bank and the ACP-EU Assembly and to have them published in the *Official Journal of the European Communities* (L series).

*The Secretary-General*  
Julian PRIESTLEY

*The President*  
José María GIL-ROBLES

## RESOLUTION

containing the comments which form part of the decisions giving discharge to the Management Board of the European Centre for the Development of Vocational Training in respect of the implementation of its budget for the 1994 and 1995 financial years

### THE EUROPEAN PARLIAMENT,

- Having regard to the Treaty establishing the European Community, and in particular Article 206 thereof,
  - Having regard to the statement of accounts of the European Centre for the Development of Vocational Training and the report of the Court of Auditors on this subject for 1994 (C4-0564/95) and 1995 (C4-0052/97),
  - Having regard to the Council recommendations of 11 March 1996 (C4-0196/96) and 17 April 1997 (C4-0177/97),
  - Having regard to its resolution of 17 April 1996 informing the Management Board of the European Centre for the Development of Vocational Training (Cedefop) of the reasons why the discharge cannot be given in respect of the implementation of its budget for the 1994 financial year<sup>(1)</sup>,
  - Having regard to the report of the Committee on Budgetary Control (A4-0138/97),
- A. Whereas, on the basis of a Decision by the European Council, in 1995 the European Centre for the Development of Vocational Training moved its headquarters from Berlin to Thessaloniki,
- B. Whereas the European Parliament, the Council, and the Commission each expressed the wish that Cedefop should take all necessary steps to ensure a socially acceptable treatment of its staff in the context of this move,
- C. Whereas the Greek State undertook in 1995 to provide suitable temporary and then permanent accommodation for Cedefop in the Greater Thessaloniki area,
- D. Whereas the Committee on Budgetary Control and the Committee on Employment and Social Affairs, within the scope of their separate competences, have examined the degree to which Cedefop has met the conditions set out in the interim report postponing discharge for the 1994 financial year,

### Staff management issues

1. Notes and accepts the validity of the Court of Auditors' comments on the manifold irregularities

connected with the recruitment procedures applied in the attempt to implement the provisions of the framework agreement between staff and management of the Centre; considers however that the majority of the irregularities discovered stemmed from the inappropriateness of such procedures to the exceptional circumstances in which Cedefop found itself and the non-availability of alternative, more suitable provisions;

2. Takes the view that the outstanding staff difficulties must be resolved in 1997 at the latest; calls on the Centre and the Commission to make whatever reasonable *ad hoc* arrangements for individuals that are necessary to achieve full staffing in Thessaloniki by the end of 1997 and, if necessary, strictly to apply the terms of the framework agreement in specific cases;
3. In this context considers the approach to the outstanding staffing problems of Cedefop outlined in the Commission's recent letter on the subject to be excessively formalistic and inflexible and to offer no practical solution to those problems; therefore calls on the Commission to respect its undertaking to deal with the casualties of the enforced Cedefop move on a case-by-case basis;
4. Believes that the difficulties in achieving a full staff complement in the Centre's new headquarters and the problems of staff motivation following from the move to Thessaloniki in 1994/95 severely impaired Cedefop's ability to carry out its work programme and its capacity to meet sound financial management criteria;
5. Reminds the Centre that it must adjust its future employment practices to those of other decentralized Community agencies, while accepting that a transitional period, in which staff are employed on the basis of different contracts, is in the circumstances inevitable;

### Buildings

6. Expresses its disquiet at the unusual nature of the buildings construction and purchase agreement entered into between Cedefop and the Greek State, not because it necessarily represents a poor deal financially, but because the lack of transparency implicit in the terms of the agreement is not appropriate to a contract involving the use of European Community budgetary funds;

<sup>(1)</sup> OJ No C 141, 13. 5. 1996, p. 125.

7. Is similarly concerned that Cedefop has advanced half the forecast purchase price of its new headquarters before construction began, and will advance a further quarter at a very early stage in the work, without there being any explicit provision for the use of interest earned on advance payments in the Agreement;
  8. Asks Cedefop, using its contractual right of access to documentation pursuant to Article 4 of the Agreement with the Greek State, to report to the European Parliament at six-monthly intervals, starting on 30 June 1997, on the progress of the construction work of its new building, specifying in particular the value of the work carried out;
  9. Also asks Cedefop to provide details of the mechanism by which the final construction cost of its new headquarters will be established upon termination of the building contract; if no clear provision exists yet in this respect, calls on Cedefop to reach an appropriate agreement as soon as possible;
  10. Emphasizes that the comments in this resolution are questions of principle and concern the nature of the building agreement *per se*: they do not in any way undermine Parliament's full confidence that the Member State concerned will meet all its obligations to Cedefop;
- Policy issues*
11. Considers that the Centre has reacted positively to Parliament's call for Cedefop:
    - to provide products of quality which respond to the needs of its clients, and
    - to play a clear and coherent role within the policies of the European Community on vocational training;
  12. Calls on the Centre to disseminate information on its activities to other EU institutions on a regular basis;

*General observation*

13. Considers that Cedefop has gone through a period of immense disruption which has compromised its ability to carry out its tasks in an effective manner; notes however that the ultimate responsibility for this disruption and the harm it has caused cannot be attributed to Cedefop, but belongs to the European Council; believes that, in exceptionally difficult circumstances and without any significant practical help from outside, the Management Board of the Centre reacted imperfectly, but as well as could reasonably be expected; takes the view however that the time has come for Cedefop to put its troubles behind it and expects that from now on the Centre will apply the same level of rigour in financial management expected from other agencies;
14. Instructs its President to forward this resolution and the two discharge decisions to the European Centre for the Development of Vocational Training, the Court of Auditors, the Commission and the Council, and to have it published in the *Official Journal of the European Communities* (L series).



**III. Community Acts relating to bilateral relations between  
the Community and certain ACP States**

**Fisheries**



## PROTOCOL

defining, for the period from 3 May 1996 to 2 May 1999, the fishing opportunities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola <sup>(1)</sup>

### *Article 1*

From 3 May 1996, for a period of three years, the limits referred to in Article 2 of the Agreement shall be as follows:

1. shrimp vessels:  
6 550 GRT per month, as an annual average (maximum 22 vessels).  
  
However, the quantities to be fished by Community vessels may not exceed 5 000 tonnes of shrimps and prawns per year, of which 30 % shall be prawns and 70 % shrimps;
2. demersal trawlers:  
2 000 GRT per month, as an annual average;
3. bottom longliners, fixed gillnets:  
1 750 GRT per month, as an annual average.  
Fishing for *Centrophorus granulosus* is forbidden;
4. Freezer tuna seiners:  
nine vessels;
5. Surface longliners:  
12 vessels;
6. On a trial basis: fishing of pelagic species: two vessels.

Because of the nature of this type of fishing, it shall be subject to a trial period of six months starting on the date that this Protocol enters into force.

### *Article 2*

1. The financial compensation provided for in Article 7 of the Agreement for the period referred to in Article 1 of this Protocol is hereby set at ECU 31 million payable in three equal annual instalments into an account to be indicated by the Ministry of Fisheries.

2. If vessels withdraw from the Agreement and the Angolan authorities do not agree to their replacement by other vessels, the resulting reduction in fishing opportunities for the Community shall entail a proportional adjustment of the financial compensation provided for in paragraph 1.

3. The use to which this compensation is put shall be the sole responsibility of Angola.

### *Article 3*

During the period referred to in Article 1, the Community shall also contribute ECU 5 million towards the financing of Angolan scientific and technical programmes (equipment, infrastructure, monitoring seminars, studies, institutional support for non-industrial fishing, etc.). This amount shall be payable in three equal annual instalments to the Fisheries Research Institute of the Ministry of Fisheries. Part of this amount may be used to cover Angola's contributions to international fisheries organizations.

<sup>(1)</sup> See Decision 96/569/EC (OJ No L 250, 2. 10. 1996, p.14).

During the life of this Protocol the Community shall provide ECU 350 000 annually for scientific studies and fishery surveys.

*Article 4*

The two Parties agree that improving the skill and knowledge of persons employed in sea fishing is an essential part of the success of their cooperation. To this end the Community shall provide the Angolan nationals with study and practical training grants in the various scientific, technical and economic disciplines related to fisheries.

These grants may also be used in any State linked to the Community by a cooperation agreement. The total cost of these grants shall not exceed ECU 3 million. This amount shall be transferred to the account indicated by the Ministry of Fisheries in three equal annual instalments. The Ministry shall administer all the grants and other activities thus funded.

*Article 5*

Should the Community fail to make the payments provided for in Articles 2, 3 and 4 within the time limits laid down, application of the Agreement may be suspended.

*Article 6*

The Annex to the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola is hereby repealed and replaced by Annexes A and B to this Protocol.

*Article 7*

This Protocol shall enter into force on the date of its signing.

It shall apply from 3 May 1996.

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ANNEX A

Conditions governing fishing activities in Angolan waters by Community vessels

A. LICENCE APPLICATION AND ISSUING FORMALITIES

- (a) The Commission of the European Communities shall present to Angola's fishing authority, via the Delegation of the Commission of the European Communities in Angola, an application made by the shipowner for each vessel that wishes to fish under this Agreement, at least 15 days before the date of commencement of the period of validity requested. Applications shall be made on forms provided for the purpose by Angola, specimens of which are contained in Appendix 1 and Appendix 2. On first application the form should be accompanied by a tonnage certificate. All licence applications shall be accompanied by proof of payment of the licence fee for the period of its validity.

For the purposes of this Protocol the fishery products caught by Community vessels fishing under this Agreement shall be of Community origin.

- (b) Each licence shall be issued to the shipowner for one designated vessel. At the request of the Commission of the European Communities the licence for a vessel shall, in cases of proven *force majeure*, be replaced by a licence valid for another Community vessel of a similar type.
- (c) Licences shall be issued by the Angolan authorities to the skipper of the vessel in the port of Luanda after inspection of the vessel by the competent authority. However, in the case of tuna vessels and surface longliners, licences shall be issued to the shipowners or their representatives or agents.
- (d) The Delegation of the Commission of the European Communities in Angola shall be notified of the licences issued by Angola's fishing authority.
- (e) The licence document must be held on board at all times. However, in the case of tuna vessels and surface longliners, the vessel shall be entered on the list of authorized fishing vessels as soon as notification is received of payment of the advance by the European Commission to the Angolan authorities and the list shall then be communicated to the Angolan authorities responsible for supervising fisheries. Pending receipt of the licence, a copy may be obtained by fax and should be kept on board.
- (f) Licences shall be valid for periods of one year.
- (g) Each vessel shall be represented by an agent who is resident in Angola and approved by the Ministry of Fisheries.
- (h) The Angolan authorities shall communicate, as soon as possible, particulars of the bank accounts and currencies to be used for financial settlements under this Agreement.

B. LICENCE FEES

I. Provisions applicable to trawlers

The fees shall be:

- shrimp vessels: ECU 56/month per GRT,
- demersal vessels: ECU 195/year per GRT.

The fees may be paid quarterly or half-yearly. In this case the amount shall be increased by 5 % and 3 % respectively.

II. Provisions applicable to tuna vessels and surface longliners

The fees shall be ECU 20 per tonne caught within Angola's fishing zone.

Licences shall be issued following advance payment to Angola at a flat rate of ECU 4 000 a year for each freezer tuna seiner, equivalent, to the fees for a catch of 200 tonnes per year, and at a flat rate of ECU 2 000 a year for each surface longliner, equivalent to the fees for 100 tonnes of catch per year.

The final statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of the first quarter of the year following that of the catches on the basis of the catch statements made for each vessel and verified by a specialized scientific body in the region.

This statement shall be communicated to the Angolan authorities and to the shipowners at the same time. The shipowners shall make any additional payment, within 30 days of notification of the final statement at the latest, into an account opened with a financial institution or any other body specified by the Angolan authorities.

However, if the amount of the final statement is lower than the advance referred to above, the balance shall not be reimbursed to the shipowners.

#### C. BIOLOGICAL RECOVERY

Each year there is the possibility that a closed season on shrimp fishing may be decided for reasons of biological recovery in the light of the findings of scientific surveys. The Commission and shipowners shall be notified not less than three months in advance of any such closed season. Shipowners shall not pay for the licence fee during this period.

#### D. BY-CATCHES

The by-catches of shrimp vessels shall be the property of the shipowners. They shall be authorized to catch up to 500 tonnes of crab per annum.

#### E. LANDINGS

Community surface longliners shall endeavour to help supply Angolan tuna-canning factories, in accordance with their fishing effort in the zone, at a price to be jointly agreed between the shipowners and the Angolan fishing authorities based on current international market prices. Payment shall be in a convertible currency.

#### F. TRANSHIPMENTS

All transshipments shall be notified to the competent Angolan fishing authorities eight days in advance and shall take place in one of the bays of Luanda or Lobito in the presence of the Angolan tax authorities.

A copy of the documentation relating to transshipments shall be forwarded to the Inspection and Monitoring Department of the Ministry of Fisheries 15 days before the end of each month for the preceding month.

#### G. STATEMENT OF CATCHES

##### 1. Shrimp vessels and demersal trawlers

- (a) At the end of each fishing campaign these vessels must forward to the Fisheries Research Institute in Luanda, via the Delegation of the Commission of the European Communities, the daily catch reports drawn up by the skipper in accordance with the specimen contained in Appendices 3 and 4.

Furthermore, each vessel shall present a monthly report to the planning office of the Ministry of Fisheries, listing the catches made during the month and the quantities on board on the last day of the month. This report shall be presented no later than the 45th day following the end of the month concerned. In the event of failure to comply with this provision, Angola reserves the right to apply the penalties provided for in its legislation.

- (b) These vessels must also inform Luanda radio station on a daily basis of their geographical position and the previous day's catches. Shipowners shall be notified of the call sign at the time of issue of the fishing licence. If it is not possible to use the radio, vessels may use alternative means of communication such as telex or telegraph.

Before leaving Angola's fishing zone, these vessels must obtain authorization from the Department of Inspection and Monitoring of the Ministry of Fisheries and have the catches on board checked.

## 2. Tuna vessels and surface longliners

Every three days during the fishing period in Angola's fishing zone, vessels shall inform Luanda radio station of their position and their catches. On entering and leaving Angola's fishing zone, the vessels shall inform Luanda radio station of their position and the volume of the catches on board.

If it is not possible to use the radio, vessels may use alternative means of communication such as telex or telegraph.

In addition, the skipper shall keep a fishing log book, in accordance with Appendix 5, for each fishing period spent in Angola's fishing zone.

This form must be completed legibly and be signed by the skipper of the vessel and sent to the Department of Inspection and Monitoring of the Ministry of Fisheries via the Delegation of the European Communities within 45 days of the end of the fishing campaign.

In the event of failure to comply with this provision, Angola reserves the right to apply the penalties provided for in its legislation.

## H. FISHING ZONES

- (a) The fishing zones accessible to shrimp vessels shall comprise all waters under the sovereignty or the jurisdiction of the Republic of Angola north of 12° 20' prime and beyond the first 12 nautical miles measured from the base lines.
- (b) The fishing zones accessible to freezer tuna seiners and surface longliners shall comprise all waters under the sovereignty or the jurisdiction of the Republic of Angola beyond the first 12 nautical miles measured from the base lines.
- (c) The fishing zones accessible to vessels engaged in demersal fishing shall comprise all waters under the sovereignty or the jurisdiction of the Republic of Angola:
- trawlers: beyond the first 12 nautical miles measured from the base lines and restricted northwards by 13° 00' prime and south and southwards by a line five miles north of the limit between the exclusive economic zones (EEZs) of Angola and Namibia,
  - other types of vessels: beyond the first eight nautical miles measured from the base lines and restricted southwards by a line five miles north of the limit between the EEZs of Angola and Namibia.

## I. SIGNING OF CREWS

Owners of all vessels, except freezer tuna seiners and surface longliners, to whom fishing licences have been issued under this Agreement shall contribute to the on-the-job vocational training of at least five Angolan seamen on board each vessel, who shall be freely chosen from a list drawn up by the Ministry of Fisheries.

Should an observer be taken on board at Angola's request, he shall be included among the five seamen referred to above.

Community shipowners shall endeavour to increase the number of seamen and improve their vocational skills.

The seamen's wages shall be borne by the shipowners in accordance with the terms mutually agreed and shall be paid into an account opened with a financial institution designated by the Ministry of Fisheries. This pay shall include life insurance against all risks.

#### J. SCIENTIFIC OBSERVERS

Any vessel may be asked to take on board a scientific observer designated and employed by the Ministry of Fisheries.

The scientific observer shall receive the same treatment as the ship's officers. The observer shall be given all facilities necessary for him to carry out his duties. The scientific observer's presence and work should neither interrupt nor hinder the fishing activities.

ECU 15 shall be paid by shipowners for each day spent on board by an observer on duty to cover the cost to Angola of placing observers on vessels. The period spent on board a vessel by a scientific observer shall be the length of a trip.

#### K. INSPECTION AND MONITORING

At the request of the Angolan authorities, Community fishing vessels operating under the Agreement shall allow on board any Angolan officials responsible for the inspection and monitoring of fishing activities and facilitate the accomplishment of their duties.

These officials shall remain on board no longer than is necessary for the accomplishment of their duties.

#### L. FUEL SUPPLIES, REPAIRS AND OTHER SERVICES

All vessels, except tuna vessels, operating in Angola's fishing zone under this Agreement must obtain their fuel and water supplies and have shipyard repairs and maintenance carried out in Angola wherever possible.

Subject to these same conditions, the transport of crews shall be undertaken by the Angolan national airline, TAAG.

Fuel shall not be taken on board outside the ports of Luanda or Lobito without authorization from the Department of Inspection and Monitoring of the Ministry of Fisheries.

#### M. MESH SIZES

The minimum size of the mesh used shall be:

- (a) 40 mm for shrimp fishing; and
- (b) 110 mm for demersal fishing.

The introduction of new mesh sizes shall apply to Community vessels from the sixth month following notification to the Commission of the European Communities.

#### N. BOARDING PROCEDURE

The Delegation of the Commission of the European Communities in Luanda shall be informed within 48 hours of the boarding of any fishing vessel flying the flag of a Member State of the Community within Angola's fishing zone under this Agreement and shall at the same time receive a report of the circumstances and reasons for the boarding of the vessel.



## ANNEX B

### Conditions governing the fishing of pelagic species in Angolan waters by Community vessels

#### A. LICENCE APPLICATION AND ISSUING FORMALITIES

- (a) The Commission of the European Communities shall submit to Angola's fishing authority, via the Delegation of the Commission of the European Communities in Angola, an application made by the shipowner for each vessel that wishes to fish under this Agreement, at least 15 days before the date of commencement of the period of validity requested. Applications shall be made on forms provided for the purpose by Angola, specimens of which are contained in Appendix 1. On first application the form should be accompanied by a tonnage certificate. All licence applications shall be accompanied by proof of payment of the licence fee for the period of its validity.

When renewing the licence, only proof of payment of the fee for the period in question need be presented to the Angolan authorities; the other documents referred to above are presented only with the first application or when the technical characteristics of the vessel have changed.

- (b) A licence will be issued to the shipowner for one designated vessel. At the request of the Commission of the European Communities the licence for a vessel shall, in cases of proven *force majeure*, be replaced by a licence valid for another Community vessel of a similar type.
- (c) On first application, licences shall be issued by the Angolan authorities to the skipper of the vessel in the nearest port after inspection of the vessel by the competent authority.
- (d) The Delegation of the Commission of the European Communities in Angola shall be notified of the licences issued by Angola's fishing authority.
- (e) The licence document must be held on board at all times. However, the vessel shall be entered on the list of authorized fishing vessels as soon as notification is received of payment of the advance by the Commission of the European Communities to the Angolan authorities and the list shall then be communicated to the Angolan authorities responsible for supervising fisheries. Pending receipt of the licence, a copy may be obtained by fax and should be kept on board.
- (f) Licences shall be valid for a minimum period of one month and be renewable.
- (g) Each vessel shall be represented by an agent who is resident in Angola and approved by the Ministry of Fisheries.
- (h) The Angolan authorities shall communicate particulars of the bank accounts and currencies to be used for payment of fees before the entry into force of this Protocol.
- (i) Licences shall authorize the fishing of mackerel and horse mackerel. A by-catch of up to 10 % is authorized.

#### B. LICENCE FEES

The fee shall be set at ECU 2 per month per GT.

After the trial period the conditions governing fishing shall be laid down by common agreement of the shipowners and the Angolan authorities in the light of the results of this period.

#### C. TRANSHIPMENTS

All transshipments shall be notified to the competent Angolan fishing authorities eight days in advance and shall take place in one of the bays of Luanda or Lobito in the presence of the Angolan tax authorities.

A copy of the documentation relating to transhipments shall be forwarded to the Inspection and Monitoring Department of the Ministry of Fisheries 15 days before the end of each month for the preceding month.

#### D. STATEMENT OF CATCHES

- (a) At the end of each fishing campaign these vessels must forward to the Fisheries Research Institute in Luanda, via the Delegation of the Commission of the European Communities, the daily catch reports drawn up by the skipper in accordance with the specimen contained in Appendix 6.

Furthermore, each vessel shall present a monthly report to the planning office of the Ministry of Fisheries, listing the catches made during the month and the quantities on board on the last day of the month. This report shall be presented no later than the 45th day following the end of the month concerned.

- (b) Before leaving Angola's fishing zone, these vessels must obtain authorization from the Department of Inspection and Monitoring of the Ministry of Fisheries and have the catches on board checked.

In the event of failure to comply with this provision, Angola reserves the right to apply the penalties provided for in its legislation.

#### E. FISHING ZONES

The fishing zones accessible to vessels fishing pelagic species shall comprise all waters under the sovereignty or the jurisdiction of the Republic of Angola beyond the first 12 nautical miles.

#### F. SIGNING ON OF CREWS

Vessels fishing for pelagic species during the trial period shall not be subject to the requirement to sign on Angolan fishermen.

#### G. SCIENTIFIC OBSERVERS

Any vessel may be asked to take on board a scientific observer designated and employed by the Ministry of Fisheries.

The scientific observer shall receive the same treatment as the ship's officers. The observer shall be given all facilities necessary for him to carry out his duties. The scientific observer's presence and work should neither interrupt nor hinder the fishing activities.

ECU 15 shall be paid by shipowners for each day spent on board by an observer on duty to cover the cost to Angola of placing observers on vessels. The period spent on board a vessel by a scientific observer shall be the length of a trip.

#### H. INSPECTION AND MONITORING

At the request of the Angolan authorities, Community fishing vessels operating under the Agreement shall allow on board any Angolan officials responsible for the inspection and monitoring of fishing activities and facilitate the accomplishment of their duties.

These officials shall remain on board no longer than is necessary for the accomplishment of their duties.

#### I. FUEL SUPPLIES, REPAIRS AND OTHER SERVICES

All vessels operating in Angola's fishing zone under this Agreement must obtain their fuel and water supplies and have shipyard repairs and maintenance carried out in Angola wherever possible.

Subject to these same conditions, the transport of crews shall be undertaken by the Angolan national airline, TAAG.

Fuel shall not be taken on board outside the ports of Luanda or Lobito without authorization from the Department of Inspection and Monitoring of the Ministry of Fisheries.

J. MESH SIZES

The minimum size of the mesh used shall be that laid down by Angolan law.

K. BOARDING PROCEDURE

The Delegation of the Commission in Luanda shall be informed within 48 hours of the boarding of any fishing vessel flying the flag of a Member State of the Community within Angola's fishing zone under this Agreement, and shall at the same time receive a report of the circumstances and reasons for the boarding of the vessel.

\_\_\_\_\_

*Appendix 1*

**APPLICATION FOR A LICENCE TO FISH FOR SHRIMP AND DEMERSAL SPECIES IN THE WATERS OF ANGOLA**

**PART A**

1. Name of owner: .....
2. Nationality of owner: .....
3. Business address of owner: .....
4. Chemical additives which may be used (brand name and composition): .....

**PART B**

*To be completed for each vessel*

1. Period of validity: .....
2. Name of vessel: .....
3. Year of construction: .....
4. Original flag country: .....
5. Currently flying the flag of: .....
6. Date of acquisition of current flag: .....
7. Year of acquisition: .....
8. Port and registration number: .....
9. Fishing method: .....
10. Gross registered tonnage: .....
11. Radio call sign: .....
12. Overall length (m): .....
13. Bow (m): .....
14. Depth (m): .....
15. Construction material of the hull: .....
16. Engine power (bhp): .....
17. Speed (knots): .....
18. Capacity of refrigeration chamber: .....
19. Capacity of fuel tanks (m<sup>3</sup>): .....
20. Capacity of fish holds (m<sup>3</sup>): .....
21. Colour of the hull: .....
22. Colour of the superstructure: .....

23. Communication equipment on board:

Type	Brand	Power (Watt)	Year of construction	Frequencies	
				Reception	Transmission

24. Navigation and detection equipment installed:

Type	Brand	Model	Range

25. Name of captain: .....

26. Nationality of captain: .....

To be annexed:

- three colour photographs of the vessel (side view),
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....  
(Date of application)

.....  
(Signature of owner's representative)

—

Appendix 2

APPLICATION FOR A LICENCE TO FISH FOR TUNA IN THE WATERS OF ANGOLA

PART A

1. Name of owner: .....
2. Nationality of owner: .....
3. Business address of owner: .....  
.....  
.....

PART B

*To be completed for each vessel*

1. Period of validity: .....
2. Name of vessel: .....
3. Year of construction: .....
4. Original flag country: .....
5. Currently flying the flag of: .....
6. Date of acquisition of current flag: .....
7. Year of acquisition: .....
8. Ports and registration number: .....
9. Fishing method: .....
10. Gross registered tonnage: .....
11. Radio call sign: .....
12. Overall length (m): .....
13. Bow (m): .....
14. Depth (m): .....
15. Construction material of the hull: .....
16. Engine power (bhp): .....
17. Speed (knots): .....
18. Cabin capacity: .....
19. Capacity of fuel tanks (m<sup>3</sup>): .....
20. Capacity of fish holds (m<sup>3</sup>): .....
21. Freezing capacity (tonnes/24 hours) and freezing system used: .....  
.....
22. Colour of the hull: .....
23. Colour of the superstructure: .....

24. Communication equipment on board:

Type	Brand	Model	Power (Watt)	Year of construction	Frequencies	
					Reception	Transmission

25. Navigation and detection equipment installed:

Type	Brand	Model

- 26. Auxiliary vessels used (for each vessel: .....
- 26.1. Gross registered tonnage: .....
- 26.2. Overall length (m): .....
- 26.3. Bow (m): .....
- 26.4. Depth (m): .....
- 26.5. Construction material of the hull: .....
- 26.6. Engine power (bhp): .....
- 26.7. Speed (knots): .....
- 27. Auxiliary aerial fish equipment (even if not based on board): .....
- .....
- 28. Home port: .....
- 29. Name of captain: .....
- 30. Nationality of captain: .....

To be annexed:

- three colour photographs of the vessel (side view) and of auxiliary fishing vessels and of auxiliary aerial equipment for fish detection,
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....  
(Date of application)

.....  
(Signature of owner's representative)



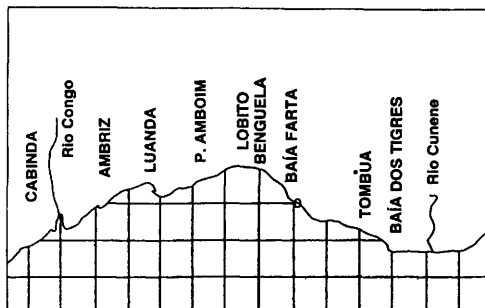


Appendix 3.2

TRIP

Radio call signal (1)	
Registration (2)	
Name of the vessel (3)	
Nationality (4)	
Owner (5)	

Date	Departure (6)	Arrival (7)
Port	Skipper's name and signature (8)	



FISHING GEAR (Record the dimensions) (9)

Gear	Headline (m) (g)	Footrope (m)	Codend mesh size (mm)
Demersal trawl (a)			
Pelagic trawl (b)			
Shrimp trawl (c)			
	Floatline	Depth (m)	
Seine (d)			
	Length (m)	No of hooks	
Longline (e)			
	Length (m)	Depth (m)	
Gillnet/Trammel net (f)			
Other (specify)			

MAIN SPECIES FISHED (please enter name or number) (10)

--	--

Please enter in the adjacent diagram the TOTAL NUMBER OF FISHING DAYS in each box (11)

--

TOTAL CATCH KG (Weight of all fish on board) (12)

--

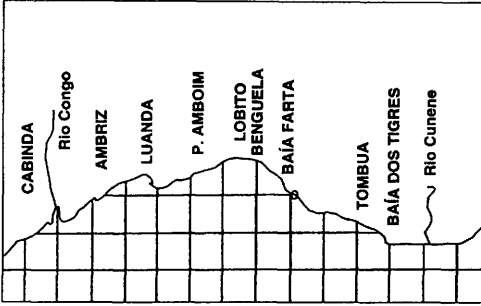


Appendix 4.2

TRIP

Radio call signal (1)	
Registration (2)	
Name of the vessel (3)	
Nationality (4)	
Owner (5)	

Date	Departure (6)	Arrival (7)
Port	Skipper's name and signature (8)	



FISHING GEAR (Record the dimensions) (9)

Gear	Headline (m) (g)	Footrope (m)	Codend mesh size (mm)
Demersal trawl (a)			
Pelagic trawl (b)			
Shrimp trawl (c)			
Seine (d)		Depth (m)	
Longline (e)	Length (m)	No of hooks	
Gillnet/Trammel net (f)	Length (m)	Depth (m)	
Other (specify)			

MAIN SPECIES FISHED (please enter name or number) (10)

--	--

Please enter in the adjacent diagram the TOTAL NUMBER OF FISHING DAYS in each box (11)

--

TOTAL CATCH KG (Weight of all fish on board) (12)

--



Appendix 6

STATISTICS ON THE FISHING OF PELAGIC SPECIES

MINISTRY FOR FISHERIES

Name of vessel:	Engine rating:	Month:	Year:
Nationality (flag):	Gross reg. tonnage:	Fishing method:	Port of landing:

Date	Fishing zone		Number of hauls	Number of fishing hours	Species (kg)			Total
	Longitude	Latitude			Mackerel and horse mackerel	Mackerel	Other fish	
1)								
2)								
3)								
4)								
5)								
6)								
7)								
8)								
9)								
10)								
11)								
12)								
13)								
14)								
15)								
16)								
17)								
18)								
19)								
20)								
21)								
22)								
23)								
24)								
25)								
26)								
27)								
28)								
29)								
30)								
31)								
TOTAL								

COUNCIL REGULATION (EC) No 910/97  
of 14 May 1997

on the conclusion of the Protocol defining, for the period from 3 May 1996 to 2 May 1999, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off the coast of Angola

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof, in conjunction with Article 228 (2) and (3) first subparagraph thereof,

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

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

Whereas, in accordance with the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola (3), the Contracting Parties held negotiations with a view to determining amendments to be made to that Agreement at the end of the period of application of the Protocol attached to the said Agreement;

Whereas, as a result of these negotiations, a new Protocol defining for the period from 3 May 1996 to 2 May 1999 the fishing opportunities and the financial contribution provided for by the abovementioned Agreement was initialled on 2 May 1996; whereas, pending the procedures necessary for its conclusion, this Protocol has been provisionally applied by an Agreement in the form of an Exchange of Letters approved by Decision 96/569/EC (4);

Whereas it is in the Community's interest to approve this Protocol;

Whereas the allocation of fishing possibilities among the Member States should be determined on the basis of the traditional allocation of fishing possibilities under the fisheries agreement,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol defining, for the period from 3 May 1996 to 2 May 1999, the fishing opportunities and the financial

contribution provided for by the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation (5).

*Article 2*

The fishing possibilities provided for in the Protocol shall be allocated among the Member States as follows:

- Shrimp vessels: 6 550, per month, as an annual average, Spain,
- Demersal trawlers: 2 000, per month, as an annual average, Portugal,
- Bottom longliners: 1 750, per month, as an annual average, Portugal,
- Freezer tuna seiners: nine vessels France,
- Surface longliners: two vessels Portugal, 10 vessels Spain.

If licence applications from these Member States do not exhaust the fishing possibilities provided for in the Protocol the Commission may entertain licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

*Article 4*

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

(1) OJ No C 278, 24. 9. 1996, p. 5.

(2) OJ No C 115, 14. 4. 1997.

(3) OJ No L 341, 3. 12. 1987, p. 2.

(4) OJ No L 250, 2. 10. 1996, p. 14.

(5) OJ No L 46, 17. 2. 1997, p. 57.

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

Done at Brussels, 14 May 1997.

*For the Council*

*The President*

J. RITZEN

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## PROTOCOL

establishing the fishing opportunities and the financial contribution provided for in the Agreement between the European Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe for the period 1 June 1996 to 31 May 1999<sup>(1)</sup>

### *Article 1*

For the period of three years from 1 June 1996, the fishing rights granted pursuant to Article 2 of the Agreement shall be 37 freezer tuna seiners, seven pole-and-line tuna vessels and 25 surface long-liners.

### *Article 2*

1. The financial compensation referred to in Article 6 of the Agreement shall be, for the period referred to in Article 1, ECU 1 800 000, payable in three equal annual instalments. That amount shall cover an annual catch of 9 000 tonnes in São Tomé e Príncipe waters. If the tuna caught by Community vessels in São Tomé e Príncipe waters exceeds that weight, the abovementioned amount shall be increased by ECU 50 for each additional tonne caught.

2. The use to which this compensation is put shall be the sole responsibility of the Government of the Democratic Republic of São Tomé e Príncipe. It shall be paid into an account with the National Bank of São Tomé e Príncipe.

### *Article 3*

1. In addition to the amount referred to in Article 2, the Community shall finance, during the period referred to in Article 1, scientific and technical programmes to improve biological and fishery resource information as regards the exclusive economic zone of São Tomé e Príncipe up to an amount of ECU 187 500.

2. These programmes shall be drawn up jointly by the competent authorities of São Tomé e Príncipe and the Community, which will, if necessary, participate in their implementation. Once the content of the programmes has been approved, they shall be financed by payments into an account indicated by the competent authorities of São Tomé e Príncipe.

3. The competent authorities of São Tomé e Príncipe shall send to the Commission of the European Communities a report on the implementation of the approved programmes and the results obtained. The Commission of the European Communities reserves the right to request any further scientific information from the authorities of São Tomé e Príncipe.

### *Article 4*

1. The two Parties agree that improving the skills and knowledge of those involved in sea fishing is a vital element in the success of their cooperation. To that end, the Community shall, in addition to the amount referred to in Article 2:

- (a) make it easier for nationals of São Tomé e Príncipe to find places in establishments in its Member States and shall provide for that purpose awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. These awards may also be used up to an amount of ECU 35 000 in any State linked to the Community by a Cooperation Agreement;
- (b) cover São Tomé e Príncipe's participation in the Regional Fisheries Committee for the Gulf of Guinea and ICCAT up to an amount of ECU 90 000;
- (c) bear the costs of participation in international meetings or training courses on fisheries up to an amount of ECU 62 500.

2. These sums shall be paid into the account indicated by the Ministry of Agriculture and Fisheries in three equal annual instalments. That Ministry shall manage all the measures financed in this way referred to in paragraph 1 and shall submit to the Commission a detailed report on the use made of these funds.

### *Article 5*

Should the Community fail to make the payments provided for in Articles 2 and 3, the application of this Protocol may be suspended.

<sup>(1)</sup> See Decision 96/623/EC (OJ No L 279, 31. 10. 1996, p. 30).



*Article 6*

The Annex to the Agreement between the European Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe is hereby repealed and replaced by the Annex to this Protocol.

*Article 7*

This Protocol shall enter into force on the date on which it is signed.

It shall apply from 1 June 1996.

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ANNEX

Conditions for the exercise of fishing activities by Community vessels in São Tomé e Príncipe fishing zone

1. The procedure for applications for, and issue of, the licences referred to in Article 4 of the Agreement shall be as follows:

The relevant Community authorities shall present to the Ministry of Agriculture and Fisheries of São Tomé e Príncipe, via the Commission Delegation responsible for São Tomé e Príncipe, an application for each vessel that wishes to fish under the Agreement, as least 20 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Government of the Democratic Republic of São Tomé e Príncipe, a specimen of which is attached hereto (Appendix 1).

Licences shall be issued by the São Tomé e Príncipe authorities within 20 days of submission of the application to the shipowners or their representatives via the Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe.

Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the Commission of the European Communities, a vessel's licence may, and where *force majeure* is proved, shall, be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Ministry of Agriculture and Fisheries of São Tomé e Príncipe via the Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe.

The new licence shall indicate:

- the date of issue,
- the fact that this licence replaces that of the first vessel, for the period of validity remaining.

In this case, no new lump sum as laid down in paragraph 5 shall be due.

The licence must be on board at all times; however, on receipt of notification of payment of the advance sent to the São Tomé e Príncipe authorities by the European Commission, the vessel shall be entered on a list of vessels authorized to fish, which shall be sent to the São Tomé e Príncipe authorities responsibilities for fisheries inspection. Pending receipt of the licence, a copy may be obtained by fax and should be kept on board.

2. Licences shall be valid for one year and shall be renewable.
3. The fees provided for in Article 4 of the Agreement shall be set at ECU 20 per tonne caught in São Tomé e Príncipe fishing zone.
4. The competent authorities of São Tomé e Príncipe shall indicate the detailed rules for payment of the fees, in particular the bank accounts and currencies to be used.
5. Licences shall be issued following payment to the National Bank of São Tomé e Príncipe of a lump sum of ECU 3 000 for each freezer tuna seiner per year and ECU 500 for each pole-and-line tuna vessel or surface long-liner per year, equivalent to the fees for:
  - 150 tonnes of tuna caught per freezer tuna seiner per year,
  - 25 tonnes of tuna caught per pole-and-line tuna vessel or surface long-liner per year.

6. A fishing log in accordance with the ICCAT model in Annex 2 shall be kept on vessels for each fishing period spent in São Tomé e Príncipe's waters. It shall be filled in even when no catches are made.

The words 'Outside São Tomé e Príncipe's EEZ' shall be entered in the abovementioned log-book in respect of periods during which the said vessels are not in São Tomé e Príncipe waters.

The log-books referred to in this paragraph shall be sent to the Ministry of Agriculture and Fisheries within 15 working days of vessels arriving in a port.

Copies of these documents shall be sent to the scientific institutes referred to in the third subparagraph of paragraph 7 below and to the Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe.

7. The São Tomé e Príncipe authorities shall draw up the statement of fees due for the past calendar year on the basis of the catch declarations for each Community vessel and of any other information in their possession.

The previous year's statement shall reach the Commission by 31 March which shall forward it simultaneously to the shipowners and national authorities of the Member States concerned by 15 April.

Where the shipowners dispute the statement presented by São Tomé e Príncipe they may request the relevant scientific institutes, e.g. France's Institut de la Recherche Scientifique at Technique d'Outre-Mer (ORSTOM) and the Instituto Español de Oceanografía (IEO), to verify the catch data before consulting with the São Tomé e Príncipe authorities with a view to drawing up the final statement by 15 May of the current year. In the absence of any observations from the shipowners by that date, the statement drawn up by the São Tomé e Príncipe authorities shall be deemed final. Member States shall forward to the Commission the final statements relating to their own fleets.

Any payment due in addition to the advance shall be made by the shipowners to the National Bank of São Tomé e Príncipe no later than 31 May of that year.

However, if the amount of the final statement is lower than the advance referred to in paragraph 5, the resulting balance shall not be reimbursable to the shipowner.

8. Within three hours of entering or leaving the zone and every three days during their fishing activities in São Tomé e Príncipe's waters, vessels shall be obliged to communicate their position and the volume of the catch on board direct to the São Tomé e Príncipe authorities preferably by fax or, failing that, by radio in the case of vessels not equipped with fax.

The fax number and radio frequency shall be notified on issue of the licence.

A copy of the fax messages or of the record of radio communications shall be kept by the São Tomé e Príncipe authorities and the shipowners until both parties have approved the final statement of fees referred to in paragraph 7.

A vessel caught fishing without having notified the São Tomé e Príncipe authorities of its presence shall be considered an unlicensed vessel.

9. Tuna seiners shall endeavour to make any by-catches available to the São Tomé e Príncipe authorities at prices fixed by mutual agreement.
10. Vessels shall allow on board observers at the request of the authorities of São Tomé e Príncipe. Observers must not remain on board for longer than needed to carry out spot checks on the catch. The master of the vessel shall take all necessary steps to facilitate the task of the observers on board. The salary and the social security contributions of the observer shall be borne by the competent authorities of São Tomé e Príncipe. Should the observer be taken on board in a foreign port, his travelling costs shall be borne by the shipowner. Should a vessel with an observer from São Tomé e Príncipe on board leave the São Tomé e Príncipe fishing zone, all measures must be taken to ensure the observer's return to São Tomé e Príncipe as soon as possible at the expense of the shipowner.

At the request of the authorities of São Tomé e Príncipe, owners of tuna fishing vessels shall endeavour to sign on three São Tomé e Príncipe seamen for all the Community tuna seiners, all such seamen to be assigned to different vessels. The conditions of employment and remuneration shall be fixed by mutual agreement between the shipowners and representatives of the seamen.

11. The international standards on tuna fishing as recommended by ICCAT shall apply.
12. The Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe shall be notified within 48 hours of any boarding within São Tomé e Príncipe's fishing zone of a fishing vessel flying the flag of a Member State of the Community and operating under this Agreement.

A brief report of the circumstances and reasons leading to the boarding shall be submitted within 72 hours.

*Appendix 1*

DEMOCRATIC REPUBLIC OF SÃO TOMÉ E PRÍNCIPE

MINISTRY OF AGRICULTURE AND FISHERIES

FISHING LICENCE APPLICATION No ...

Name of applicant: .....

Address of applicant: .....

Name and address of shipowner: .....

Name and address of any representative in São Tomé e Príncipe: .....

Name of vessel: .....

Type of vessel: .....

Country of registration: .....

Port and registration number: .....

External identification of vessel: .....

Radio call sign and frequency: .....

Length of vessel: .....

Width of vessel: .....

Engine type and rating: .....

Hold capacity: .....

Minimum crew: .....

Type of fishing: .....

Species to be fished: .....

Period of validity sought: .....

'I hereby certify that this information is correct and that I know and agree with and undertake to observe and enforce the laws of the Democratic Republic of São Tomé e Príncipe concerning fishing and the sea, and all applicable international legislation.'

Date: .....

THE APPLICANT

.....

\_\_\_\_\_



COUNCIL REGULATION (EC) No 1130/97

of 17 June 1997

on the conclusion of the Protocol establishing the fishing opportunities and the financial contribution provided for in the Agreement between the European Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe for the period 1 June 1996 to 31 May 1999

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof, in conjunction with Article 228 (2) and (3), first subparagraph, thereof,

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

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

Whereas, in accordance with the Agreement between the European Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe <sup>(3)</sup>, the Contracting Parties held negotiations with a view to determining amendments or additions to be made to that Agreement at the end of the period of application of the Protocol;

Whereas, as result of these negotiations, a new Protocol defining, for the period 1 June 1996 to 31 May 1999, the fishing opportunities and the financial contribution provided for by the abovementioned Agreement was initialled on 23 May 1996;

Whereas it is in the Community's interest to approve the said Protocol;

Whereas the allocation of fishing possibilities among the Member States should be determined on the basis of the traditional allocation of fishing possibilities under the fisheries agreement,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol establishing the fishing opportunities and the financial contribution provided for in the Agreement

between the European Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe for the period 1 June 1996 to 31 May 1999 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation <sup>(4)</sup>.

*Article 2*

The fishing possibilities provided for in the Protocol are allocated among the Member States as follows:-

- freezer tuna seiners: France 18, Spain 19,
- pole-and-line tuna vessels: France 7,
- surface long-liners: Spain 20, Portugal 5.

If licence applications from these Member States do not exhaust the fishing possibilities provided for in the Protocol the Commission may entertain licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

*Article 4*

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

<sup>(1)</sup> OJ No C 298, 9. 10. 1996, p. 13.

<sup>(2)</sup> OJ No C 167, 2. 6. 1997.

<sup>(3)</sup> OJ No L 54, 25. 2. 1984, p. 2.

<sup>(4)</sup> The Protocol is published in OJ No L 46, 17. 2. 1997, p. 76.

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

Done at Luxembourg, 17 June 1997.

*For the Council*  
*The President*  
A. JORRITSMA-LEBBINK

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COUNCIL REGULATION (EC) No 408/97

of 24 February 1997

on the conclusion of an Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania and laying down provisions for its implementation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43, in conjunction with Article 228 (2) and the first subparagraph of Article 228 (3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (<sup>1</sup>),

Whereas, on 20 June 1996, the Community and the Islamic Republic of Mauritania initialled an Agreement on cooperation in the sea fisheries sector which provides fishing opportunities for Community fishermen in waters over which Mauritania has sovereignty or jurisdiction;

Whereas it is in the Community's interest to approve this Agreement;

Whereas, in order to manage them efficiently, the fishing opportunities available to the Community in Mauritania's fishing zone should be allocated between the Member States;

Whereas the fishing activities covered by this Regulation are subject to the controls provided for in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy (<sup>2</sup>);

Whereas, to ensure implementation of the said Agreement, it is necessary for the Member States to ensure that shipowners comply with their obligations and provide the Commission with all relevant information;

Whereas in accordance with Regulation (EC) No 3317/94 (<sup>3</sup>) and with the arrangements agreed in the

aforementioned Agreement, the flag Member State and the Commission have to ensure that applications for fishing licences comply with those arrangements and the Community rules applicable,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania, hereinafter referred to as 'the Agreement', is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation (<sup>4</sup>).

*Article 2*

The fishing opportunities arising from the provisional application of the Agreement shall be allocated according to the table in the Annex to this Regulation. As far as cephalopods are concerned, the annual allocation of the opportunities between Member States as from 1 August 1997 will be decided upon by 30 June each year according to the procedure provided for in Article 18 of Regulation (EEC) No 3760/92 (<sup>5</sup>).

Where, in a fishing category, a Member State draws up licence applications for less than its allocated tonnage, the Commission shall offer shipowners from the other Member States the opportunity to submit applications.

(<sup>1</sup>) OJ No C 380, 16. 12. 1996.

(<sup>2</sup>) OJ No L 261, 20. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 2870/95 (OJ No L 301, 14. 12. 1995, p. 1).

(<sup>3</sup>) Council Regulation (EC) No 3317/94 of 22 December 1994 laying down general provisions concerning the authorization of fishing in the waters of a third country under a fisheries agreement (OJ No L 350, 31. 12. 1994, p. 13).

(<sup>4</sup>) For the text of the Agreement see OJ No L 334, 23. 12. 1996, p. 20.

(<sup>5</sup>) Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture (OJ No L 389, 31. 12. 1992, p. 1). Regulation as amended by the 1994 Act of Accession.



*Article 3*

1. The Member States shall:

(a) check that the data given on the licence application forms provided for in Appendix I to Annex I to the Agreement match those in the Community register of fishing vessels established by Commission Regulation (EC) No 109/94<sup>(1)</sup>, and report to the Commission any changes in those data at the time of subsequent applications.

They shall likewise verify the assurance of the other data necessary for the drawing-up of licences;

(b) submit licence applications to the Commission in accordance with Article 3 (1) of Regulation (EC) No 3317/94, no later than two working days before the deadline laid down in point 2.1 of Chapter II of Annex I to the Agreement;

(c) provide the Commission each month with a list of vessels whose licences have been suspended with, by port, the date on which a licence was handed over and the date on which it was restored;

(d) transmit to the Commission the summaries of the inspection reports referred to in point 2 of Chapter IV of Annex II to the Agreement. The summaries shall describe the inspections carried out, the results obtained and the action taken;

(e) transmit to the Commission each month a copy of the scientific observers' reports provided for in point 14 of Chapter V of Annex II to the Agreement;

They shall notify the Commission immediately of any infringements revealed by the information contained in these reports and the action taken;

They shall enter the scientific data contained in these reports in an electronic database. The Commission shall have access to these databases;

(f) transmit to the Commission, and at the same time to Mauritania's competent authorities, a copy of the notice of the inspection missions planned under point 4 of Chapter VI of Annex II to the Agreement and, where relevant, of the notification that an observer will be taking part;

They shall transmit to the Commission a copy of the reports of the observers appointed by their supervisory authorities pursuant to point 3 of Chapter VI of Annex II to the Agreement;

(g) adopt the provisions needed to take appropriate action and initiate administrative proceedings, as provided for in point 15 of Chapter V of Annex II to the Agreement.

*Article 4*

The President of the Council shall, on behalf of the Community, give the notification provided for in Article 16 of the Agreement<sup>(2)</sup>.

*Article 5*

This Regulation shall enter into force on the seventh 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 Brussels, 24 February 1997.

*For the Council*

*The President*

H. VAN MIERLO

<sup>(1)</sup> Commission Regulation (EC) No 109/94 of 19 January 1994 concerning the fishing vessel register of the Community (OJ No L 19, 22. 1. 1994, p. 5). Regulation as amended by Regulation (EC) No 493/96 (OJ No L 72, 21. 3. 1996, p. 12).

<sup>(2)</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

## ANNEX

## Provisional allocation of fishing opportunities between Member States

Fishing categories	Member State	Tonnage/permitted number of vessels				
		1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Crustaceans other than crawfish (GRT)	Spain	4 000	4 000	4 000	4 000	4 000
	Italy	1 000	1 000	1 000	1 000	1 000
	Portugal	500	500	500	500	500
Black hake (GRT)	Spain	8 500	8 500	8 500	8 500	8 500
Demersal species other than black hake — trawl net (GRT)	Spain	5 500	5 500	5 500	5 500	5 500
Demersal species other than black hake — other gear (GRT)	Spain	1 200	1 200	1 200	1 200	1 200
	Portugal	2 000	2 000	2 000	2 000	2 000
	France	1 000	1 000	1 000	1 000	1 000
Cephalopods (vessels)	Spain	22				
	Italy	3	p.m.	p.m.	p.m.	p.m.
Crawfish (GRT)	Portugal	300	300	300	300	300
Pelagic species (vessels)		22	22	22	22	22
Tuna seiners (vessels)	Spain	22	22	22	22	22
	France	18	18	18	18	18
Pole-and-line tuna vessels and surface longliners (vessels)	Spain	7	7	7	7	7
	Portugal	3	3	3	3	3
	France	7	7	7	7	7

**COUNCIL REGULATION (EC) No 2399/97  
of 24 November 1997**

**concerning the conclusion of the Agreement in the form of an Exchange of Letters amending the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 43 in conjunction with the first sentence of Article 228 (2) and the first subparagraph of Article 228 (3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Whereas the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania was approved by Regulation (EC) No 408/97<sup>(2)</sup>;

Whereas the Community and Mauritania have initialled an Agreement in the form of an Exchange of Letters amending the Cooperation Agreement;

Whereas it is in the Community's interest to approve this Agreement in the form of an Exchange of Letters,

*Article 1*

The Agreement in the form of an Exchange of Letters amending the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania is hereby approved on behalf of the Community.

The text of the Agreement in the form of an exchange of letters is attached to this Regulation.

*Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

*Article 3*

This Regulation shall enter into force on the 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 Brussels, 24 November 1997.

*For the Council*

*The President*

E. HENNICOT-SCHOEPGES

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<sup>(1)</sup> Opinion delivered on 6 November 1997 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 62, 4. 3. 1997, p. 1.

## AGREEMENT

in the form of an Exchange of Letters concerning the amendment to the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania initialled in Brussels on 20 June 1996

### *A. Letter from the Community*

Sir,

With reference to the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania, initialled in Brussels on 20 June 1996, I have the honour to inform you that the European Community agrees to the amendments to the following technical provisions of the Agreement, provided that the Islamic Republic of Mauritania is disposed to do likewise:

- datasheet No 5 on cephalopods shall be replaced by the corresponding datasheet attached,
- datasheet No 9 on pelagic fishing shall be replaced by the corresponding datasheet attached,
- pole-and-line tuna vessels and surface longliners may be granted quarterly licences. Fees shall continue to be calculated on the basis of the annual statement of catches per vessel and be subject, in accordance with datasheet No 8, to payment of an advance of ECU 2 000 per year,
- whether or not scientific observers are present on board, owners of pelagic vessels who are in possession of a licence shall contribute ECU 350 per month per vessel to the cost of scientific observation. Clearly, shipowners shall not be liable for the salaries of scientific observers on board their vessels.

I should be much obliged if you would acknowledge receipt of this letter and confirm your agreement with its contents.

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

*On behalf of the Council  
of the European Union*

*B. Letter from the Government of the Islamic Republic of Mauritania*

Gentlemen,

I am in receipt of your letter of today's date which reads as follows:

'Sir,

With reference to the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania, initialled in Brussels on 20 June 1996, I have the honour to inform you that the European Community agrees to the amendments to the following technical provisions of the Agreement, provided that the Islamic Republic of Mauritania is disposed to do likewise:

- datasheet No 5 on cephalopods shall be replaced by the corresponding datasheet attached,
- datasheet No 9 on pelagic fishing shall be replaced by the corresponding datasheet attached,
- pole-and-line tuna vessels and surface longliners may be granted quarterly licences. Fees shall continue to be calculated on the basis of the annual statement of catches per vessel and be subject, in accordance with datasheet No 8, to payment of an advance of ECU 2 000 per year,
- whether or not scientific observers are present on board, owners of pelagic vessels who are in possession of a licence shall contribute ECU 350 per month per vessel to the cost of scientific observation. Clearly, shipowners shall not be liable for the salaries of scientific observers on board their vessels.

I should be much obliged if you would acknowledge receipt of this letter and confirm your agreement with its contents.'

I have the honour to confirm that the contents of your letter are acceptable to the Government of the Islamic Republic of Mauritania and that your letter and this one constitute an Agreement in accordance with your proposal.

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

*For the Government  
of the Islamic Republic of Mauritania*

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ANNEX

*Fishing datasheet No 5*

**FISHING CATEGORY: CEPHALOPODS**

1. **Fishing zone:** Same as laid down by the Mauritanian law applying to its national vessels.  
During a period laid down annually by decree of the Minister responsible for sea fishing, fishing is not authorized within the lines between the following points:  
20° 46' N                      17° 03' W  
19° 50' N                      17° 03' W  
19° 21' N                      16° 45' W
2. **Authorized gear:** bottom trawl.  
Doubling of the cod-end is prohibited.  
Doubling of the twine forming the cod-end is prohibited.
3. **Minimum authorized mesh size:** 70 mm.
4. **Biological recovery:** Two (2) months: September and October.  
The Contracting Parties may decide by common agreement to adjust the above period of biological recovery.
5. **By-catches:** —
6. **Authorized tonnage/fees:**

Periods	From 1. 8. 1996 to 31. 10. 1996	From 1. 11. 1996 to 31. 7. 1997	From 1. 8. 1997 to 31. 10. 1997	From 1. 11. 1997 to 31. 7. 1998	From 1. 8. 1998 to 31. 7. 1999	From 1. 8. 1999 to 31. 7. 2000	From 1. 8. 2000 to 31. 7. 2001
Authorized tonnage (GRT)( <sup>1</sup> )	7 500	8 400	12 000	11 100	13 500	15 000	15 000
Number of vessels authorized to fish	25	28	40	37	45	50	50
Fees in ecu/GRT/annum	365	365	384	384	403	423	444

7. **Comments:** (<sup>1</sup>) The authorized tonnage (GRT) may vary by a maximum of 3 % during the first and second years and by a maximum of 2 % during the last three years.<sup>1</sup>

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*Fishing datasheet No 9*

**FISHING CATEGORY: PELAGIC FREEZER TRAWLERS**

**1. Fishing zone**

1.1. north of latitude 19° 21' N: the line between the following points:

20° 46,3' N	17° 03' W
20° 10,7' N	17° 24,2' W
19° 50' N	17° 12,8' W
19° 43' N	16° 58' W
19° 21' N	16° 45' W

1.2. south of latitude 19° 21' N: 12 nautical miles from the low-water mark.

2. **Authorized gear:** pelagic trawl.

3. **Minimum authorized mesh size:** 40 mm.

4. **Biological recovery:** —

5. **By-catches:** 3 % fish, 0 % cephalopods and 0 % crustaceans.

6. **Authorized tonnage/Number of vessels/Fees:**

Periods	From 1. 8. 1996 to 31. 7. 1997	From 1. 8. 1997 to 31. 7. 1998	From 1. 8. 1998 to 31. 7. 1999	From 1. 8. 1999 to 31. 7. 2000	From 1. 8. 2000 to 31. 7. 2001
Number of vessels authorized to fish	22	22	22	22	22
Fees in ecu/GT/month	2	2	2	2	2

7. **Comments:**

The vessels fall into three categories:

- Category 1: gross tonnage of less than or equal to 3 000 GT; ceiling: 12 500 T/vessel/annum;
- Category 2: gross tonnage of more than 3 000 GT but less than or equal to 5 000 GT; ceiling: 17 500 T/vessel/annum;
- Category 3: gross tonnage of more than 5 000 GT but less than or equal to 8 000 GT; ceiling: 22 500 T/vessel/annum.

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## COMMISSION DECISION

of 4 April 1997

on protective measures with regard to fishery products originating in Kenya

(Text with EEA relevance)

(97/272/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by Directive 96/43/EC<sup>(2)</sup>, and in particular Article 19 thereof,

Whereas the presence of salmonellae has been confirmed in Nile perch fillets originating in Kenya on several occasions on their importation into the Community;

Whereas, pending the application by the competent Kenyan authorities of health measures preventing the contamination of Nile perch fillets and on-the-spot inspections by Commission experts to verify that the measures are being properly applied, Nile perch fillets originating in Kenya should be systematically checked for salmonellae on importation;

Whereas, under Article 4 (7) of Directive 90/675/EEC, all expenditure incurred in such checks for salmonellae is to be chargeable to the consignor, the consignee or their agent, without reimbursement by the Member State conducting the checks;

Whereas such a measure must be transitional in nature pending a decision establishing the specific conditions for the importation of fishery products originating in Kenya;

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

HAS ADOPTED THIS DECISION:

### *Article 1*

This Decision shall apply to whole fish, gutted or not, and fillets, slices and minced flesh of the species *Lates niloticus* (Nile perch), fresh or frozen, originating in Kenya.

### *Article 2*

Member States shall, using a suitable sampling plan, subject each consignment of the products indicated at Article 1 imported into the Community to a test for the presence of salmonellae.

### *Article 3*

Member States shall not authorize the importation into their territory or the consignment to another Member State of the products referred to in Article 1 unless the results of the checks referred to in Article 2 confirm the absence of salmonellae.

<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 162, 1. 7. 1996, p. 1.



*Article 4*

All expenditure incurred by the application of this Decision shall be chargeable to the consigner, the consignee or their agent.

*Article 5*

This Decision shall apply until 30 June 1997.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 4 April 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION DECISION**  
of 1 July 1997  
**amending Decision 97/272/EC on protective measures with regard to fishery**  
**products originating in Kenya**  
(Text with EEA relevance)

(97/458/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by Directive 96/43/EC<sup>(2)</sup>, and in particular Article 19 thereof,

Whereas Commission Decision 97/272/EC of 4 April 1997 on protective measures with regard to fishery products originating in Kenya<sup>(3)</sup>, lays down a safeguard clause regarding fish and fishery products of Kenya ends on 30 June 1997;

Whereas that following the results of an on-the-spot inspection by Commission experts to Kenya, and pending the reception of additional guarantees given by the competent Kenyan authorities, it is needed to extend until 28 February 1998 the application of Decision 97/272/EC;

Whereas this measure must be transitional in nature pending a decision establishing the specific conditions for the importation of fishery products originating in Kenya is adopted;

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

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 5 of Commission Decision 97/272/EC, the date of 30 June 1997 shall be replaced by 28 February 1998.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 1 July 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 162, 1. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 108, 25. 4. 1997, p. 48.

**COMMISSION DECISION**  
of 4 April 1997  
on protective measures with regard to fishery products originating in Uganda  
(Text with EEA relevance)

(97/273/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by Directive 96/43/EC<sup>(2)</sup>, and in particular Article 19 thereof,

Whereas the presence of salmonellae has been confirmed in Nile perch fillets originating in Uganda on several occasions on their importation into the Community;

Whereas, pending the application by the competent Ugandan authorities of health measures preventing the contamination of Nile perch fillets and on-the-spot inspections by Commission experts to verify that the measures are being properly applied, Nile perch fillets originating in Uganda should be systematically checked for salmonellae on importation;

Whereas, under Article 4 (7) of Directive 90/675/EEC, all expenditure incurred in such checks for salmonellae is to be chargeable to the consignor, the consignee or their agent, without reimbursement by the Member State conducting the checks;

Whereas such a measure must be transitional in nature pending a decision establishing the specific conditions for the importation of fishery products originating in Uganda;

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

HAS ADOPTED THIS DECISION:

*Article 1*

This Decision shall apply to whole fish, gutted or not, and fillets, slices and minced flesh of the species *Lates niloticus* (Nile perch), fresh or frozen, originating in Uganda.

*Article 2*

Member States shall, using a suitable sampling plan, subject each consignment of the products indicated at Article 1 imported into the Community to a test for the presence of salmonellae.

*Article 3*

Member States shall not authorize the importation into their territory or the consignment to another Member State of the products referred to in Article 1 unless the results of the checks referred to in Article 2 confirm the absence of salmonellae.

*Article 4*

All expenditure incurred by the application of this Decision shall be chargeable to the consignor, the consignee or their agent.

*Article 5*

This Decision shall apply until 30 June 1997.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 4 April 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 162, 1. 7. 1996, p. 1.

**COMMISSION DECISION**  
of 1 July 1997  
**amending Decision 97/273/EC on protective measures with regard to fishery products originating in Uganda**  
(Text with EEA relevance)

(97/459/EC)

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

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by Directive 96/43/EC<sup>(2)</sup>, and in particular Article 19 thereof,

Whereas Commission Decision 97/273/EC of 4 April 1997 on protective measures with regard to fishery products originating in Uganda<sup>(3)</sup>, lays down a safeguard clause regarding fish and fishery products of Uganda ends on 30 June 1997;

Whereas that following the results of an on-the-spot inspection by Commission experts to Uganda, and pending the reception of additional guarantees given by the competent Ugandan authorities, it is needed to extend until 28 February 1998 the application of Decision 97/273/EC;

Whereas this measure must be transitional in nature pending a decision establishing the specific conditions for the importation of fishery products originating in Uganda is adopted;

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

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 5 of Commission Decision 97/273/EC, the date of 30 June 1997 shall be replaced by 28 February 1998.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 1 July 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 162, 1. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 108, 24. 4. 1997, p. 50.

**COMMISSION DECISION**  
**of 4 April 1997**  
**on protective measures with regard to fishery products originating in Tanzania**  
(Text with EEA relevance)

(97/274/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries <sup>(1)</sup>, as last amended by Directive 96/43/EC <sup>(2)</sup>, and in particular Article 19 thereof,

Whereas the presence of salmonellae has been confirmed in Nile perch fillets originating in Tanzania on several occasions on their importation into the Community;

Whereas, pending the application by the competent Tanzanian authorities of health measures preventing the contamination of Nile perch fillets and on-the-spot inspections by Commission experts to verify that the measures are being properly applied, Nile perch fillets originating in Tanzania should be systematically checked for salmonellae on importation;

Whereas, under Article 4 (7) of Directive 90/675/EEC, all expenditure incurred in such checks for salmonellae is to be chargeable to the consignor, the consignee or their agent, without reimbursement by the Member State conducting the checks;

Whereas such a measure must be transitional in nature pending a decision establishing the specific conditions for the importation of fishery products originating in Tanzania;

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

HAS ADOPTED THIS DECISION:

*Article 1*

This Decision shall apply to whole fish, gutted or not, and fillets, slices and minced flesh of the species *Lates niloticus* (Nile perch), fresh or frozen, originating in Tanzania.

*Article 2*

Member States shall, using a suitable sampling plan, subject each consignment of the products indicated at Article 1 imported into the Community to a test for the presence of salmonellae.

*Article 3*

Member States shall not authorize the importation into their territory or the consignment to another Member State of the products referred to in Article 1 unless the results of the checks referred to in Article 2 confirm the absence of salmonellae.

*Article 4*

All expenditure incurred by the application of this Decision shall be chargeable to the consigner, the consignee or their agent.

*Article 5*

This Decision shall apply until 30 June 1997.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 4 April 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 162, 1. 7. 1996, p. 1.

**COMMISSION DECISION**  
**of 1 July 1997**  
**amending Decision 97/274/EC on protective measures with regard to fishery**  
**products originating in Tanzania**  
(Text with EEA relevance)

(97/460/EC)

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

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by Directive 96/43/EC<sup>(2)</sup>, and in particular Article 19 thereof,

Whereas Commission Decision 97/274/EC of 4 April 1997 on protective measures with regard to fishery products originating in Tanzania<sup>(3)</sup>, lays down a safeguard clause regarding fish and fishery products of Tanzania ends on 30 June 1997;

Whereas that following the results of an on-the-spot inspection by Commission experts to Tanzania, and pending the reception of additional guarantees given by the competent Tanzanian authorities, it is needed to extend until 28 February 1998 the application of Decision 97/274/EC;

Whereas this measure must be transitional in nature pending a decision establishing the specific conditions for the importation of fishery products originating in Tanzania is adopted;

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

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 5 of Commission Decision 97/274/EC, the date of 30 June 1997 shall be replaced by 28 February 1998.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 1 July 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 162, 1. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 108, 25. 4. 1997, p. 51.

## COMMISSION DECISION

of 23 December 1997

concerning certain protective measures with regard to certain fishery products  
originating in Uganda, Kenya, Tanzania and Mozambique

(Text with EEA relevance)

(97/878/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by Directive 96/43/EC<sup>(2)</sup>, and in particular Article 19 (1) thereof,

Whereas within the meaning of Article 19 of Directive 90/675/EEC the necessary decisions must be adopted as regards the import of certain products from third countries where any cause likely to constitute a serious danger for animal or human health appears or is spreading;

Whereas there is a cholera epidemic in Kenya, Uganda, Tanzania and Mozambique and this disease presents a serious risk for human health, while the cholera agent can contaminate animals and animal products;

Whereas imports of fresh fishery products from, or originating in Kenya, Uganda, Tanzania and Mozambique should be prohibited;

Whereas processed and frozen fishery products from Kenya, Uganda, Tanzania and Mozambique should, on presentation for importation at the Community border inspection posts, be sampled in order to demonstrate their wholesomeness;

Whereas tests of this nature should be used to detect in particular the presence of salmonellae and vibrios (*Vibrio cholerae* and *V. parahaemolyticus*),

HAS ADOPTED THIS DECISION:

### Article 1

This Decision shall apply to fishery products, fresh, frozen or processed, originating in Kenya, Uganda, Tanzania and Mozambique. It shall not apply to fishery products caught, frozen and packaged in their final packaging at sea and landed directly on Community territory.

### Article 2

Member States shall prohibit the introduction to their territory of fresh fishery products originating in Kenya, Uganda, Tanzania and Mozambique.

### Article 3

Member States shall, using appropriate sampling plans and detection methods, subject each consignment of frozen or processed fishery products originating in Kenya, Uganda, Tanzania and Mozambique, with the exception of sterilised products, to a microbiological test in order to ensure that the products concerned do not present a hazard to human health. This test must be carried out, in particular, with a view to detecting the presence of salmonellae and, in the case of frozen products, vibrios (*Vibrio cholerae* and *V. parahaemolyticus*).

### Article 4

Member States shall not authorise the introduction of the fishery products in question into their territory or their consignment to another Member State unless the results of the checks required are favourable.

### Article 5

If the authorities of the Member States detect the presence of a cholera agent during checks on imports they shall immediately inform the Commission and the other Member States, without prejudice to the measures to be taken in respect of the contaminated consignment.

### Article 6

All expenditure incurred by the application of this Decision shall be charged to the consignor, the consignee or their agent.

### Article 7

Commission Decisions 97/272/EC<sup>(3)</sup>, 97/273/EC<sup>(4)</sup> and 97/274/EC<sup>(5)</sup> are repealed.

<sup>(1)</sup> OJ L 108, 25. 4. 1997, p. 48.

<sup>(2)</sup> OJ L 108, 25. 4. 1997, p. 50.

<sup>(3)</sup> OJ L 108, 25. 4. 1997, p. 51.

<sup>(1)</sup> OJ L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ L 162, 1. 7. 1996, p. 1.

*Article 8*

Member States shall modify the measures they apply to trade to bring them into line with this Decision. They shall immediately inform the Commission thereof.

*Article 9*

This Decision is addressed to the Member States.

Done at Brussels, 23 December 1997.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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COUNCIL REGULATION (EC) No 909/97  
of 14 May 1997

on the conclusion of the Protocol establishing, for the period 1 January 1996 to 31 December 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43, in conjunction with Article 228 (2) first sentence, and the first subparagraph of Article 228 (3) thereof,

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

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

Whereas pursuant to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast <sup>(3)</sup>, the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of these negotiations, a new Protocol establishing, for the period 1 January 1996 to 31 December 1997, the fishing rights and financial compensation provided for in the abovementioned Agreement was initialled on 6 December 1995;

Whereas it is in the Community's interest to approve the new Protocol,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol establishing, for the period 1 January 1996 to 31 December 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation <sup>(4)</sup>.

*Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

*Article 3*

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

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

Done at Brussels, 14 May 1997.

*For the Council*

*The President*

J. RITZEN

<sup>(1)</sup> OJ No C 165, 8. 6. 1996, p. 7.

<sup>(2)</sup> OJ No C 115, 14. 4. 1997.

<sup>(3)</sup> OJ No L 111, 27. 4. 1983, p. 1.

<sup>(4)</sup> OJ No L 157, 29. 6. 1996, p. 3.

## COUNCIL DECISION

of 20 May 1997

on the conclusion of an Agreement in the form of an exchange of letters on the provisional application of the Protocol fixing, for the period 1 December 1996 to 30 November 1999, the fishing opportunities and the financial consideration provided for in the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters

(97/313/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters<sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas the Community and Mauritius held negotiations to determine the amendments or additions to be made to the Agreement on fishing in Mauritian waters at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations a new Protocol was initialled on 26 November 1996;

Whereas, under this Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of Mauritius for the period 1 December 1996 to 30 November 1999;

Whereas, in order to avoid interruption of fishing activities by Community vessels, it is essential that the Protocol in question be approved as quickly as possible; whereas both parties have therefore initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the Protocol previously in force; whereas the Agreement in the form of

an exchange of letters should be concluded, subject to a definitive decision pursuant to Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

### *Article 1*

The Agreement in the form of an exchange of letters on the provisional application of the Protocol fixing, for the period 1 December 1996 to 30 November 1999, the fishing opportunities and the financial consideration provided for in the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

### *Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 20 May 1997.

*For the Council*

*The President*

J. VAN AARTSEN

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(<sup>1</sup>) OJ No L 159, 10. 6. 1989, p. 2.

## AGREEMENT

in the form of an exchange of letters on the provisional application of the Protocol fixing, for the period 1 December 1996 to 30 November 1999, the fishing opportunities and the financial consideration provided for in the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters

### *A. Letter from the Government of Mauritius*

Sir,

With reference to the Protocol, initialled on 26 November 1996, fixing, for the period 1 December 1996 to 30 November 1999, the fishing opportunities and the financial consideration provided for in the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters, I have the honour to inform you that the Government of Mauritius is willing to apply the Protocol provisionally from 1 December 1996 pending its entry into force in accordance with Article 6 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one third of the financial compensation laid down by Article 2 of the Protocol, must be paid before 31 May 1997.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.

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

*For the  
Government of Mauritius*

*B. Letter from the Community*

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'With reference to the Protocol, initialled on 26 November 1996, fixing, for the period 1 December 1996 to 30 November 1999, the fishing opportunities and the financial consideration provided for in the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters, I have the honour to inform you that the Government of Mauritius is willing to apply the Protocol provisionally from 1 December 1996 pending its entry into force in accordance with Article 6 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one third of the financial compensation laid down by Article 2 of the Protocol, must be paid before 31 May 1997.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.'

I am pleased to confirm the agreement of the European Community to a provisional application.

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

*For the  
Council of the European Union*

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## PROTOCOL

fixing, for the period 1 December 1996 to 30 November 1999, the fishing opportunities and the financial consideration provided for in the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters<sup>(1)</sup>

### *Article 1*

1. Pursuant to Article 2 of the Agreement, and for a period of three years from 1 December 1996, the following fishing possibilities shall be accorded:

- for ocean-going tuna seiners: licences for 43 vessels,
- for vessels fishing by line (except tuna trollers and tuna surface longliners): licences for 100 GRT/month on an annual average.

2. Furthermore, fishing licences may also be granted for tuna trollers and surface tuna longliners.

3. These fishing possibilities may, at the Community's request, be increased by the Joint Committee referred to in Article 8 of the Agreement.

### *Article 2*

1. The financial compensation referred to in the Agreement for the abovementioned period is fixed at ECU 1 218 750, payable in three annual instalments.

2. In the case of tuna fishing, this compensation shall cover a catch weight in waters of Mauritius of 7 500 tonnes of tuna fished per year. If the annual amount of tuna caught by Community vessels in Mauritian waters exceeds this quantity, the abovementioned compensation shall be increased by ECU 50 for each additional tonne caught.

3. The use to which this compensation is put shall be the sole competence of Mauritius.

4. The financial compensation shall be paid into an account opened at a financial institution or other body designated by Mauritius.

### *Article 3*

1. The Community shall also pay a contribution of ECU 418 000 towards the financing of scientific and technical programmes (equipment, infrastructure, etc.) in order to improve knowledge of fish stocks and fisheries in general.

2. The competent authorities of Mauritius shall send to the Commission a brief report on the utilization of the funds.

3. The Community's contribution to the scientific and technical programmes shall be paid into an account specified by the authorities of Mauritius.

### *Article 4*

The two parties hereby agree that an essential condition for the success of their cooperation is that the skills and know-how of persons engaged in sea fishing be improved. To this end, the Community will assist Mauritian nationals in finding places in establishments in its Member States or States with which it has concluded cooperation agreements and will make available an amount of ECU 110 000 for study or practical training awards with a maximum duration of five years in the various scientific, technical and economic subjects relating to fisheries. Of this amount, up to ECU 30 000 may be used, at the request of the Mauritian authorities, to cover the cost of attending international meetings relating to fisheries.

### *Article 5*

Should the Community fail to make the payments specified in Articles 2 and 3, the Agreement may be suspended.

<sup>(1)</sup> See Decision 97/313/EC (OJ No L 135, 27. 5. 1997, p. 5).

*Article 6*

The Annex to the Agreement is hereby repealed and replaced by the Annex to this Protocol.

*Article 7*

This Protocol with its Annex shall enter into force on the date of its signature.  
It shall apply from 1 December 1996.

\_\_\_\_\_

## ANNEX

### Conditions for the pursuit of fishing activities by Community vessels in Mauritian waters

#### 1. LICENCE APPLICATION AND ISSUING FORMALITIES

The application procedure for, and issue of, the licences enabling Community vessels to fish in the waters of Mauritius shall be as follows:

- (a) Through its representative in Mauritius, the European Commission shall present to the authorities of Mauritius an application for each vessel, made by the shipowner, wishing to fish under this Agreement, at least 20 days before the date of commencement of the period of validity requested. The application shall be made on the form provided for that purpose by Mauritius, a specimen of which is annexed hereto.
- (b) Every licence shall be issued to the shipowner for a designated vessel. At the request of the European Commission the licence for one vessel may and, in cases of *force majeure* shall, be replaced by a licence for another Community vessel.
- (c) The licences shall be delivered by the authorities of Mauritius to the representative of the European Commission in Mauritius.
- (d) The licence document must be held on board at all times. However, on receipt of the notification of the advance payment sent by the European Commission to the Mauritian authorities, the vessel will be included on a list, which is notified to the Mauritian fisheries control authorities. Whilst awaiting receipt of the licence document, a fax copy of this licence document may be obtained; this copy shall be kept on board and authorizes the vessel to fish, pending delivery on board of the original licence document.
- (e) The authorities of Mauritius shall communicate before the date of entry into force of the Agreement the arrangements for the payment of the licence fees, and in particular the details of the bank account and the currency to be used.

#### 2. VALIDITY OF LICENCES AND PAYMENT PROVISIONS FOR TUNA VESSELS

- (a) Licences shall be valid for a period of one year. They are renewable.
- (b) For tuna seiners, the fees shall be set at ECU 20 per tonne caught within Mauritian waters. Applications for licences for tuna vessels shall be issued following advance payment to Mauritius of a lump sum of ECU 1 000 a year for each tuna seiner, equivalent to the fees for 50 tonnes of tuna caught within Mauritian waters per year.
- (c) For small tuna trollers and surface tuna longliners mentioned in Article 1 of the Protocol, the licence fee is fixed at ECU 20 per tonne caught in Mauritian waters. The licences shall be issued following advance payment to Mauritius of a lump sum of ECU 500 per year per vessel, equivalent to the fees due for 25 tonnes of tuna caught in Mauritian waters per year.
- (d) A provisional statement of the fees due for the fishing year shall be drawn up by the European Commission at the end of each calendar year on the basis of the catch statements made by the shipowners and forwarded simultaneously to the authorities of Mauritius and the European Commission. The corresponding amount shall be paid by the shipowners to the Treasury of Mauritius no later than 31 March of the following year. The final statement of the fees due in respect of a fishing year shall be drawn up by the European Commission, taking into account available scientific opinion and any statistical data which can be gathered by Orstom, the Spanish Oceanographic Institute and any international fishing organizations in the Indian Ocean. The shipowners shall be notified by the European Commission of the statement and shall have 30 days in which to meet their financial obligations. If the amount of the sum due for actual fishing operations is less than the advance payment, the corresponding outstanding sum shall not be recoverable by the shipowner.

#### 3. VALIDITY OF LICENCES AND PAYMENT PROVISIONS FOR OTHER VESSELS

For vessels fishing by line (except tuna trollers and tuna surface longliners), licences shall be valid for three, six or 12 months. The annual fees shall be fixed in relation to the GRT as follows: ECU 60 per GRT *pro rata temporis*.

#### 4. OBSERVERS

All vessels above 50 GRT shall, at the request of the authorities of Mauritius, take on board an observer designated by these authorities in order to check catches made in Mauritian waters. Observers shall have all facilities necessary for the performance of this duty including access to places and documents. An observer must not be present for longer than the time required to fulfil his duties. They shall be provided with suitable food and accommodation while on board. Should a vessel with a Mauritian observer on board leave Mauritian waters, every step will be taken to ensure that the observer returns to Mauritius as soon as possible, at the shipowner's expense.

#### 5. RADIO COMMUNICATION AND REPORTING

Vessels above 50 GRT shall communicate, when entering and leaving Mauritian waters, and, every three days, while fishing in Mauritian waters, to a radio station (the name, call sign and frequency of which shall be specified in the licence) or by fax (No 23 02 08 19 29), their position and the volume of catches on board.

The captains of all vessels including vessels fishing by line shall complete a fishing report form which will indicate the date, the vessel's position, and the quantity and species of fish caught. Tuna vessels shall also provide the number of sets and the quantity of tuna caught per species. These forms shall be forwarded to the authorities of Mauritius not later than three weeks after each fishing campaign. However, in the case of vessels fishing by line, tuna trollers and tuna surface longliners, these reports shall be sent not later than one month after the end of each quarter.

#### 6. FISHING ZONES

Tuna seiners, tuna trollers and tuna surface longliners may fish in Mauritian waters except within a distance of 12 nautical miles measured from the baseline. Vessels fishing by line are only authorized to fish in their traditional grounds, namely Soudan Bank and East Soudan Bank.

#### 7. SUPPLY TO THE TUNA CANNING INDUSTRY

Community tuna vessels shall endeavour to sell part of their catch to the Mauritian tuna canning industry at a price to be fixed in common agreement between Community shipowners and the owners of the Mauritian tuna canning industry.

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**APPLICATION FOR A FOREIGN FISHING VESSEL LICENCE**

Name of applicant: .....

Address of applicant: .....

Name and address of charterers of vessel if different from above: .....

.....

Name and address of agent in Mauritius (if any): .....

Name of vessel: .....

Type of vessel: .....

Country of registry: .....

Port and registration number: .....

Fishing vessel external identification: .....

Radio call sign and frequency: .....

Fax No of vessel: .....

Length of vessel: .....

Width of vessel: .....

Engine type and power: .....

Gross registered tonnage of vessel: .....

Net registered tonnage of vessel: .....

Minimum crew complement: .....

Type of fishing practised: .....

Proposed species of fish: .....

.....

Period of validity requested: .....

I certify that the above particulars are correct.

Date: ..... Signature: .....

\_\_\_\_\_

COUNCIL REGULATION (EC) No 1975/97

of 7 October 1997

on the conclusion of the Protocol fixing, for the period 1 December 1996 to 30 November 1999, the fishing opportunities and the financial consideration provided for in the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43, in conjunction with Article 228 (2), first sentence, and (3), first subparagraph, thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas, in accordance with the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters <sup>(2)</sup>, the two Parties held negotiations with a view to determining amendments or additions to be made to the Agreement at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations, a new Protocol fixing, for the period 1 December 1996 to 30 November 1999, the fishing opportunities and the financial consideration provided for by the said Agreement was initialled on 26 November 1996;

Whereas it is in the Community's interest to approve this Protocol,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol fixing, for the period 1 December 1996 to 30 November 1999, the fishing opportunities and the financial consideration provided for by the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation <sup>(3)</sup>.

*Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community <sup>(4)</sup>.

*Article 3*

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, 7 October 1997.

*For the Council*

*The President*

J.-C. JUNCKER

<sup>(1)</sup> OJ C 286, 22. 9. 1997.

<sup>(2)</sup> OJ L 159, 10. 6. 1989, p. 2.

<sup>(3)</sup> OJ L 163, 20. 6. 1997, p. 29.

<sup>(4)</sup> The date of entry into force of the Protocol will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

**COMMISSION DECISION**  
of 1 August 1997  
concerning certain protective measures with regard to certain fishery products  
originating in Madagascar  
(Text with EEA relevance)

(97/516/EC)

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

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by Directive 96/43/EC<sup>(2)</sup>, and in particular Article 19 thereof,

Whereas Community inspections in Madagascar have shown that there are serious deficiencies with regard to infrastructure and hygiene in fishery establishments and that there are not enough guarantees about the efficiency of the controls carried out by the competent authorities; whereas there is a potential risk for public health with regard to the production and processing of fishery products in this country;

Whereas imports of fishery products from Madagascar must therefore not be further allowed;

Whereas this Decision will be reviewed before 30 November 1997;

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

HAS ADOPTED THIS DECISION:

*Article 1*

This Decision shall apply to fishery products originating in Madagascar.

*Article 2*

Member States shall prohibit imports of fishery products originating in Madagascar.

However, consignments which left Madagascar prior to the entry into force of this Decision, and which are presented at the Community inspection post for importation before 15 August 1997, shall be submitted to a sampling programme representative of the consignment. These samples must be examined for the presence of harmful micro-organisms.

*Article 3*

This Decision will be reviewed before 30 November 1997.

*Article 4*

The Member States shall modify the measures they apply in trade in order to bring them into line with this Decision. They shall immediately inform the Commission thereof.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 1 August 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 162, 1. 7. 1996, p. 1.

**COMMISSION DECISION**  
of 1 August 1997  
concerning certain protective measures with regard to certain products of  
animal origin, excluding fishery products, originating in Madagascar  
(Text with EEA relevance)

(97/517/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by Directive 96/43/EC<sup>(2)</sup>, and in particular Article 19 thereof,

Whereas Community inspections in Madagascar have shown that there are serious deficiencies with regard to infrastructure and hygiene in meat establishments and that there are not enough guarantees of the efficiency of the controls carried out by the competent authorities; whereas animal health management in Madagascar shows severe deficiencies and non-application of Community rules; whereas there is a potential risk for public health with regard to the production and processing of animal products, excluding fishery products, in this country;

Whereas imports of products of animal origin, excluding fishery products, from Madagascar must not be allowed until it can be guaranteed that no more risk exists;

Whereas this Decision will be reviewed before 30 November 1997;

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

HAS ADOPTED THIS DECISION:

*Article 1*

This Decision shall apply to products of animal origin, excluding fishery products, originating in Madagascar.

*Article 2*

Without prejudice to Commission Decision 97/516/EC<sup>(3)</sup>, Member States shall prohibit imports of products of animal origin.

However, consignments which left Madagascar prior to the entry into force of this Decision, and which are presented at the Community inspection post for importation before 15 August 1997, shall be submitted to a re-enforced physical examination and if appropriate, a microbiological examination for the detection, in particular, of *Bacillus anthracis* and *Clostridium chauvoei*.

*Article 3*

This Decision will be reviewed before 30 November 1997.

*Article 4*

The Member States shall modify the measures they apply in trade in order to bring them into line with this Decision. They shall immediately inform the Commission thereof.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 1 August 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.  
<sup>(2)</sup> OJ No L 162, 1. 7. 1996, p. 1.

<sup>(3)</sup> See page 53 of this Official Journal.

**COMMISSION DECISION**

**of 13 August 1997**

**amending Decisions 97/515/EC, 97/513/EC, 97/516/EC and 97/517/EC concerning protective measures with regard to certain products of animal origin originating in India, Bangladesh and Madagascar**

(Text with EEA relevance)

(97/553/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by Directive 96/43/EC<sup>(2)</sup>, and in particular Article 19 (7) thereof,

Whereas the Commission, in adopting Decisions 97/515/EC<sup>(3)</sup>, 97/513/EC<sup>(4)</sup>, 97/516/EC<sup>(5)</sup> and 97/517/EC<sup>(6)</sup>, has established measures in order to ensure that possibly hazardous products of animal origin cannot enter the Community; whereas these measures tend to suspend all imports of fishery products from India, Bangladesh and Madagascar, as well as of other products of animal origin from Madagascar;

Whereas these measures include an opportunity for products which have been despatched to the Community before the entry into force of these requirements and presented for importation into the Community before 15 August 1997, to gain entry to the Community on condition that they are systematically submitted to a microbiological examination upon arrival;

Whereas it is necessary to extend this delay, whilst ensuring a high level of consumer protection;

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

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 2 of Decisions 97/515/EC, 97/513/EC, 97/516/EC and 97/517/EC, the words 'before 15 August 1997' are replaced by the words 'before 15 September 1997'.

*Article 2*

The Member States shall alter the measures they apply in trade in order to bring them into line with this Decision. They shall immediately inform the Commission thereof.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 13 August 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 162, 1. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 214, 6. 8. 1997, p. 52.

<sup>(4)</sup> OJ No L 214, 6. 8. 1997, p. 46.

<sup>(5)</sup> OJ No L 214, 6. 8. 1997, p. 53.

<sup>(6)</sup> OJ No L 214, 6. 8. 1997, p. 54.

## COMMISSION DECISION

of 6 November 1997

### laying down special conditions governing imports of fishery and aquaculture products originating in Madagascar

(Text with EEA relevance)

(97/757/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products<sup>(1)</sup>, as last amended by Directive 95/71/EC<sup>(2)</sup>, and in particular Article 11 thereof,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>(3)</sup>, as last amended by Directive 96/43/EC<sup>(4)</sup>, and in particular Article 19 (7) thereof,

Whereas a Commission expert has conducted an inspection visit to Madagascar to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of legislation of Madagascar on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas, in Madagascar the *Direction des services vétérinaires (DSV) du ministère de l'Élevage* is capable of effectively verifying the application of the laws in force;

Whereas the procedure for obtaining the health certificate referred to in Article 11 (4) (a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it;

Whereas, pursuant to Article 11 (4) (b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products giving the name of the third country and the approval number of the establishment, cooling store or freezing vessel of origin;

Whereas, pursuant to Article 11 (4) (c) of Directive 91/493/EEC, a list of approved establishments, cooling

stores or freezing vessels must be drawn up; whereas that list must be drawn up on the basis of a communication from the DSV to the Commission; whereas it is therefore for the DSV to ensure compliance with the provisions laid down to that end in Article 11 (4) of Directive 91/493/EEC;

Whereas the DSV has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC and regarding the fulfilment of requirements equivalent to those laid down by that Directive for the approval of establishments, cooling stores or freezing vessels;

Whereas it is necessary to repeal Commission Decision 97/516/EC of 1 August 1997 concerning certain protective measures with regard to certain fishery products originating in Madagascar<sup>(5)</sup>;

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

HAS ADOPTED THIS DECISION:

#### Article 1

The *Direction des services vétérinaires (DSV) du ministère de l'Élevage* shall be the competent authority in Madagascar for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

#### Article 2

Fishery and aquaculture products originating in Madagascar, must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. the products must come from approved establishments listed in Annex B hereto;

<sup>(1)</sup> OJ L 268, 24. 9. 1991, p. 15.

<sup>(2)</sup> OJ L 332, 30. 12. 1995, p. 40.

<sup>(3)</sup> OJ L 373, 31. 12. 1990, p. 1.

<sup>(4)</sup> OJ L 162, 1. 7. 1996, p. 1.

<sup>(5)</sup> OJ L 214, 6. 8. 1997, p. 53.

3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word 'MADAGASCAR' and the approval number of the establishment, cooling store or freezing vessel of origin in indelible letters.

*Article 3*

1. Certificates as referred to in Article 2 (1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the DSV and the latter's official stamp in a colour different from that of other endorsements.

*Article 4*

Decision 97/516/EC is repealed.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 6 November 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Madagascar and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No: .....

Country of dispatch: MADAGASCAR

Competent authority: Direction des services vétérinaires (DSV)  
Ministère de l'élevage

I. Details identifying the fishery products

Description of fishery/aquaculture products<sup>(1)</sup>:

— species (scientific name): .....

— presentation of product and type of treatment<sup>(2)</sup>: .....

Code number (where available): .....

Type of packaging: .....

Number of packages: .....

Net weight: .....

Requisite storage and transport temperature: .....

II. Origin of products

Name(s) and official approval number(s) of establishment(s), cooling store(s) or freezing vessel(s) approved by the DSV for export to the EC: .....

.....

.....

.....

III. Destination of products

The products are dispatched

from: .....  
(place of dispatch)

to: .....  
(country and place of destination)

by the following means of transport: .....

Name and address of dispatcher: .....

.....

.....

Name of consignee and address at place of destination: .....

.....

.....

<sup>(1)</sup> Delete where applicable.

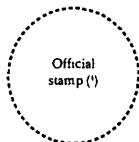
<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc.



**IV. Health attestation**

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
  2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
  3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
  4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
  5. do not come from toxic species or species containing biotoxins;
  6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC and 92/48/EEC and Decision 97/757/EC.

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



.....  
Signature of official inspector (\*)  
.....  
(Name in capital letters, capacity and qualifications of person signing)

\_\_\_\_\_

\_\_\_\_\_ (\*) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

ANNEX B

I. List of approved establishments

Number	Name	Address	Approved until
MAD 111 SV	Pêche et froid de l'océan Indien	Antsiranana	1. 10. 1998
MAD 101 SV	Pêcherie de Nosy Be	Nosy Be	1. 10. 1998
MAD 107 SV	Réfrigépêche Ouest	Mahajanga	1. 10. 1998
MAD 126 SV	Aqualma	Mahajamba	1. 10. 1998
MAD 151 SV	Pêcherie du Menabe	Morondava	1. 10. 1998
MAD 104 SV	Le Martin-pêcheur	Taolagnaro	1. 10. 1998

II. List of cooling stores

Number	Name	Address	Approved until
MAD EF 03	Aquamen	Tamatave	1. 10. 1998
MAD EF 04	Réfrigépêche Est	Tamatave	1. 10. 1998

III. List of freezing vessels

Number	Name	Address	Approved until
MAD 52-01 SV	Aquamen I	Aquamen	1. 10. 1998
MAD 52-02 SV	Aquamen V	Aquamen	1. 10. 1998
MAD 52-03 SV	Aquamen VI	Aquamen	1. 10. 1998
MAD 52-04 SV	Aquamen XI	Aquamen	1. 10. 1998
MAD 52-05 SV	Aquamen II	Aquamen	1. 10. 1998
MAD 52-06 SV	Aquamen III	Aquamen	1. 10. 1998
MAD 52-07 SV	Aquamen IV	Aquamen	1. 10. 1998
MAD 52-08 SV	Aquamen VII	Aquamen	1. 10. 1998
MAD 06-01 SV	Rantabe	Réfrigépêche Est	1. 10. 1998
MAD 06-02 SV	Mangoro	Réfrigépêche Est	1. 10. 1998
MAD 06-03 SV	Fanantara	Réfrigépêche Est	1. 10. 1998
MAD 06-04 SV	Rianila	Réfrigépêche Est	1. 10. 1998
MAD 07-01 SV	Cap St-Augustin	Réfrigépêche Ouest	1. 10. 1998
MAD 07-02 SV	Cap St-Vincent	Réfrigépêche Ouest	1. 10. 1998
MAD 07-03 SV	Cap St-Sébastien	Réfrigépêche Ouest	1. 10. 1998
MAD 07-04 SV	Cap St-André	Réfrigépêche Ouest	1. 10. 1998
MAD 07-05 SV	Cap Ste-Marie	Réfrigépêche Ouest	1. 10. 1998
MAD 07-21 SV	Baie d'Ambaro	Crustapêche	1. 10. 1998
MAD 07-22 SV	Baie de Boina	Crustapêche	1. 10. 1998
MAD 51-01 SV	Melaky 1	Pêcherie de Menabe	1. 10. 1998
MAD 51-02 SV	Melaky 2	Pêcherie de Menabe	1. 10. 1998
MAD 51-03 SV	Melaky 3	Pêcherie de Menabe	1. 10. 1998

## COUNCIL DECISION

of 24 July 1997

on the conclusion of an Agreement in the form of an exchange of letters concerning the interim extension of the Protocol to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 2 October 1996 to 1 November 1996

(97/531/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 43, in conjunction with Article 228 (2) and the first subparagraph of Article 228 (3) thereof,

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

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

Whereas the Community and the Republic of Senegal have entered into negotiations, in accordance with the second subparagraph of Article 17 of the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, signed on 15 June 1997, in order to establish the arrangements to be applied after 1 October 1996, the date on which the Protocol annexed to the Agreement expires;

Whereas both Parties agreed on 27 September 1996 to extend the said Protocol for an interim period from 2 October 1996 to 1 November 1996, pending the outcome of the negotiations referred to above,

### *Article 1*

The Agreement in the form of an exchange of letters concerning the interim extension of the Protocol to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal <sup>(3)</sup> for the period from 2 October 1996 to 1 November 1996 is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

### *Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 24 July 1997.

*For the Council*

*The President*

M. FISCHBACH

<sup>(1)</sup> OJ No C 8, 11. 1. 1997, p. 5.

<sup>(2)</sup> Opinion delivered on 15 July 1997 (not yet published in the Official Journal).

<sup>(3)</sup> OJ No L 226, 29. 8. 1980, p. 17. Agreement as amended by the Agreement approved by Decision 82/531/EEC (OJ No L 234, 9. 8. 1982, p. 9).

### AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

concerning the interim extension of the Protocol to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 2 October 1996 to 1 November 1996

#### A. Letter from the Community

Sir,

I have the honour to confirm that we agree to the following interim arrangements for the extension of the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal, pending the conclusion of the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement:

1. The arrangements applicable over the last two years shall be extended for a period from 2 October 1996 to 1 November 1996.

For the interim period, the financial compensation paid by the Community and the level of its contribution to the financing of a Senegalese scientific programme and the programmes provided for in Article 5 shall be determined *pro rata temporis* in accordance with Articles 2, 3 and 5 of the current Protocol.

The same principle of *pro rata temporis* shall apply to the arrangements for study awards provided for in Article 4 of the Protocol.

2. During the interim period, licences shall be issued within the limits laid down in Article 1 of the current Protocol on payment of fees or advances that correspond *pro rata temporis* to those laid down in points A and B of Annex I to the Protocol.

The payments provided for in point 1 shall be made before 31 December 1996 in the same way as provided for in the initial Protocol.

I should be obliged if you would acknowledge receipt of this letter and confirm that you are in agreement with its contents.

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

*On behalf of the Council  
of the European Union*

B. *Letter from the Government of the Republic of Senegal*

Gentlemen,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I have the honour to confirm that we agree to the following interim arrangements for the extension of the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal, pending the conclusion of the negotiations on the amendments to be made to the Protocol to the Fisheries Agreement:

1. The arrangements applicable over the last two years shall be extended for a period from 2 October 1996 to 1 November 1996.

For the interim period, the financial compensation paid by the Community and the level of its contribution to the financing of a Senegalese scientific programme and the programmes provided for in Article 5 shall be determined *pro rata temporis* in accordance with Articles 2, 3 and 5 of the current Protocol.

The same principle of *pro rata temporis* shall apply to the arrangements for study awards provided for in Article 4 of the Protocol.

2. During the interim period, licences shall be issued within the limits laid down in Article 1 of the current Protocol on payment of fees or advances that correspond *pro rata temporis* to those laid down in points A and B of Annex I to the Protocol.

The payments provided for in point 1 shall be made before 31 December 1996 in the same way as provided for in the initial Protocol.

I should be obliged if you would acknowledge receipt of this letter and confirm that you are in agreement with its contents.'

I have the honour to confirm that the above is acceptable to the Government of the Republic of Senegal and that your letter and this letter constitute an agreement in accordance with your proposal.

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

*For the Government of  
the Republic of Senegal*

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COUNCIL DECISION

of 7 October 1997

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 May 1997 to 30 April 2001

(97/746/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal<sup>(1)</sup>, and in particular Article 17 thereof,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Senegal conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations, a new Protocol was initialled on 26 March 1997;

Whereas the Protocol enables Community vessels to fish in the waters under the sovereignty or jurisdiction of Senegal for the period from 1 May 1997 to 30 April 2001;

Whereas the new Protocol must come into force as soon as possible to enable Community vessels to resume fishing; whereas both parties therefore initialled an Agreement in the form of an Exchange of Letters,

temporarily applying the Protocol from 1 May 1997; whereas the Agreement in the form of an Exchange of Letters needs to be concluded, subject to a final decision pursuant to Article 43 of the Treaty;

Whereas the formula for apportioning trawler and tuna fishing opportunities between the Member States should be established, on the basis of the traditional allocation under the fisheries agreement;

Whereas point C of Annex 1 requires Community shipowners to land tuna catches in Senegal at their own expense; whereas this requirement needs to be clarified by setting a formula for apportioning direct landings by freezer tuna seiners,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing the fishing rights and financial compensation provided for by the Agreement between the European Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 May 1997 to 30 April 2001 is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an Exchange of Letters and the Protocol are attached to this Decision.

<sup>(1)</sup> OJ L 226, 29. 8. 1980, p. 17.

*Article 2*

The trawler and tuna fishing rights laid down in Article 1 of the Protocol shall be apportioned between the Member States as follows:

Category 1:	331 GRT	Greece
Category 2:	3 750 GRT	Spain
Category 3:	1 800 GRT,	of which:
	800 GRT	Italy and
	1 000 GRT	Spain
Category 4:	4 119 GRT,	of which:
	3 749 GRT	Spain and
	370 GRT	Portugal
Category 5:	5 Spain,	7 France
Category 6:	23 Spain,	18 France
Category 7:	20 Spain,	3 Portugal.

*Article 3*

The percentage of the catch that the owners of Community tuna seiners are required to land direct

in accordance with point C of Annex I appearing in the Annex to the Protocol to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 May 1997 to 30 April 2001 shall be apportioned as follows:

- vessels flying the French flag: 44 %,
- vessels flying the Spanish flag: 56 %.

*Article 4*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Luxembourg, 7 October 1997.

*For the Council*  
*The President*  
J.-C. JUNCKER

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

concerning the provisional application of the Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 May 1997 to 30 April 2001

*A. Letter from the Government of Senegal*

Sirs . . . ,

With reference to the Protocol initialled on 26 March 1997 establishing fishing rights and financial compensation for the period from 1 May 1997 to 30 April 2001, I have the honour to inform you that the Government of Senegal is prepared to apply the Protocol on a provisional basis with effect from 1 May 1997, pending its entry into force in accordance with Article 8 of the said Protocol, provided that the European Community is disposed to do the same.

This is on the understanding that a first instalment equal to 25% of the financial compensation specified in Article 3 of the Protocol is paid by 31 July 1997.

I should be obliged if you would confirm the European Community's agreement to such provisional application.

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

*For the Government  
of the Republic of Senegal*

*B. Letter from the Community*

Sirs . . . ,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol initialled on 26 March 1997 establishing fishing rights and financial compensation for the period from 1 May 1997 to 30 April 2001, I have the honour to inform you that the Government of Senegal is prepared to apply the Protocol on a provisional basis with effect from 1 May 1997, pending its entry into force in accordance with Article 8 of the said Protocol, provided that the European Community is disposed to do the same.

This is on the understanding that a first instalment equal to 25% of the financial compensation specified in Article 3 of the Protocol is paid by 31 July 1997.

I should be obliged if you would confirm the European Community's agreement to such provisional application.'

I have the honour to confirm the European Community's agreement to such provisional application.

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

*On behalf of the Council  
of the European Union*

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## PROTOCOL

establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 May 1997 to 30 April 2001

### *Article 1*

From 1 May 1997, for a period of four years, the limits referred to in Article 4 (2) of the Agreement shall be as follows:

1. trawlers (inshore demersal fishing for fish and cephalopods) not landing their catch in Senegal: 331 GRT, with the option of fishing with freezing facilities for 150 GRT — number of vessels: 3;
2. ocean-going fish trawlers (deep-water 'demersal species) not landing their catch in Senegal: 3 750 GRT — number of vessels: 11;
3. freezer trawlers (inshore demersal fishing for fish and cephalopods) landing and selling part of their catch in Senegal: 1 800 GRT — number of vessels: 7;
4. ocean-going freezer trawlers (deep-water demersal fishing for crustaceans, except lobster) not landing their catch in Senegal: 4 119 GRT — number of vessels: 29;
5. pole-and-line tuna vessels: 12 vessels;
6. freezer tuna seiners: 41 vessels;
7. surface longliners: 23 vessels;
8. ocean-going freezer trawlers (deep-water fishing): fleet of 22 vessels per year, with six being able to fish simultaneously.

The maximum catch of deep-sea fish shall be 25 000 tonnes per year.

The total number of trawlers (demersal fishing) shall be 50. A maximum tolerance of 8 % per category shall apply to this figure.

This provision may be altered by agreement between the two parties.

### *Article 2*

The duration of licences for each fishing category is set out in Annex I.A.1.3 and Annex II.A.1.3.

### *Article 3*

1. For the period referred to in Article 1 of this Protocol, the financial compensation referred to in Article 9 of the Agreement is hereby fixed at ECU 48 000 000, payable in four equal annual instalments. The Senegalese authorities shall be responsible for determining the use made of this compensation and shall notify the Commission by 13 April 1997 of the details of that use, using as a basis the aims of sustainable development of fishing, including non-industrial fishing, listed in the previous Protocol (financial compensation to the Treasury, knowledge of fish stocks, training, fisheries surveillance, institutional assistance, special programme of action for fishing activities, etc.).

2. The annual payments shall be made by 30 April of each year. The first instalment must be paid by 31 July 1997.

### *Article 4*

Failure by the Community to make the payments provided for in Article 3 of this Protocol may result in the suspension of the Fisheries Agreement.

### *Article 5*

Annex I to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal is hereby repealed and replaced by Annexes I and II to this Protocol.

### *Article 6*

This Protocol shall enter into force on the date of its signing.

It shall apply with effect from 1 May 1997.

ANNEX

ANNEX I

CONDITIONS GOVERNING FISHING ACTIVITIES IN SENEGAL'S FISHING ZONE BY VESSELS  
FLYING THE FLAG OF A MEMBER STATE OF THE COMMUNITY (EXCEPT DEEP-SEA  
TRAWLERS)

A. APPLICATION FOR AND ISSUE OF LICENCES

- 1.1. The relevant Community authorities shall present to the Senegalese Ministry responsible for sea fisheries an application in respect of each vessel wishing to fish under the Agreement.

The application shall be made on the form provided for that purpose by the Government of Senegal, a specimen of which is at Appendix 1. It shall be accompanied by a tonnage certificate and proof of payment of the fee.

The application shall be lodged with the appropriate departments of the Senegalese Ministry responsible for sea fisheries at least 20 days before the starting date requested.

- 1.2. Fees shall include all national and local charges with the exception of port charges and the costs of services.

After payment of the fee, the licence shall be signed and forwarded to the delegation of the Commission of the European Communities in Dakar.

- 1.3. Duration of licences

The period of validity of licences and the rate of fees shall be determined on the basis of the following annual periods:

- first year: from 1 May 1997 to 30 April 1998,
- second year: from 1 May 1998 to 30 April 1999,
- third year: from 1 May 1999 to 30 April 2000,
- fourth year: from 1 May 2000 to 30 April 2001.

Quarterly licences shall begin on 1 May, 1 August, 1 November and 1 February of each year.

Half-year licences shall begin on 1 May and 1 November of each year.

Annual licences shall begin on 1 May of each year.

Four-month licences shall begin on 1 May, 1 September and 1 January of each year.

Within each one-year period:

- licences for inshore demersal fishing trawlers shall be issued for six or 12 months,
- licences for deep-sea demersal fishing trawlers shall be issued for four months,
- licences for deep-sea demersal-fishing freezer trawlers fishing for crustaceans apart from lobster shall be issued for three, six or 12 months.

Licences for tuna fishing and for surface longliners shall be one-year licences.

- 1.4. The fees and advances shall be set in accordance with the following rates:

(a) Fees for trawlers

1. Trawlers (inshore demersal fishing for fish and cephalopods) not landing their catch in Senegal: sums in ecus per GRT per year.

<i>first year</i>	<i>second year</i>	<i>third year</i>	<i>fourth year</i>
198	218	240	264

2. Ocean-going fish trawlers (deep-water demersal species) not landing their catch in Senegal: sums in ecus per GRT per four-month period.

	<i>first year</i>	<i>second year</i>	<i>third year</i>	<i>fourth year</i>
fresh:	39	42	47	51
frozen:	44	48	53	59

3. Freezer trawlers (inshore demersal fishing for fish and cephalopods) landing part of their catch in Senegal: sums in ecus per GRT per year.

	<i>first year</i>	<i>second year</i>	<i>third year</i>	<i>fourth year</i>
	154	169	186	205

4. Ocean-going freezer trawlers (deep-water demersal fishing for crustaceans, except lobster) not landing their catch in Senegal: sums in ecus per GRT per year.

	<i>first year</i>	<i>second year</i>	<i>third year</i>	<i>fourth year</i>
	154	169	186	205

Fees for half-year licences shall be 3% higher and fees for quarterly licences 5% higher.

(b) *Fees for tuna vessels and longliners*

1. Pole-and-line tuna vessels: ECU 10 per tonne of fish caught in Senegal's fishing zone.
2. Freezer tuna seiners: ECU 20 per tonne of fish caught in Senegal's fishing zone.
3. Surface longliners: ECU 46 per tonne of fish caught in Senegal's fishing zone.

The licences referred to in points 2 and 3 shall be issued following payment to the Receveur des domaines of a flat rate of ECU 1 500 for each tuna seiner and ECU 1 150 for each surface longliner, equivalent to the fees for 75 and 25 tonnes respectively of fish per vessel per year.

Upon receipt of the notification of payment of the Commission of the European Communities' advance to the Senegalese authorities, the latter shall enter the vessel in question on the list of vessels authorized to fish which shall be sent to the Senegalese control authorities. A copy of the original of the licence may also be kept on board provisionally.

The final statement of the fees due for the fishing year shall be drawn up at the end of each calendar year by the Commission of the European Communities on the basis of catch statements made by the shipowners for each vessel and confirmed by the Centre de Recherches Océanographiques de Dakar-Thiaroye (CRODT). The statement shall be forwarded simultaneously to the Senegalese authorities and the shipowners. Shipowners must make any additional payment due to the Receveur des domaines within 30 days of notification of the final statement.

However, where the sum due as set out in the final statement is less than the advance, the shipowner will not be reimbursed the difference.

- 1.5. The Senegalese authorities shall supply details of the bank account to be used for payment or transfer of the fees before the Agreement enters into force. Payments may also be made directly to Dakar's Receveur des domaines.

## B. STATEMENTS OF CATCH

All vessels authorized to fish in Senegalese waters under the Agreement shall be required to forward to the Direction de l'Océanographie et des Pêches Maritimes, with a copy to the delegation of the Commission of the European Communities in Dakar, a statement of their catch made out in line with Appendices 2, 3, 4 and 5. These statements must be presented no later than the end of the month following the end of a voyage, and a copy must be kept on board.

Should these provisions not be adhered to, the Government of Senegal reserves the right to suspend the licence of the offending vessel until formalities have been completed and to apply the penalty laid down in current Senegalese legislation. The delegation of the Commission of the European Communities in Dakar shall be informed.

#### C. LANDING OF CATCH

- (a) Freezer trawlers (inshore demersal fishing) in category 3 shall land (at local market prices) 200 kilograms of fish and shrimp per GRT every half-year.

These landings may be made individually or collectively.

Any failure to comply with the requirements to land catches may incur the following sanctions from the Senegalese authorities:

- a fine of ECU 900 for each tonne not landed,
- withdrawal without renewal of the licence of the vessel concerned or of another vessel belonging to the same shipowner.

In order to ensure payment of the fine, the issuing of a licence shall be subject to the lodging in Senegal of a banker's guarantee of ECU 200 per GRT for every half-year.

The Senegalese authorities shall release this security as soon as a vessel has met its landing requirements in full.

- (b) In the case of pole-and-line tuna vessels, the target set by the two Parties shall be to land at least 3 500 tonnes of tuna a year in Senegalese ports at the prevailing international price.

If, during the fishing year, total landings by the fleet concerned fall short of this minimum quantity as a result of an unforeseeable change in the state of fish stocks or the structure of the fleet, the two Parties shall enter into consultations without delay in order to find and put forward appropriate solutions to cover the shortfall.

- (c) Freezer tuna seiners shall land 12 500 tonnes of tuna a year at the prevailing international price and in accordance with a programme to be established by agreement between Community shipowners and Senegalese cannerys. In the event of disagreement on the timetable for landings, the Joint Committee referred to in Article 11 of the Agreement shall hold a special meeting at the request of either of the Parties.

#### D. SIGNING-ON OF SEAMEN

1. Trawlers and longliners authorized to fish in Senegalese waters under the Agreement shall be required to take on enough Senegalese seamen to make up 33% of their crew. This percentage shall include the observer or seaman/observer referred to in joint J.

The taking-on of Senegalese seamen must be confirmed by a certificate of compliance issued by the merchant navy.

All individual contracts for the recruitment of Senegalese seamen must comply with current Senegalese rules and regulations.

Before licences are issued, the salary of these seamen shall be determined by mutual agreement between the shipowners or their representatives and the ministry responsible for the merchant navy. It shall be paid by the shipowners and shall include the social security applicable to the seamen, including life insurance, accident and sickness cover and IPRES (Institut de prévoyance retraite du Sénégal) contributions.

If the vessel holds a valid fishing licence issued by another country in the subregion (Mauritania, Gambia, Guinea-Bissau or Guinea), it shall be required to take on board a number of Senegalese seamen equivalent to 33% of the non-officer crew assigned to sail the vessel.

2. In the case of freezer tuna seiners and pole-and-line tuna vessels, the number of seamen to be taken on board shall be established globally on the basis of the scale of activity in Senegal's fishing zone and the employment of crew from other countries whose fisheries are frequented by that fleet.

#### E. SPECIAL EQUIPMENT AND SUPPLIES AND SERVICES

Wherever possible, Community vessels shall procure the supplies and services they require, including dry dock facilities and regular maintenance, in Senegal.

#### F. TECHNICAL INSPECTIONS

1. Once a year, and whenever there is an alteration in tonnage or a change in fishing category involving the use of different fishing gear, Community trawlers must undergo the inspections provided for in current rules and regulations at the port of Dakar. Such inspections must be completed within 48 hours of the vessels's arrival in the port, provided the competent authorities have been notified in advance.
2. Once the inspection has been completed, a certificate shall be issued to the captain of the vessel. The certificate must be kept on board at all times.
3. The purpose of the technical inspection is to check that the vessel's technical characteristics and fishing gear are in order and that the conditions governing the recruitment of Senegalese crew are complied with. Safety matters remain the exclusive responsibility of the authority of the flag state.
4. Charges for technical inspections are payable by the shipowner, and shall be determined by the scale set by Senegal's rules and regulations. They must be no higher than those usually paid by other vessels for the same services.
5. Failure to comply with the provisions of points 1 and 2 shall result in the automatic suspension of the fishing licence until the shipowner complies with his obligations.

#### G. FISHING ZONES

1. Wet fish trawlers (inshore demersal fishing) of 150 GRT or less shall be authorized to fish:
  - (a) from six nautical miles off the baselines between the Senegal—Mauritania border and the latitude of Cape Manuel (14° 36' 00" N);
  - (b) from seven nautical miles off the baselines between the latitude of Cape Manuel (14° 36' 00" N) and the northern Senegal—Gambia border;
  - (c) from six nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal—Guinea Bissau border.
2. Wet fish trawlers (inshore demersal fishing) of more than 150 GRT and freezer trawlers (inshore demersal fishing) shall be authorized to fish beyond 12 nautical miles from the baselines of the waters under Senegal's jurisdiction.
3. Ocean-going trawlers for demersal species shall be authorized to fish:
  - (a) from 12 nautical miles off the baselines between the Senegal—Mauritania border and latitude 15° 00' N;
  - (b) from six nautical miles off the baselines between latitude 15°00'N and the latitude of Portudal (14° 27' 00" N);
  - (c) from 25 nautical miles off the baselines between the latitude of Portudal (14° 27' 00" N) and the northern Senegal—Gambia border;
  - (d) from 35 nautical miles off the baselines between the southern Senegal—Gambia border and the Senegal—Guinea Bissau border.
4. Pole-and-line tuna vessels and freezer tuna seiners shall be authorized to fish for bait and tuna in all waters under Senegal's jurisdiction.

5. Surface longliners shall be authorized to drop their lines:
- (a) from 15 nautical miles off the baselines between the Senegal—Mauritania border and the latitude of Portudal (14° 27' 00" N);
  - (b) from 25 nautical miles off the baselines between the latitude of Portudal (14° 27' 00" N) and the northern Senegal—Gambia border;
  - (c) from 25 nautical miles off the baselines between the southern Senegal—Gambia border and the Senegal—Guinea Bissau border.
6. For safety reasons fishing activities and anchoring and casting shall be forbidden in the area defined by the following coordinates:
- A = L 14° 40' 00" N - G 17° 45' 00" W
  - B = L 14° 40' 00" N - G 17° 30' 30" W
  - C = L 14° 40' 36" N - G 17° 28' 12" W
  - D = L 14° 39' 00" N - G 17° 26' 12" W
  - E = L 14° 40' 00" N - G 17° 24' 00" W
  - F = L 14° 30' 00" N - G 17° 24' 00" W
  - G = L 14° 30' 00" N - G 17° 45' 00" W.

#### H. BIOLOGICAL REST-PERIOD

Every year, if required by the need to manage resources in a sustainable manner, the Senegalese authorities may institute a ban on fishing applicable to all ocean-going trawlers of the same category, without discrimination, for a specific period not exceeding two months.

The Commission shall be informed of the closure period at a meeting of the Joint Committee referred to in Article 11 of the Agreement, and must be given a minimum of three months' notice. Shipowners shall pay no dues during the biological rest-period.

#### I. RADIO COMMUNICATIONS

The captain shall authorize the observer to contact the PSPS (Projet de protection et surveillance des pêches du Sénégal) whenever necessary.

#### J. OBSERVERS

- 1. (a) When fishing in Senegal's waters, all Community trawlers and longliners of more than 150 GRT shall accept on board an observer designated by Senegal. The captain shall facilitate the work of the observer, who shall enjoy all the respect owed to the officers of the vessel concerned.
  - (b) The Senegalese authorities shall communicate to the Commission of the European Communities the names of the designated observers.
  - (c) Observers shall be provided with board and accommodation at the shipowner's expense. Their meals shall be served in the officer's messroom and they shall be accommodated in the areas provided for the officers or, if this is impossible, in a living area distinct from that provided for the crew.
- 2. (a) Trawlers and longliners of 150 GRT or less shall take on board a seaman designated by Senegal who shall act as seaman/observer.
  - (b) In the case of freezer tuna seiners, one of the Senegalese seamen on board shall be designated seaman/observer.
  - (c) The captain shall facilitate the work of the seamen/observers that is additional to actual fishing operations. Seamen/observers shall receive the normal seaman's rate of pay from the shipowner.
3. Owners of trawlers or longliners shall make a flat-rate payment to the PSPS of ECU 12 for seamen/observers and ECU 24 for observers for each day spent on board.

4. In principle the observer shall be taken on board for a maximum period of 60 days. This period may be extended where the duration of a voyage by the vessel on which the observer is taken on board exceeds that period.

In such cases, the observer shall leave the vessel on its return. A deposit equivalent to 60 days' activity at sea shall be lodged before the observer or seam/observer boards. Settlement is to be made after each voyage.

5. The taking on board and disembarkation of observers shall not interrupt or hinder fishing operations. Observers may therefore be taken on board and/or leave the vessel in a port elsewhere than in Senegal provided that their travel and subsistence expenses are reimbursed by the shipowner.

The deposit equivalent to 60 days' activity at sea is to be considered an advance on the payment of the observer's allowance. The latter shall be paid after the observer has left the vessel. A final statement of advances made shall be drawn up when the licence expires. However, where the sum due as set out in the final statement is less than the advance, the shipowner will not be reimbursed the difference.

#### K. BY-CATCHES

1. Trawlers (inshore demersal fishing for fish and cephalopods):
  - crustaceans: 7,5 %.
2. Ocean-going fish trawlers (deep-water demersal species):
  - crustaceans: 9 %,
  - cephalopods: 9 %.
3. Ocean-going freezer trawlers (deep-water demersal fishing for crustaceans, except lobster):
  - fish: 12,5 %,
  - cephalopods: 15 %.

#### L. MINIMUM AUTHORIZED MESH

The minimum mesh sizes for authorized industrial fishing gear are as follows (mesh opening):

- purse seines with live bait: 16 mm,
- standard otter trawls (fish or cephalopods): 70 mm,
- standard otter trawls (deep-sea demersal species): 60 mm,
- deep-sea crustacean trawls (not for lobster): 40 mm.

In the case of all fishing gear, no methods or devices may be used to seek to obstruct the mesh of the nets or reduce their selective effect. However, in the interests of reducing wear or damage, protective aprons of netting or other material may be attached, but only to the underside of the codend of a bottom trawl. Such aprons must be attached only to the forward and lateral edges of the codend of the trawl. Protective devices may be used for the top of the trawl, but these must consist of a single section of net of the same material as the codend, with the mesh measuring at least 300 millimetres when stretched out.

Doubling of the codend's netting yarn shall be prohibited.

In the case of tuna, the international standards recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) are to be applied.

#### M. BOARDING

The delegation of the Commission of the European Communities in Dakar shall be notified within 48 hours of arrival at the merchant navy base of the boarding of any fishing vessel flying the flag of a Member State of the Community fishing under the Fisheries Agreement between the European Economic Community and Senegal, and of the circumstances and reasons leading to such boarding.

ANNEX II

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY OCEAN-GOING FREEZER TRAWLERS FLYING THE FLAG OF A MEMBER STATE OF THE EUROPEAN COMMUNITY IN SENEGAL'S FISHING ZONE

A. APPLICATION FOR AND ISSUE OF LICENCES

- 1.1. The relevant Community authorities shall present to the Senegalese Ministry responsible for sea fisheries an application in respect of each vessel wishing to fish under the Agreement.

The application shall be made on the form provided for that purpose by the Government of Senegal, a specimen of which is at Appendix 1. It shall be accompanied by a tonnage certificate and proof of payment of the fee.

The application shall be lodged with the appropriate departments of the Senegalese Ministry responsible for sea fisheries at least 10 days before the starting date requested.

- 1.2. Fees shall include all national and local charges with the exception of port charges and the costs of services.

After payment of the fee, the licence shall be signed and forwarded to the delegation of the Commission of the European Communities in Dakar. Payments may also be made directly to Dakar's Receveur des domaines.

Each vessel shall keep its fishing licence on board. If, for practical reasons, it proves impossible to send the original of the licence to the vessel, it will be sufficient for a copy or fax of the licence to be kept on board.

In isolated cases, the Ministry may issue provisional authorizations of very short duration for vessels whose licence fee has not yet reached the Treasury, but for which the Ministry has proof of payment.

- 1.3. Licences shall be issued for a minimum of one month.
- 1.4. The scale of fees for ocean-going freezer trawlers (deep-water fishing) shall be ECU 4 per GRT per month.

B. FISHING ZONES

Ocean-going freezer trawlers shall be authorized to fish:

- from 15 nautical miles off the baselines between the Senegal—Mauritania border and latitude 14° 36' 00" N,
- from 40 nautical miles off the baselines between latitude 14° 36' 00" N and the northern Senegal—Gambia border,
- from 25 nautical miles off the baselines between the southern Senegal—Gambia border and the Senegal—Guinea-Bissau border.

C. MINIMUM AUTHORIZED MESH

The minimum mesh size (mesh opening) for midwater trawls is 40 mm. The use of a net to protect the codend of the trawl shall be allowed, provided it has a minimum mesh size of 120 mm, is not closed, and does not obstruct the 40 mm mesh.

D. TECHNICAL INSPECTIONS

Once a year, and whenever there is an alteration in tonnage or a change in fishing category involving the use of different fishing gear, Community trawlers must undergo the inspections provided for in current rules and regulations at the port of Dakar. Such inspections must be completed within 48 hours of the vessel's arrival in the port, provided the competent authorities have been notified in advance.

As an exception from this provision, prior inspections of such vessels may be made in Europe. The shipowner must pay the travel and subsistence costs of two individuals appointed by the appropriate Senegalese authorities to carry out these inspections.



#### E. LANDING OF CATCH

Ocean-going freezer trawlers may land part of their catch, at international prices.

#### F. SIGNING-ON OF SEAMEN

Ocean-going freezer trawlers authorized to fish in Senegalese waters under the Agreement shall be required to take on the following numbers of Senegalese seamen:

- four, including two observers as set out in point H, in the case of vessels with a total of 30 or less crew members,
- five, including two observers as set out in point H, in the case of vessels with a total of over 30 crew members.

One of the observers may be replaced by a scientist.

All individual contracts for the recruitment of Senegalese seamen must comply with current Senegalese rules and regulations.

Before licences are issued, the salary of these seamen shall be determined by mutual agreement between the shipowners or their representatives and the ministry responsible for the merchant navy. It shall be paid by the shipowners and shall include the social security applicable to the seamen, including life insurance, accident and sickness cover and IPRES (Institut de prévoyance retraite du Sénégal) contributions.

There shall be no obligation for the vessels to enter a Senegalese port. Shipowners may, however, take the appropriate steps, at their own expense, to transport Senegalese seamen and seamen/observers.

#### G. STATEMENTS OF CATCH

All ocean-going freezer trawlers authorized to fish in Senegalese waters under the Agreement shall be required to make daily entries in a logbook matching that in Appendix 6 (attached). An extract of that logbook must be forwarded at the end of every voyage to the Direction de l'Océanographie et des Pêches Maritimes, with a copy to the delegation of the Commission of the European Communities in Dakar. Catch statements must be presented no later than the end of the month following the end of a voyage.

#### H. OBSERVERS

1. When fishing in Senegal's waters, all Community ocean-going freezer trawlers shall accept on board two observers designated by Senegal.
2. The Senegalese authorities shall communicate to the Commission of the European Communities the names of the designated observers.
3. The captain shall facilitate the work of the observers that is additional to actual fishing operations.
4. Owners of ocean-going freezer trawlers shall make a flat-rate payment to the PSPS of ECU 24 for each day an observer spends on board.

#### I. BY-CATCHES

- demersal fish species: 3 %,
- cephalopods: 0 %,
- crustaceans: 0 %.

#### J. RADIO COMMUNICATIONS

The captain shall authorize the observer to contact the PSPS (Projet de protection et surveillance des pêches du Sénégal) whenever necessary.

#### K. BOARDING

The delegation of the Commission of the European Communities in Dakar shall be notified within 48 hours of arrival at the merchant navy base of the boarding of any fishing vessel flying the flag of a Member State of the Community fishing under the Fisheries Agreement between Senegal and the Community, and of the circumstances and reasons leading to such boarding.

*Appendix 1*

REPUBLIC OF SENEGAL

\_\_\_\_\_

MINISTRY RESPONSIBLE  
FOR MARITIME FISHING

\_\_\_\_\_

DIRECTORATE OF OCEANOGRAPHY  
AND MARITIME FISHING

\_\_\_\_\_

APPLICATION  
FORM FOR A  
FISHING LICENCE

For official use only	Remarks
Nationality: .....	.....
Licence No: .....	.....
Date of signing: .....	.....
Date of issue: .....	.....

APPLICANT

Name of firm: .....  
Number and date of authorization of the company: .....  
Trade register No(\*): .....  
First name and surname of applicant: .....  
Date and place of birth: .....  
Occupation: .....  
Number of levy payer's account(\*): .....  
Address: .....  
.....  
No of employees(\*): ..... Permanent(\*): ..... Temporary(\*): .....  
Name and address of co-signatory: .....  
.....  
Annual turnover figure(\*): .....

VESSEL

Type of vessel: ..... Registration No: .....  
New name: ..... Former name: .....  
Date and place of construction (\*): .....  
Original nationality: .....  
Date of assumption of Senegalese flag (\*): .....  
Provisional: ..... Period granted: ..... Permanent: .....  
Length: ..... Beam: ..... Hold: .....  
Gross tonnage: ..... Net tonnage: .....  
Type of building materials: ..... Draught: .....  
Make of main engine: ..... Type: ..... Ratings: .....  
Propeller: Fixed  Variable  Ducted   
Transit speed: .....  
Call sign: ..... Call frequency: .....

LIST OF NAVIGATION, SOUNDING AND TRANSMISSION INSTRUMENTS

Radar  Sonar  VHF radio   
Satellite navigation  Nersonde  HF, BLU radio   
Automatic pilot  Scanmar  Telex   
Route plotter   
Other: .....  
.....

(\*) Optional for foreign vessels.

CONSERVATION

Packed in ice                       Ice + refrigeration   
Freezing in brine                       Dry                       Refrigerated sea water   
Total refrigerating power: .....  
Freezing capacity in tonnes/24 hours: .....  
Hold capacity: .....

TYPE OF FISHING

A. Inshore demersal

Shrimp       Fish and cephalopod   
Type of fishing gear:      Fish       Shrimps       Long line fishing   
1. Length of trawl: .....      Headline: .....  
    Mesh size in the body: .....      In the wings: .....  
2. Length of line: .....      Number of hooks: .....  
    Number of lines: .....      Size of hooks: .....

B. Deep-sea demersal

Shrimp       Fish   
Type of fishing gear:      Shrimp       Fish       Long line fishing   
1. Length of trawl: .....      Headline: .....  
    Mesh size in the body: .....      In the wings: .....  
2. Length of line: .....      Number of hooks: .....  
    Number of lines: .....      Size of hooks: .....

C. Inshore pelagic

Pelagic trawler                       Seine   
1. Length of trawl: .....      Headline: .....  
    Mesh size in the body: .....  
2. Length of seine: .....      Depth of seine: .....  
    Mesh dimension (drawn): .....

D. Deep sea pelagic (tuna)

Type of fishing gear: Seine  Pole and line  Long line

1. Length of seine: ..... Depth of seine: .....

Mesh dimension (drawn): .....

2. Number of poles and lines: .....

3. Long line

Length of lines: ..... Number of hooks: .....

Number of lines: ..... Size of hooks: .....

Number of pots: ..... Capacity in tonnes: .....

E. Longlines and pots

Number of pots: ..... Material: .....

Length (base diameter): ..... Width (upper diameter): .....

Diameter of openings: ..... Method of cover: .....

Mesh (cover): .....

SHORE INSTALLATIONS(\*)

Address and permit No: .....

.....

Name of firm: .....

Activities: .....

Domestic wholesale fish trade  Export

Type and No of wholesale trader's card: .....

Description of processing and conservation plant: .....

.....

.....

.....

.....

.....

No of employees: ..... Senegalese: ..... Foreigners: .....

Permanent: ..... Temporary: .....

(\*) Optional for foreign vessels.

**Technical remarks of the Director of Fisheries**

**Authorization of the Minister responsible for sea fisheries**



Appendix 3

STATEMENT OF CATCH BY BOTTOM TRAWLERS

Voyage from: ..... to: .....

NAME OF VESSEL: .....

TYPE: Wet or freezer .....

NATIONALITY: .....

Species	Dates						
Fishing zone <sup>(1)</sup>							
Sounder							
Time of fishing							
Total weight of catch							
Total weight thrown back							

<sup>(1)</sup> Dakar North, Petite-Côte or Casamance.



*Appendix 4*

**STATEMENT OF CATCH BY TUNA VESSELS**

Voyage from: ..... to: .....

NAME OF VESSEL: .....

TYPE: Pole and line or seine .....

NATIONALITY: .....

**Catch from Senegal's economic zone**

*(in tonnes)*

Species	Tonnage landed	Tonnage not landed	Thrown back	Total
Albacore				
Skipjack				
Bigeye				
Thunnidae + Bonito				
Other species				
Total				





COUNCIL DECISION

of 20 November 1997

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 1997 to 15 June 2001

(97/824/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau, signed in Bissau on 27 February 1980<sup>(1)</sup>, and in particular Article 17 thereof,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Guinea-Bissau have conducted negotiations to determine any amendments and additions to be made to the said Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of these negotiations, a new Protocol was initialled on 4 June 1997; whereas, under that Protocol, Community fishermen enjoy fishing possibilities in the waters under the sovereignty or jurisdiction of Guinea-Bissau for the period 16 June 1997 to 15 June 2001;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, it is essential that the

Protocol in question be applied as soon as possible; whereas, for this reason, the two parties have initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following the expiry of the Protocol in force; whereas that Agreement should be approved subject to a final decision taken on the basis of Article 43 of the Treaty;

Whereas the allocation of fishing possibilities among the Member States should be determined on the basis of the traditional allocation of fishing possibilities under the fisheries Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 1997 to 15 June 2001 is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an exchange of letters and of the Protocol are attached to this Decision.

<sup>(1)</sup> OJ L 226, 29. 8. 1980, p. 33.

*Article 2*

The fishing possibilities provided for in the Protocol shall be allocated among the Member States as follows:

(a) shrimps:

— Italy:	4 000 grt,
— Portugal:	3 200 grt,
— Spain:	2 400 grt;

(b) cephalopods/fin-fish:

— Italy:	1 000 grt,
— Spain:	2 000 grt.

If licence applications from those Member States do not exhaust the fishing possibilities provided for in

the Protocol, the Commission may consider licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 20 November 1997.

*For the Council*

*The President*

E. HENNICOT-SCHOEPGES

## AGREEMENT

in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on Fishing off the coast of Guinea-Bissau for the period 16 June 1997 to 15 June 2001

### *A. Letter from the Government of the Republic of Guinea-Bissau*

Sir,

With reference to the Protocol initialled on 4 June 1997 establishing the fishing possibilities and the financial compensation for the period 16 June 1997 to 15 June 2001, I have the honour to inform you that the Government of the Republic of Guinea-Bissau is ready to apply the Protocol on a provisional basis, with effect from 16 June 1997, pending its entry into force in accordance with Article 9 of the Protocol, provided that the Community is prepared to do the same.

This is on the understanding that the first annual instalment of the financial compensation specified in Article 2 of the Protocol is to be paid before 31 December 1997.

I should be obliged if you would confirm the Community's agreement to such provisional application.

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

*For the Government of  
the Republic of Guinea-Bissau*

### *B. Letter from the Community*

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol initialled on 4 June 1997 establishing the fishing possibilities and the financial compensation for the period 16 June 1997 to 15 June 2001, I have the honour to inform you that the Government of the Republic of Guinea-Bissau is ready to apply the Protocol on a provisional basis, with effect from 16 June 1997, pending its entry into force in accordance with Article 9 of the Protocol, provided that the Community is prepared to do the same.

This is on the understanding that the first annual instalment of the financial compensation specified in Article 2 of the Protocol is to be paid before 31 December 1997.

I should be obliged if you would confirm the Community's agreement to such provisional application.'

I have the honour to confirm the Community's agreement to such provisional application.

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

*On behalf of the Council  
of the European Union*

## PROTOCOL

establishing the fishing possibilities and the financial compensation provided for in the agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 1997 to 15 June 2001

### Article 1

For a period of four years from 16 June 1997, the fishing possibilities granted pursuant to Article 4 of the Agreement shall be as follows:

1. (a) freezer shrimp trawlers: 9 600 gross registered tonnes (grt) per year;
- (b) freezer fin-fish and cephalopod trawlers: 3 000 gross registered tonnes per year;
2. freezer tuna seiners: 37 vessels;
3. pole-and-line tuna vessels and surface longliners: 52 vessels.

### Article 2

1. The financial compensation referred to in Article 9 of the Agreement shall be, for the period referred to in Article 1, ECU 34 000 000, payable in four annual instalments of ECU 8 500 000 each.
2. The use to which this compensation is put shall be the sole responsibility of the Government of the Republic of Guinea-Bissau.
3. The compensation shall be paid into an account opened with a financial institution or any other body designated by Guinea-Bissau.

### Article 3

At the request of the Community, the fishing possibilities referred to in point 1 of Article 1 may be increased by successive instalments of 1 000 grt per year, if fishing resources permit. In that case, the financial compensation referred to in Article 2 shall be increased proportionately, *pro rata temporis*.

### Article 4

During the period referred to in Article 1, the Community shall also contribute the amount of ECU 300 000 towards the financing of a Guinea-Bissau scientific or technical programme to improve information on the fishery resources with the exclusive economic zone of Guinea-Bissau and the functioning of the fisheries research laboratory.

The Guinea-Bissau authorities shall send the Commission a summary report on the way that amount is used.

That sum shall be made available to the Government of Guinea-Bissau and paid into the account specified by the Guinea-Bissau authorities.

### Article 5

The two Parties agree that improving the skills of those involved in sea fishing is a vital element in the success of their cooperation. To that end, during the period referred to in Article 1, the Community shall make available to the Guinea-Bissau authorities awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. The awards may also be used in any State linked with the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 400 000. At the request of the Guinea-Bissau authorities, part of that sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries or the organization of seminars on fishing in Guinea-Bissau. The sum shall be paid into the account specified by the Ministry of Fisheries. The Ministry of Fisheries shall administer all the study awards and other activities financed in this way.

### Article 6

The Community shall also contribute to funding the following programmes:

- institutional support for the Ministry of Fisheries: ECU 200 000,
- aid for small-scale fishing: ECU 300 000,
- maritime surveillance: ECU 800 000.

The Guinea-Bissau authorities shall send the Commission a summary report on the way those amounts are used.

Those sums shall be made available to the Government of Guinea-Bissau and shall be payable, as and when they are used, into the account specified by the Guinea-Bissau authorities.

*Article 7*

Should the Community fail to make the payments provided for in Articles 2, 4, 5 and 6, the application of this Protocol may be suspended.

Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau is hereby repealed and replaced by the Annex hereto.

*Article 9*

This Protocol shall enter into force on the date on which it is signed.

*Article 8*

The Annex to the Agreement between the European Economic Community and the Government of the

It shall apply from 16 June 1997.

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ANNEX

CONDITIONS GOVERNING FISHING BY COMMUNITY VESSELS IN GUINEA-BISSAU'S FISHING ZONE

A. Licence application and issuing formalities

1. The relevant Community authorities shall present to the Ministry of Fisheries of the Republic of Guinea-Bissau, via the Commission Delegation in Guinea-Bissau, an application for each vessel wishing to fish under the Agreement, at least 20 days before the date on which the requested term of validity commences.

Applications shall be made on the forms provided for that purpose by the Government of the Republic of Guinea-Bissau, specimens of which are attached (Appendix 1).

2. Licence applications shall be accompanied by proof of payment of the fee for the licence's term of validity, the amount laid down in F.2 below and, in the case of freezer trawlers, a copy of the document drawn up by the Member State certifying the vessel's tonnage in grt. The fee shall be paid into the account specified by the Guinea-Bissau authorities. The original of the licence shall be issued to the master of the vessel or to his representative. The Delegation of the Commission of the European Communities in Bissau shall be notified of each licence issued.

3. The fees shall include all national and local taxes with the exception of port fees and charges for the provision of services.

4. The following twelve-month periods shall be used for determining the validity of the licences:

first period: 16 June 1997 to 31 December 1997,

second period: 1 January 1998 to 31 December 1998,

third period: 1 January 1999 to 31 December 1999,

fourth period: 1 January 2000 to 31 December 2000,

fifth period: 1 January 2001 to 15 June 2001.

No licence may begin during a twelve-month period and end during the following twelve-month period.

5. Licences shall be issued for specific vessels and shall not be transferable. However, at the request of the Community and where force majeure is proven, a vessel's licence shall be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The new licence shall take effect on the day that the vessel's owner returns the cancelled licence to the Ministry of Fisheries of the Republic of Guinea-Bissau. The Delegation of the Commission of the European Communities in Bissau shall be informed of the licence transfer.

6. *Provisions applicable to freezer trawlers*

- 6.1. Licences must be kept on board at all times.

- 6.2. Before licences are issued, vessels must put into the port of Bissau once in each twelve-month period so that the inspection required under the regulations can be carried out. This inspection shall be carried out only by duly authorized persons and must take place within 48 working hours of the vessel's arrival in port if notice of arrival has been given at least 48 hours beforehand. If the licence is not issued within the 48-hour limit for reasons ascribable to the Ministry of Fisheries, any costs arising shall be borne by the latter. If the vessel remains in port after the licence is issued, the shipowner shall bear the relevant costs and taxes.

Should a new licence be allocated in that same twelve-month period, the vessel shall not be required to undergo inspection or to put into the port. However, any costs arising from the issuing of the licence shall be borne by the shipowner.

- 6.3. Article 4 (3) of the Agreement notwithstanding, licences shall be issued for three, six or twelve months and shall be renewable. Utilization of the fishing possibilities granted under Article 1 of the Protocol shall be calculated with regard to the term of validity of licences. In the first and last twelve-month periods, licences shall be payable in proportion to their term of validity.
- 6.4. The fees for trawlers shall be as follows in ecus per grt:
- in the case of licences for 12 months:
    - 188 for fin-fish trawlers,
    - 209 for cephalopod trawlers,
    - 266 for shrimp trawlers;
  - in the case of licences for six months:
    - 97 for fin-fish trawlers,
    - 108 for cephalopod trawlers,
    - 137 for shrimp trawlers;
  - in the case of three-month licences:
    - 50 for fin-fish trawlers,
    - 55 for cephalopod trawlers,
    - 70 for shrimp trawlers.

These fees shall be increased by 5% per year as from the fourth twelve-month period of application of the Protocol.

7. *Provisions applicable to tuna vessels and surface longliners*

- 7.1. Licences must be kept on board at all times; however, once the Commission of the European Communities has informed the Guinea-Bissau authorities that the advance payment has been made, the latter shall enter the vessel in question in the register of vessels authorized to fish that is sent to the Guinea-Bissau surveillance authorities. Pending receipt of the original of the licence, a copy of the licence drawn up may be sent by fax for keeping on board.
- 7.2. Licences shall cover twelve-month periods. The fees shall be ECU 20 per tonne per year caught within Guinea-Bissau's fishing zone.
- 7.3. Licences shall be issued following payment to the Ministry of Fisheries of a lump sum of ECU 1 800 per year for each tuna seiner, ECU 300 per year for each pole-and-line tuna vessel and ECU 500 per year for each surface longliner, covering the fees for:
- 90 tonnes of tuna caught per year in the case of seiners,
  - 15 tonnes caught per year in the case of pole-and-line tuna vessels,
  - 25 tonnes caught per year in the case of surface longliners.
- 7.4. The final statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data (ORSTOM and IEO — Spanish Institutes of Oceanography). The statement shall be forwarded simultaneously to the Ministry of Fisheries and to the shipowners. Any additional charges shall be paid by the shipowners to the Guinea-Bissau Ministry of Fisheries by 31 May of the following year at the latest, into the account referred to in A.2 above. However, if the final statement is lower than the abovementioned amount, the resulting balance shall not be reimbursed.

B. *Statements of catch*

All Community vessels authorized under the Agreement to fish in Guinea-Bissau's fishing zone are required to forward a statement of their catches to the Ministry of Fisheries, with a copy to the Delegation of the Commission of the European Communities in Guinea-Bissau, in accordance with the following:

- for trawlers, statements of catch shall be made out according to the specimen attached hereto (Appendix 2). Statements of catch shall be drawn up each month and presented at least once each quarter;
- for tuna seiners, pole-and-line tuna vessels and surface longliners, a fishing log shall be kept, in accordance with Appendix 3, for each fishing period spent in Guinea-Bissau's fishing zone. The form must be sent every six months to the Ministry of Fisheries via the Delegation of the Commission of the European Communities in Guinea-Bissau. Where no fishing operations are carried out in Guinea-Bissau's fishing zone, the shipowners are nevertheless required to forward a statement to the effect that no catch has been made;
- forms must be completed legibly, giving in particular the monthly totals per species, and must be signed by the master of the vessel.

Should these provisions not be adhered to, the Government of Guinea-Bissau reserves the right to suspend and, in the event of a second offence, not to renew the licence of the offending vessel until the formality has been complied with.

#### C. By-catches

1. Fin-fish trawlers may not hold on board crustaceans or cephalopods accounting per species for more than 9% of their total catch in Guinea-Bissau's fishing zone.  

Cephalopod trawlers may not hold on board crustaceans accounting for more than 9% of their total catch in Guinea-Bissau's fishing zone.
2. Pole-and-line tuna vessels shall be authorized to fish for live bait with a view to carrying out their fishing activities in Guinea-Bissau's fishing zone.

#### D. Fish landings

With a view to security of fish supplies for the local market, trawlers shall undertake to land fish at the market price. The rules governing technical matters and financing shall be laid down by the Joint Committee, which shall meet in Bissau on 31 December 1997 at the latest.

#### E. Signing-on of seamen

Owners who have been issued fishing licences under the Agreement shall contribute to the practical vocational training of Guinea-Bissau nationals, subject to the conditions and limits set out below:

1. Each trawler owner shall undertake to employ:
  - three seamen/fishermen on vessels of less than 250 grt,
  - four seamen/fishermen on vessels of 250 to 400 grt,
  - five seamen/fishermen on vessels of more than 400 grt.

However, Community shipowners shall strive to increase the complement of Guinea-Bissau seamen signed on to 33% of the non-officer crew engaged in fishing activities.

Such seamen shall be selected by shipowners from a list to be drawn up by the Guinea-Bissau Joint Technical Commission;
2. Owners of tuna vessels and surface longliners shall undertake to employ Guinea-Bissau nationals, subject to the conditions and limits set out below:
  - for the fleet of tuna seiners, seven Guinea-Bissau seamen shall be signed on permanently in Guinea-Bissau's fishing zone,
  - for the fleet of pole-and-line tuna vessels and surface longliners, seventeen Guinea-Bissau seamen shall be signed on for the tuna fishing season in Guinea-Bissau's fishing zone, all of them to be assigned to different vessels.
3. The wages of these seamen/fishermen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the Ministry of Fisheries; the wages shall be borne by the shipowners and must include the social security contributions covering the seamen (including life, accident and health insurance).

Should the seamen not be signed on, the owners of tuna seiners, pole-and-line tuna vessels and surface longliners shall be obliged to pay as soon as possible a lump sum equivalent to the wages of seamen not signed on for the fishing year.

That sum shall be used for the training of seamen/fishermen in Guinea-Bissau and shall be paid into an account specified by the Guinea-Bissau authorities.

#### F. Observers on board

1. The observer's task shall be to check on fishing activities in Guinea-Bissau's fishing zone. He shall be offered every facility needed to carry out his duties, including access to premises and documents. He must not remain on board any longer than is necessary to carry out his duties. The master of the vessel shall facilitate the work of the observer, who shall be accorded the conditions enjoyed by officers of the vessel. The salary and the social security contributions of the observer shall be borne by the Government of Guinea-Bissau.

Should the observer be taken on board in a foreign port, his travelling costs shall be borne by the shipowner. Should a vessel with an observer from Guinea-Bissau on board leave the Guinea-Bissau fishing zone, all measures must be taken to ensure the observer's return to Bissau as soon as possible at the expense of the shipowner.

2. All trawlers shall take on board an observer designated by the Ministry of Fisheries. As a contribution to the costs arising from the presence of the observer on board, together with the licence fee the shipowner shall pay the Guinea-Bissau authorities the sum of ECU 8 per grt per year *pro rata temporis* for each vessel fishing in Guinea-Bissau waters.
3. Tuna vessels and surface longliners shall take an observer on board at the request of the Ministry of Fisheries.

In such cases, the port of embarkation shall be determined by mutual agreement between the Ministry of Fisheries and the shipowners or their representatives.

#### G. Inspection and monitoring

Community vessels fishing in Guinea-Bissau's fishing zone shall permit and assist any Guinea-Bissau official responsible for inspection and monitoring to board the vessel and carry out his duties on board. The official must not remain on board any longer than is necessary to verify catches by random checks and to conduct any other inspection relating to fishing activities.

#### H. Fishing zones

Freezer trawlers as referred to in Article 1 of the Protocol shall be authorized to fish in waters beyond 12 nautical miles from the base lines.

#### I. Meshes authorized

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be:

- a) 70 mm for fin-fish vessels,
- b) 70 mm for cephalopod vessels,
- c) 40 mm for shrimp vessels,
- d) 16 mm for fishing for live bait.

However, shipowners shall have until 31 December 1997 to bring their gear into line with the new standards.

Outrigger fishing shall be authorized.

**J. Entering and leaving the zone**

Community vessels fishing under the Agreement in Guinea-Bissau's fishing zone shall report the date and time and their position to the radio station of the Ministry of Fisheries on entering and leaving Guinea-Bissau's fishing zone.

When licences are issued, the Ministry of Fisheries shall inform the shipowners of the call sign, frequency and working hours of the station.

Where they cannot communicate this information by radio, vessels may use alternative means, such as telex, telegram or fax (numbers 20 11 57, 20 19 57 and 20 16 84).

**K. Procedure in case of boarding**

The authorities of the Commission of the European Communities in Guinea-Bissau shall be notified within 48 hours of any fishing vessels flying the flag of a Member State of the Community boarded within Guinea-Bissau's fishing zone and shall at the same time receive a summary report of the circumstances surrounding and the reasons leading to the boarding.

Before any judicial proceedings are initiated, an attempt shall be made to settle the alleged infringement through an administrative procedure. This procedure shall be completed no later than three working days after the boarding.

If the case cannot be settled by administrative procedure and has to be brought before a competent judicial body, the competent authority shall set a bank security within forty-eight hours of completion of the administrative procedure, pending the judicial decision. The security shall not exceed the maximum fine provided for under national legislation in respect of the alleged infringement.

The bank security shall be released by the competent authority once the master of the vessel is acquitted by judicial decision.

The vessel and its crew shall be released:

- either on fulfilment of the obligations arising from the administrative procedure, or
  - once the bank security has been lodged.
-

*Appendix 1*

APPLICATION FORM  
FOR A  
FISHING LICENCE

For official use only	Remarks
Nationality: .....	.....
Licence No: .....	.....
Date of signing: .....	.....
Date of issue: .....	.....

**APPLICANT**

Name of firm: .....

Trade register No: .....

First name and surname of applicant: .....

Date and place of birth: .....

Occupation: .....

Address: .....

.....

No of employees: .....

Name and address of co-signatory: .....

.....

**VESSEL**

Type of vessel: ..... Registration No: .....

New name: ..... Former name: .....

Date and place of construction: .....

Original nationality: .....

Length: ..... Beam: ..... Hold: .....

Gross tonnage: ..... Net tonnage: .....

Type of building materials: .....

Make of main engine: ..... Type: ..... Rating: .....

Propeller:                      Fixed                       Variable                       Ducted

Transit speed: .....

Call sign: ..... Call frequency: .....

List of sounding, navigating and transmission instruments:

Radar                       Sonar                       Netsonde   
VHF                       SSB                       Netsonde satellite Navigation                       Other .....

No of seamen: .....

CONSERVATION

Packed in ice  Ice and refrigeration   
Freezing in brine  Dry  Refrigerated sea water

Total refrigerating power: .....

Freezing capacity in tonnes/24 hours: .....

Hold capacity: .....

TYPE OF FISHING

A. Demersal

Inshore demersal  Deep-sea demersal

Type of trawl:  
Cephalopods  Shrimps  Fish

Length of trawl: ..... Headline: .....

Mesh size in the body: .....

Mesh size in the wings: .....

Speed of trawling: .....

B. Deep-sea pelagic (tuna)

Pole and line  No of poles and lines

Seine  Length of net: ..... Depth of net: .....

No of tanks: ..... Capacity in tonnes: .....

C. Longlines and pots

Surface  Bottom

Length of lines: ..... No of hooks: .....

No of lines: .....

No of pots: .....



SHORE INSTALLATIONS

Address and permit No: .....

Name of firm: .....

Activities: .....

Domestic wholesale fish trade

Export

Type and No of wholesale trader's card: .....

Description of processing and conservation plant:

.....  
.....  
.....  
.....  
.....

No of employees: .....

**Technical remarks**

**Authorization of the Ministry**

Appendix 2

MINISTRY FOR FISHERIES

Name of vessel:	
Nationality (flag):	

STATISTICS ON CATCH AND ACTIVITY

Engine rating:	
Gross registered tonnage (t):	

Month:                      Year:

Fishing method:	
Port of landing:	

Date	Fishing zone		Number of fishing operations	Number of fishing hours	Species of fish					Totals	
	Longitude	Latitude									
1/											
2/											
3/											
4/											
5/											
6/											
7/											
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27/											
28/											
29/											
30/											
31/											
<b>TOTAL</b>											



COUNCIL REGULATION (EC) No 2615/97  
of 18 December 1997

on the conclusion of the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 1997 to 15 June 2001

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43, in conjunction with the first sentence of Article 228 (2) and the first subparagraph of Article 228 (3),

Having regard to the proposal from the Commission,

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

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau (2), the two Parties have conducted negotiations to determine any amendments and additions to be made to that Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of those negotiations, a new Protocol establishing the fishing possibilities and the financial compensation provided for in the abovementioned Agreement for the period 16 June 1997 to 15 June 2001 was initialled on 4 June 1997;

Whereas it is in the Community's interest to approve that Protocol;

Whereas the allocation of fishing possibilities among the Member States should be determined on the basis of the traditional allocation of fishing possibilities under the fisheries agreement,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the

Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 1997 to 15 June 2001 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation (3).

*Article 2*

The fishing possibilities provided for in the Protocol shall be allocated among the Member States as follows:

(a) *shrimps*

Italy:	4 000 GRT
Portugal:	3 200 GRT
Spain:	2 400 GRT

(b) *cephalopods/fin-fish*

Italy:	1 000 GRT
Spain:	2 000 GRT.

If licence applications from those Member States do not exhaust the fishing possibilities provided for in the Protocol, the Commission may consider licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

*Article 4*

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 Brussels, 18 December 1997.

*For the Council*

*The President*

F. BODEN

(1) OJ C 371, 8. 12. 1997.

(2) OJ L 226, 29. 8. 1980, p. 33.

(3) OJ C 342, 12. 12. 1997.

**COMMISSION DECISION**

**of 3 April 1997**

**repealing Decision 96/662/EC concerning certain protective measures with regard to canned tuna originating in Côte d'Ivoire**

(Text with EEA relevance)

(97/261/EC)

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

Having regard to the Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by Directive 96/43/EC<sup>(2)</sup>, and in particular Article 19 thereof,

Whereas Commission Decision 96/662/EC of 25 November 1996 concerning certain protective measures with regard to canned tuna originating in the Côte d'Ivoire<sup>(3)</sup> bans imports of canned tuna from a factory located there because of the presence of the botulinus toxin;

Whereas a Commission expert inspected the factory and suggested ways to improve canning hygiene;

Whereas the competent authorities gave official guarantees that the improvements called for would be introduced after the Commission expert's visit;

Whereas the cans that caused the botulism outbreak were produced and imported before the entry into force of Commission Decision 96/609/EC of 14 October 1996 laying down special conditions governing imports of fishery and aquaculture products originating in Côte d'Ivoire<sup>(4)</sup>;

Whereas the measures taken to protect public health are no longer justified; whereas Decision 96/662/EC should therefore be repealed;

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

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 96/662/EC concerning certain protective measures with regard to canned tuna originating in Côte d'Ivoire is hereby repealed.

*Article 2*

Member States shall amend the measures that they apply to imports to comply with this Decision. They shall inform the Commission thereof.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 3 April 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 162, 1. 7. 1996, p. 1.

<sup>(3)</sup> OJ No L 304, 27. 11. 1996, p. 25.

<sup>(4)</sup> OJ No L 269, 22. 10. 1996, p. 37.

**COMMISSION DECISION**  
**of 6 November 1997**  
**amending Decision 97/296/EC drawing up the list of third countries from which**  
**the import of fishery products is authorized for human consumption**

(Text with EEA relevance)

(97/758/EC)

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

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorized to import certain products of animal origin, fishery products or live bivalve molluscs<sup>(1)</sup>, as last amended by Decision 97/34/EC<sup>(2)</sup>, and in particular Article 2 (2) thereof,

Whereas Commission Decision 97/296/EC<sup>(3)</sup>, as last amended by Decision 97/564/EC<sup>(4)</sup>, lists the third countries from which importation of fishery products is authorized for human consumption;

Whereas Commission Decision 97/757/EC<sup>(5)</sup> sets specific import terms for fishery and aquaculture products originating in Madagascar; whereas Madagascar should therefore be added to the list of third countries from which importation of fishery products is authorized;

Whereas Article 3 (4) (b) of Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products<sup>(6)</sup> requires that, before processing, bivalve molluscs satisfy the requirements of Directive 91/492/EEC; whereas in consequence the list of third

countries meeting the terms of Directive 91/492/EEC also applies for imports of processed bivalve molluscs, echinoderms, tunicates and marine gastropods;

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

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 97/296/EC is replaced by the Annex hereto.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 6 November 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<sup>(1)</sup> OJ L 243, 11. 10. 1995, p. 17.

<sup>(2)</sup> OJ L 13, 16. 1. 1997, p. 33.

<sup>(3)</sup> OJ L 122, 14. 5. 1997, p. 21.

<sup>(4)</sup> OJ L 232, 23. 8. 1997, p. 13.

<sup>(5)</sup> See page 33 of this Official Journal.

<sup>(6)</sup> OJ L 268, 24. 9. 1991, p. 15.

ANNEX

ANNEX

List of third countries from which the import of fishery products in any form intended for human consumption is authorized

I. *Third countries covered by a specific decision on the basis of Council Directive 91/493/EEC*

Albania	Gambia	Russia
Argentina	Indonesia	Senegal
Australia	Japan	Singapore
Brazil	Madagascar	South Africa
Canada	Malaysia	South Korea
Chile	Mauritania	Taiwan
Colombia	Morocco	Thailand
Côte d'Ivoire	New Zealand	Uruguay
Ecuador	Peru	
Faeroes	Philippines	

II. *Third countries satisfying the requirements of Article 2 (2) of Council Decision 95/408/EC*

Bangladesh	Guatemala	Slovenia
Belize	Honduras	Suriname
China	India	Switzerland
Costa Rica	Maldives	Togo
Croatia	Mexico	Tunisia
Cuba	Namibia	Turkey
Falkland Islands	Panama	United States of America
Fiji Islands	Poland	Venezuela
Greenland	Seychelles	Vietnam

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**COMMISSION DECISION**  
**of 23 December 1997**  
**amending Decision 97/296/EC drawing up the list of third countries from which**  
**the import of fishery products is authorized for human consumption**  
**(Text with EEA relevance)**

(97/877/EC)

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

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs<sup>(1)</sup>, as last amended by Decision 97/34/EC<sup>(2)</sup>, and in particular Article 2 (2) thereof,

Whereas Commission Decision 97/296/EC<sup>(3)</sup> as last amended by Decision 97/758/EC<sup>(4)</sup>, lists the third countries from which importation of fishery products is authorised for human consumption;

Whereas Commission Decision 97/876/EC<sup>(5)</sup> sets specific import terms for fishery and aquaculture products originating in India; whereas India should therefore be added to the list of third countries from which importation of fishery products is authorised;

Whereas Article 3 (4) (b) of Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products<sup>(6)</sup> requires that before processing bivalve molluscs satisfy the requirements of Council Directive 91/492/EEC<sup>(7)</sup>; whereas in consequence the list

of third countries meeting the terms of Directive 91/492/EEC also applies for imports of processed bivalve molluscs, echinoderms, tunicates and marine gastropods;

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

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 97/296/EC is replaced by the Annex hereto.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 23 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 243, 11. 10. 1995, p. 17.

<sup>(2)</sup> OJ L 13, 16. 1. 1997, p. 33.

<sup>(3)</sup> OJ L 122, 14. 5. 1997, p. 21.

<sup>(4)</sup> OJ L 307, 12. 11. 1997, p. 38.

<sup>(5)</sup> See page 57 of this Official Journal.

<sup>(6)</sup> OJ L 268, 24. 9. 1991, p. 15.

<sup>(7)</sup> OJ L 268, 24. 9. 1991, p. 1.

*ANNEX*

**List of third countries from which importation of fishery products in any form intended for human consumption is authorised**

*I. Third countries covered by a specific decision under Council Directive 91/493/EC*

Albania	Gambia	Philippines
Argentina	India	Russia
Australia	Indonesia	Senegal
Brazil	Japan	Singapore
Canada	Madagascar	South Africa
Chile	Malaysia	South Korea
Colombia	Mauritania	Taiwan
Cote d'Ivoire	Morocco	Thailand
Ecuador	New Zealand	Uruguay
Faroës	Peru	

*II. Third countries meeting the terms of Article 2 (2) of Council Decision 95/408/EC*

Bangladesh	Guatemala	Surinam
Belize	Honduras	Switzerland
China	Maldives	Togo
Costa Rica	Mexico	Tunisia
Croatia	Namibia	Turkey
Cuba	Panama	United States of America
Falkland Islands	Poland	Venezuela
Fiji	Seychelles	Vietnam
Greenland	Slovenia	

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**ACP-EC Conventions of Lomé**  
**Compilation of texts — XXII**

Luxembourg: Office for Official Publications of the European Communities

1999 — XV, 492 pp. — 14.8 x 21 cm

ISBN 92-824-1638-0

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