

ACP-EC COUNCIL OF MINISTERS  
Brussels

# **COMPILATION OF TEXTS**

## **XXIII**

**ACP-EC CONVENTIONS OF LOMÉ**

**1 January 1998–31 December 1998**

ACP-EC COUNCIL OF MINISTERS  
Brussels

# **COMPILATION OF TEXTS**

## **XXIII**

**ACP-EC CONVENTIONS OF LOMÉ**

**1 January 1998–31 December 1998**

A great deal of additional information on the European Union is available on the Internet. It can be accessed through the Europa server (<http://europa.eu.int>).

Cataloguing data can be found at the end of this publication.

Luxembourg: Office for Official Publications of the European Communities, 2000

ISBN 92-824-1754-9

© European Communities, 2000

Reproduction is authorised provided the source is acknowledged.

*Printed in Belgium*

PRINTED ON WHITE CHLORINE-FREE PAPER

# Contents

## I. ACP–EC Acts

### 1. Acts of the Council of Ministers

*Page*

Decision No 1/98 of the ACP–EC Council of Ministers of 23 June 1998 granting to the Republic of The Gambia the derogation provided for in Article 189(1)(b) and (2) of the fourth ACP–EC Convention in respect of exports of groundnuts in shell or shelled to other ACP States	3
Conclusions of the 23rd session of the ACP–EC Council of Ministers, Barbados, 8 and 9 May 1998, on Somalia	6
Information on the date of entry into force of the agreement amending the fourth ACP–EC Convention, signed at Mauritius on 4 November 1995	8
Internal agreement between the representatives of the governments of the Member States, meeting within the Council, on the financing and administration of the Community aid under the second financial protocol to the fourth ACP–EC Convention	9
+ corrigendum to the internal agreement between the representatives of the governments of the Member States, meeting within the Council, on the financing and administration of the Community aid under the second financial protocol to the fourth ACP–EC Convention	26
Financial regulation of 16 June 1998 applicable to development finance cooperation under the fourth ACP–EC Convention (98/430/EC)	27
Council decision of 13 July 1998 on financing the fixed costs of the system of managing technical assistance for the ACP States and the overseas countries and territories (OCTs) (98/461/EC)	45
Corrigendum to 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)	46



## 2. Acts of the Committee of Ambassadors

Decision No 1/98 of the ACP-EC Committee of Ambassadors of 10 November 1998 on the appointment of a member of the Advisory Committee of the Technical Centre for Agricultural and Rural Cooperation 49

Decision No 2/98 of the ACP-EC Committee of Ambassadors of 31 December 1998 adopting the budget of the Technical Centre for Agricultural and Rural Cooperation (1999) 52

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

Commission Regulation (EC) No 488/98 of 27 February 1998 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 1998 61

Council decision of 20 April 1998 on the conclusion of the agreements in the form of an exchange of letters between the EC and, on the one hand, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1997/98 delivery period (98/672/EC) 63

Commission Regulation (EC) No 1375/98 of 29 June 1998 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 1998 to 28 February 1999 75

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

Decision No 1/98 of the ACP-EC subcommittee for cooperation on agricultural and rural development of 9 November 1998 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 79

## 5. Acts of the Committee on Industrial Cooperation

Decision No 1/98 of the ACP–EC Committee on Industrial Cooperation of 17 July 1998 on the appointment of a member of the Executive Board of the Centre for the Development of Industry	87
Decision No 2/98 of the ACP–EC Committee on Industrial Cooperation of 24 September 1998 giving a discharge to the Director of the Centre for the Development of Industry in respect of the implementation of the Centre’s budget for the financial years 1992, 1993 and 1994	91
Decision No 3/98 of the ACP–EC Committee on Industrial Cooperation of 24 September 1998 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	95
Decision No 4/98 of the ACP–EC Committee on Industrial Cooperation of 31 December 1998 approving the budget of the Centre for the Development of Industry (1999)	101
Decision No 5/98 of the ACP–EC Committee on Industrial Cooperation of 31 December 1998 giving a discharge to the Director of the Centre for the Development of Industry in respect of the implementation of the Centre’s budget for the financial years 1995 and 1996	111

## 6. Acts of the ACP–EC Customs Cooperation Committee

Decision No 1/98 of the ACP–EC Customs Cooperation Committee of 16 October 1998 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 1604)	117
Decision No 2/98 of the ACP–EC Customs Cooperation Committee of 17 December 1998 derogating from the definition of ‘originating products’ to take account of the special situation of Cape Verde regarding the production of men’s shirts (HS heading 6205)	121
Decision No 3/98 of the ACP–EC Customs Cooperation Committee of 17 December 1998 derogating from the definition of ‘originating products’ to take account of the special situation of the Republic of the Seychelles regarding their production of canned tuna (HS heading ex 1604)	124

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

### A. Trade

Page

#### (a) Trade

Common position of 30 March 1998 defined by the Council on the basis of Article J.2 of the Treaty on European Union on Rwanda (98/252/CFSP)	129
Council Regulation (EC) No 941/98 of 27 April 1998 repealing Regulation (EC) No 2465/97 concerning the interruption of certain economic relations with Sierra Leone	131
Common position of 27 April 1998 defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning Sierra Leone (98/300/CFSP)	132
Commission Regulation (EC) No 1063/98 of 25 May 1998 on the issue of import licences for rice originating in the ACP States and the OCTs against applications submitted in the first five working days of May 1998 pursuant to Regulation (EC) No 2603/97	133
Common position of 29 June 1998 defined by the Council on the basis of Article J.2 of the Treaty on European Union concerning Sierra Leone (98/409/CFSP)	135
Council decision of 29 June 1998 extending the application of Joint Action 97/875/CFSP in support of the democratic transition process in the Democratic Republic of Congo (98/410/CFSP)	137
Common position of 3 July 1998 defined by the Council on the basis of Article J.2 of the Treaty on European Union concerning restrictive measures against the União Nacional para a Independência Total de Angola (UNITA) (98/425/CFSP)	138
Council decision of 6 July 1998 concerning exceptional assistance for the heavily indebted ACP countries (98/453/EC)	140
Council decision of 13 July 1998 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 (98/452/CFSP)	142

## VII

*Page*

Council Regulation (EC) No 1705/98 of 28 July 1998 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, and repealing Council Regulation (EC) No 2229/97	143
Common Position (EC) No 60/98 adopted by the Council on 5 October 1998 with a view to adopting Council Regulation (EC) No.../98 establishing a special framework of assistance for traditional ACP suppliers of bananas (98/C 364/03)	154
Common position of 30 October 1998 defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning Nigeria (98/614/CFSP)	160
Council decision of 21 December 1998 concerning exchange rate matters relating to the Cape Verde escudo (98/744/EC)	162
Joint action of 22 December 1998 adopted by the Council on the basis of Article J.3 of the Treaty on European Union in support of the democratic process in Nigeria (98/735/CFSP)	164

### *(b) Agricultural products*

Commission Regulation (EC) No 9/98 of 6 January 1998 on the issuing of import licences for broken rice originating in the ACP States pursuant to Council Regulation (EEC) No 715/90	169
Commission Regulation (EC) No 163/98 of 22 January 1998 on applications for import licences for rice originating in the ACP States and the OCTs submitted in the first five working days of January 1998 pursuant to Regulation (EC) No 2603/97	170
Commission decision of 4 February 1998 adopting special measures for the import of fruit and vegetables originating in or consigned from Uganda, Kenya, Tanzania and Mozambique (98/116/EC)	172
Commission Regulation (EC) No 1063/98 of 25 May 1998 on the issue of import licences for rice originating in the ACP States and the OCTs against applications submitted in the first five working days of May 1998 pursuant to Regulation (EC) No 2603/97	174

## VIII

	<i>Page</i>
Commission decision of 25 June 1998 authorising Member States temporarily to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of plants of strawberry ( <i>Fragaria L.</i> ), intended for planting, other than seeds, originating in the Republic of South Africa (98/432/EC)	176
Council Regulation (EC) No 1637/98 of 20 July 1998 amending Regulation (EEC) No 404/93 on the common organisation of the market in bananas	179
Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the ACP States and repealing Regulation (EEC) No 715/90	183
+ corrigendum to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the ACP States and repealing Regulation (EEC) No 715/90	202
Commission Regulation (EC) No 1575/98 of 22 July 1998 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 ACP States or in the OCTs in order to implement the agreement on agriculture concluded during the Uruguay Round of negotiations	203
Commission Regulation (EC) No 1595/98 of 23 July 1998 amending Regulation (EC) No 2603/97 laying down the detailed implementing rules for imports of rice originating in the ACP countries or the OCTs and laying down specific detailed rules on the partial reimbursement of import duties levied on rice originating in the ACP countries	205
Commission Regulation (EC) No 1645/98 of 27 July 1998 increasing the volume of the tariff quota for imports of bananas provided for in Article 18 of Council Regulation (EEC) No 404/93 for 1998	209
Commission Regulation (EC) No 1646/98 of 27 July 1998 fixing the quantities of banana imports for supply to the Community for the fourth quarter of 1998	211
Commission Regulation (EC) No 1980/98 of 17 September 1998 opening and providing for the administration of Community tariff quotas and tariff ceilings and establishing a Community surveillance in the framework of reference quantities for certain agricultural products originating in the ACP States	215

## IX

	<i>Page</i>
Commission Regulation (EC) No 1996/98 of 18 September 1998 on the issue of import licences for rice originating in the ACP States and the OCTs against applications submitted in the first five working days of September 1998 pursuant to Regulation (EC) No 2603/97	220
+ corrigendum to Commission Regulation (EC) No 1996/98 of 18 September 1998 on the issue of import licences for rice originating in the ACP States and the OCTs against applications submitted in the first five working days of September 1998 pursuant to Regulation (EC) No 2603/97	222
Commission decision of 19 November 1998 authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of potatoes, other than potatoes intended for planting, originating in South Africa (98/688/EC)	223
Commission Regulation (EC) No 2631/98 of 8 December 1998 laying down for 1999 the quantities for which the annual allocations for 'new-comer' operators are granted under the tariff quotas for traditional ACP bananas	227
Commission Regulation (EC) No 2632/98 of 8 December 1998 laying down for 1999 the single adjustment coefficient to be applied to each traditional operator's provisional reference quantity under the tariff quotas for traditional ACP bananas	229
Commission decision of 8 December 1998 repealing Decision 98/116/EC imposing special measures for the import of fruit and vegetables originating in or consigned from Uganda, Kenya, Tanzania and Mozambique (98/719/EC)	231
Commission Regulation (EC) No 2806/98 of 23 December 1998 on the issuing of import licences for bananas under the tariff quotas and for traditional ACP bananas for the first quarter of 1999 and on the submission of new applications	232

*(c) Cereals*

Commission Regulation (EC) No 507/98 of 3 March 1998 amending Regulation (EC) No 1339/97 opening an invitation to tender for the refund of the tax for the export of common wheat to all third countries except Ceuta, Melilla and certain ACP States	237
Commission Regulation (EC) No 2004/98 of 21 September 1998 opening an invitation to tender for the refund or the tax for the export of common wheat to certain ACP States	238
Commission Regulation (EC) No 2390/98 of 5 November 1998 laying down detailed rules for the application of Council Regulation (EC) No 1706/98 as regards the arrangements for importing certain cereal substitute products and processed cereal and rice products originating in the ACP States or in the OCTs repealing Regulation (EEC) No 2245/90	242
Commission Regulation (EC) No 2809/98 of 22 December 1998 laying down detailed rules for the application in the cereals sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the ACP States	246

*(d) Beef and veal*

Commission decision of 20 January 1998 on import licences of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia (98/96/EC)	251
Commission decision of 19 February 1998 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia (98/178/EC)	252
Commission decision of 19 March 1998 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia (98/239/EC)	254

# XI

*Page*

Commission decision of 20 April 1998 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia (98/290/EC)	256
Commission decision of 18 May 1998 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia (98/356/EC)	258
Commission decision of 18 June 1998 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia (98/408/EC)	260
Commission decision of 16 July 1998 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia (98/474/EC)	262
Commission decision of 19 August 1998 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia (98/530/EC)	264
Commission Regulation (EC) No 1918/98 of 9 September 1998 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the ACP States and repealing Regulation (EC) No 589/96	266
Commission decision of 17 September 1998 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia (98/550/EC)	270



## XII

	<i>Page</i>
Commission decision of 19 October 1998 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia (98/609/EC)	272
Commission decision of 27 October 1998 concerning the importation of certain live animals and animal products from Zimbabwe and the Falkland Islands and amending Council Decision 79/542/EEC (98/622/EC)	274
Commission decision of 19 November 1998 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia (98/689/EC)	279
Commission decision of 18 December 1998 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia (1999/4/EC)	281
<i>(e) Pigmeat</i>	
Commission Regulation (EC) No 1369/98 of 29 June 1998 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 ACP States or in the OCTs, in order to implement the Agricultural Agreement concluded during the Uruguay Round of negotiations	285
Commission Regulation (EC) No 2562/98 of 27 November 1998 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States and repealing Regulation (EEC) No 904/90	286
<i>(f) Poultrymeat</i>	
Commission Regulation (EC) No 1388/98 of 30 June 1998 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 ACP States or in the OCTs, in order to implement the Agricultural Agreement concluded during the Uruguay Round of negotiations	295

## XIII

Page

### *(g) Milk products*

Commission Regulation (EC) No 1314/98 of 25 June 1998 on import licences for milk and milk products originating in the ACP States or in the OCTs	299
Commission Regulation (EC) No 1480/98 of 10 July 1998 amending Regulation (EEC) No 1150/90 as regards the transitional adjustment of certain provisions relating to imports into the Community of milk products originating in the ACP States or in the OCTs in order to implement the Agreement on Agriculture concluded during the Uruguay Round of negotiations	300
Council decision of 29 July 1998 concerning the approval of a memorandum of understanding between the EC and the Dominican Republic on import protection for milk powder in the Dominican Republic (98/486/EC)	302
Commission Regulation (EC) No 2414/98 of 9 November 1998 laying down detailed rules for the application of the arrangements applicable to imports of milk products originating in the ACP States and repealing Regulation (EEC) No 1150/90	303

### **B. Financial and technical cooperation**

Council recommendation of 9 March 1998 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 1996 (98/217/EC)	313
Council recommendation of 9 March 1998 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 1996 (98/218/EC)	314
European Parliament decision of 31 March 1998 giving discharge to the Commission in respect of the financial management of the sixth European Development Fund for the financial year 1996 (98/329/EC)	315
European Parliament decision of 31 March 1998 giving discharge to the Commission in respect of the financial management of the seventh European Development Fund for the financial year 1996 (98/330/EC)	317

### III. Community Acts relating to bilateral relations between the Community and certain ACP States

#### Fisheries

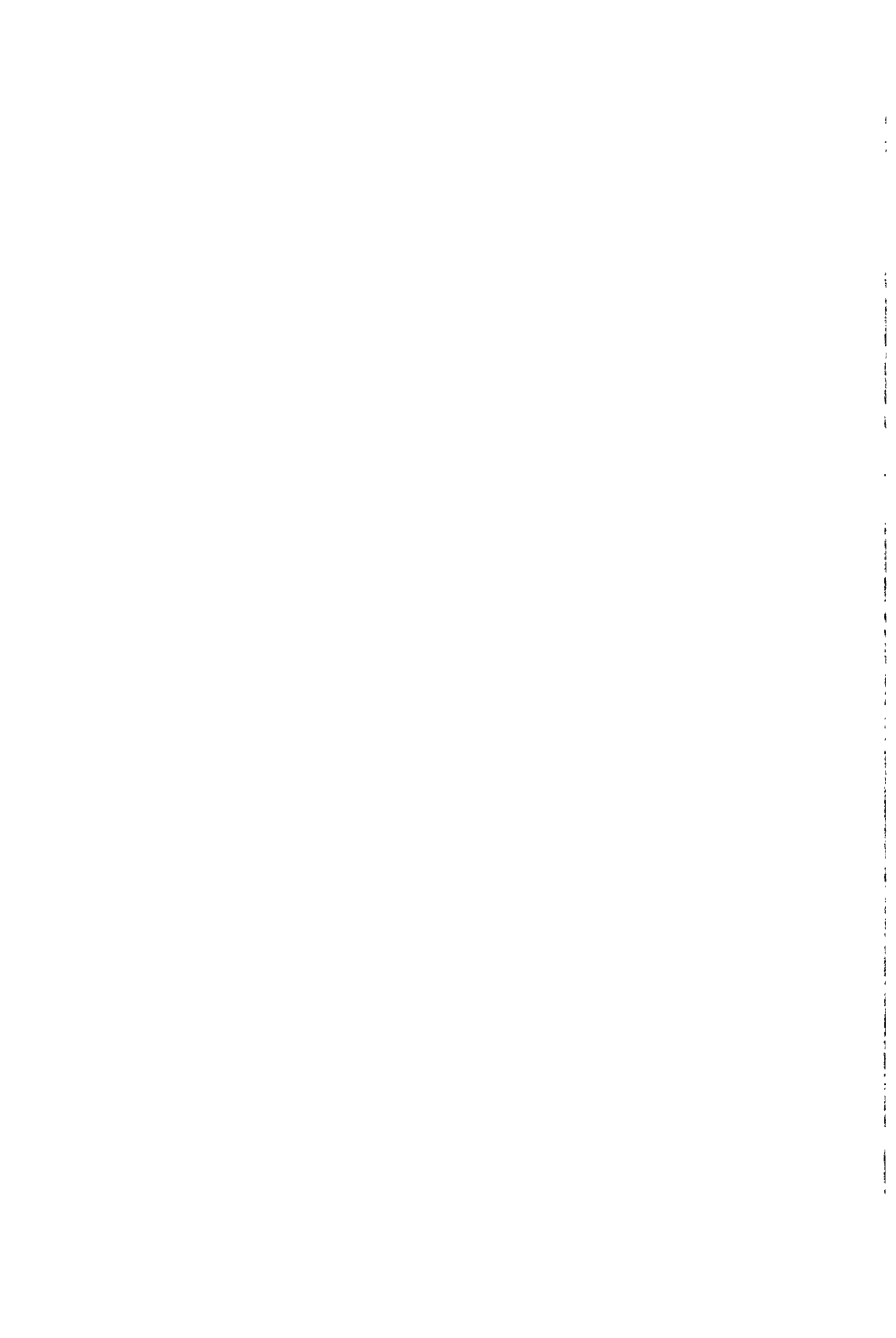
	<i>Page</i>
Commission decision of 16 January 1998 on protective measures with regard to fishery products from, or originating in, Uganda, Kenya, Tanzania and Mozambique and repealing Decision 97/878/EC (98/84/EC)	321
Commission decision of 30 June 1998 repealing Decision 98/84/EC on protective measures with regard to fishery products from, or originating in, Uganda, Kenya, Tanzania and Mozambique and amending the health certification for fishery products originating or proceeding from Uganda, Kenya and Mozambique (98/418/EC)	323
Council decision of 20 January 1998 on the conclusion of an agreement in the form of an exchange of letters on the provisional application of the protocol defining, for the period 6 September 1997 to 5 September 2000, the fishing rights and the financial compensation provided for by the agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde (98/97/EC)	325
Council Regulation (EC) No 200/98 of 20 January 1998 on the conclusion of the protocol establishing the fishing rights and financial compensation provided for in the agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period 6 September 1997 to 5 September 2000	337
Council decision of 20 January 1998 on the conclusion of the agreement in the form of an exchange of letters concerning the provisional application of the protocol establishing, for the period 1 July 1997 to 30 June 2000, the fishing rights and financial contribution provided for in the agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire (98/102/EC)	339
Council Regulation (EC) No 238/98 of 20 January 1998 on the conclusion of the protocol establishing the fishing rights and financial contribution provided for in the agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire for the period 1 July 1997 to 30 June 2000	354

Council Regulation (EC) No 1435/98 of 29 June 1998 prohibiting imports of Atlantic blue-fin tuna ( <i>Thunnus thynnus</i> ) originating in Belize, Honduras and Panama	356
Council decision of 29 June 1998 on the conclusion of an agreement in the form of an exchange of letters between the European Community and the Government of the Republic of Guinea 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 Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999 (98/449/EC)	358
Council Regulation (EC) No 1660/98 of 20 July 1998 approving the protocol establishing the fishing possibilities and the financial compensation provided for in the agreement between the EEC and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999	376
Commission decision of 30 June 1998 amending Decision 97/296/EC drawing up the list of third countries from which the import of fishery products is authorised for human consumption (98/419/EC)	378
Commission decision of 24 November 1998 amending Decision 97/296/EC drawing up the list of third countries from which the import of fishery products is authorised for human consumption (98/711/EC)	382
Commission decision of 30 June 1998 laying down special conditions governing imports of fishery and aquaculture products originating in Nigeria (98/420/EC)	385
Commission decision of 30 June 1998 laying down special conditions governing imports of fishery and aquaculture products originating in Ghana (98/421/EC)	392
Commission decision of 30 June 1998 laying down special conditions governing imports of fishery and aquaculture products originating in Tanzania (98/422/EC)	397

Council decision of 20 July 1998 on the conclusion of the agreement in the form of an exchange of letters between the European Community and the Islamic Federal Republic of the Comores concerning the provisional application of the protocol setting out, for the period 28 February 1998 to 27 February 2001, the fishing opportunities and financial contribution provided for in the agreement between the European Community and the Islamic Federal Republic of the Comores on fishing off the Comores (98/484/EC)	402
Council Regulation (EC) No 2127/98 of 1 October 1998 relating to the conclusion of the protocol setting out, for the period 28 February 1998 to 27 February 2001, the fishing opportunities and financial contribution provided for in the agreement between the European Economic Community and the Islamic Federal Republic of the Comores on fishing off the Comores	410
Council decision of 28 September 1998 authorising the Kingdom of Spain to extend until 7 March 1999 the agreement on mutual fishery relations with the Republic of South Africa (98/557/EC)	412
Council decision of 28 September 1998 authorising the Portuguese Republic to extend until 7 March 1999 the agreement on mutual fishery relations with the Republic of South Africa (98/558/EC)	413
Council decision of 22 October 1998 on the conclusion of an agreement in the form of an exchange of letters concerning the provisional application of the protocol setting out the fishing opportunities and financial compensation provided for in the agreement between the European Economic Community and the Republic of Madagascar on fishing off Madagascar for the period from 21 May 1998 to 20 May 2001 (98/615/EC)	414
Council Regulation (EC) No 2585/98 of 26 November 1998 on the conclusion of a protocol setting out the fishing opportunities and financial contribution provided for in the agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar for the period from 21 May 1998 to 20 May 2001	423
Council Regulation (EC) No 2469/98 of 9 November 1998 on the conclusion of the agreement between the European Community and the Gabonese Republic on fishing off the coast of Gabon	425

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

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



DECISION No 1/98 OF THE ACP-EC COUNCIL OF MINISTERS  
of 23-06-1998

granting to the Republic of the Gambia the derogation provided for  
in Article 189(1)(b) and (2) of the Fourth ACP-EC Convention  
in respect of exports of groundnuts in shell or shelled to other ACP States

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the Fourth ACP-EC Convention signed in Lomé on 15 December 1989, as amended by the Agreement signed in Mauritius on 4 November 1995, and in particular Article 189(1)(b) and (2) thereof,

Having regard to the request of the Republic of the Gambia of 23 December 1997 for a derogation,

Having regard to the Commission's report of 3 April 1998,



Whereas the groundnut sector is important to Gambia's social and economic development;

Whereas exports of groundnuts in shell to Senegal are considerable;

Whereas the ACP-EC Council of Ministers is required to take a decision not more than six months after the submission of the request,

HAS DECIDED AS FOLLOWS:

Article 1

The Republic of the Gambia shall be granted, with effect from the 1997 application year, the derogation provided for in Article 189(1)(b) and (2) of the Fourth ACP-EC Convention for exports of groundnuts in shell or shelled to other ACP States.

Article 2

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

Article 3

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

Hecho en Bruselas, el  
Udfærdiget i Bruxelles, den  
Geschehen zu Brüssel am  
Έγινε στις Βρυξέλλες, στις  
Done at Brussels,  
Fait à Bruxelles, le  
Fatto a Bruxelles, addì  
Gedaan te Brussel,  
Feito em Bruxelas, em  
Tehty Brysselissä  
Utfärdat i Bryssel den

23-06-1998

Por el Consejo de Ministros ACP-CE  
For AVS-EF-Ministerrådet  
Für den AKP-EG-Ministerrat  
Γιά την Επιτροπή των Πρέσβων ΑΚΕ-ΕΚ  
For the ACP-EC Council of Ministers  
Pour le Conseil des Ministres ACP-CE  
A nome del Consiglio dei Ministri ACP-CE  
Voor de ACS-EG-Raad van Ministers  
Pelo Conselho de Ministros ACP-CE  
AKT-EY-ministerineuvoston puolesta  
För ministerrådet AVS-EG

El Presidente  
Formand  
Der Präsident  
Ο Πρόεδρος  
The President  
Le président  
Il Presidente  
De Voorzitter  
O Presidente  
Puheenjohtaja  
Ordförande

Copia certificada conforme  
Bekræftet Kopi  
Die Richtigkeit der Abschrift wird beglaubigt  
Ακριβές αντίγραφο  
Certified true copy  
Copie certifiée conforme  
Copia certificata conforme  
Foor eensluidend gewaarmerkt afschrift  
Cópia autenticada  
Oikeaksi todistettu jäljennös  
Bestyrkt kopia

Kakima Ntambi

Los Secretarios  
Sekretærene  
Die Sekretäre  
Οι Γραμματείς  
The Secretaries  
Les Secrétaires  
I Segretari  
De Secretarissen  
Os Secretários  
Sihteerit  
Sekreterarna



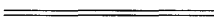
**CONCLUSIONS OF THE 23rd SESSION OF THE ACP-EC COUNCIL OF MINISTERS**  
**BARBADOS, 8-9 MAY 1998,**

**ON SOMALIA**

THE ACP-EC COUNCIL:

1. Recalls the ACP-EC Council conclusions on Somalia of June 1996 (Apia) and April 1997 (Luxembourg);
2. Reiterates Somalia's political adherence to the Lomé Convention;
3. Welcomes the initiatives and concerted efforts undertaken by the Somali people, the IGAD Member States, the OAU and the EU and the support from the members of the IGAD partners' forum in favour of reconciliation and nation building in Somalia and encourages further positive developments in that sense;
4. Believes that only the recommendations of a truly all-inclusive National Reconciliation Conference would receive nation-wide acceptance, consequently hopes that such an all-inclusive conference will soon take place, ultimately leading to the formation of a representative transitional government acceptable to all strata of Somali society, and encourages full discussion and agreement on attendance and representation at the conference prior to its being held;  
In this regard welcomes the declaration of the 17th Session of the Council of Ministers of IGAD on the conflict situation in the sub-region, in particular as pertains to Somalia;

5. Notes the continuing difficulties in implementing in a practical and efficient manner the agreements between the different factions in Somalia, but also welcomes the fact that the EU stands ready to assist the responsible regional organisations, in particular IGAD and the OAU, in their efforts to provide the necessary logistical support to enable an all-inclusive National Reconciliation Conference to proceed;
6. Takes note of the initiatives taken by the European Commission following the Apia and Luxembourg conclusions and welcomes in particular:
  - the Community's increased efforts in support of the peace process in Somalia at all levels;
  - the Community's continuous efforts to provide humanitarian and emergency assistance as well as the Community's move towards rehabilitation and reconstruction activities wherever the conditions set down in the Addis Ababa declaration are fulfilled, i.e. in areas where relative peace and stability prevail and responsible Somali Authorities are in place;
  - the Commission's intention to provide funding and technical assistance to support the Somali people in creating a representative structure facilitating their originating exports;
7. Confirms that EDF resources will be made available once Somalia – never having ceased to belong to the Lomé family – has acceded to the Lomé IV Convention pursuant to Article 364a thereof;
8. Welcomes the intention of the neighbouring ACP countries and the Commission to include Somalia in future regional projects to be financed out of the 8th EDF in accordance with the provisions of Article 157;
9. Mandates the ACP-EC Committee of Ambassadors to continue to monitor the implementation of the present conclusions and to report to the next ACP-EC Council of Ministers.



**Information on the date of entry into force of the Agreement amending the fourth ACP-EC Convention, signed at Mauritius on 4 November 1995**

In accordance with Article 366, in conjunction with Article 360, of the fourth ACP-EC Convention, that Convention will enter into force on 1 June 1998, the instruments of ratification to those Member States of the Community that are signatories to the Convention <sup>(1)</sup> and of two thirds of the African, Caribbean and Pacific (ACP) States as well as the Act of notification of conclusion by the Community having been deposited by 30 April 1998.

In accordance with Article 4 of Decision No 1/97 of the ACP-EC Council of Ministers of 24 April 1997 approving Protocol 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 <sup>(2)</sup>, that Protocol will enter into force on the same date.

---

<sup>(1)</sup> Sweden, Portugal, Finland, Germany, Austria, United Kingdom, Luxembourg, Netherlands, Ireland, Italy, Greece, Denmark, Spain, Belgium, France.

<sup>(2)</sup> OJ L 220, 11.8.1997, p. 1.

## INTERNAL AGREEMENT

between the representatives of the Governments of the Member States, meeting within the Council, on the financing and administration of the Community aid under the Second Financial Protocol to the fourth ACP-EC Convention

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

Having regard to the Treaty establishing the European Community,

Whereas the fourth ACP-EC Convention, signed in Lomé on 15 December 1989 (hereinafter referred to as 'the Convention'), as amended by the Agreement amending the fourth ACP-EC Convention of Lomé, signed in Mauritius on 4 November 1995, set the aggregate amount of Community aid to the ACP States for a five-year period beginning on 1 March 1995 at ECU 14 625 million, comprising ECU 12 967 million from the European Development Fund and ECU 1 658 million from the European Investment Bank (hereinafter referred to as 'the Bank');

Whereas the representatives of the Governments of the Member States meeting within the Council, agreed to set at ECU 165 million the amount of aid from the European Development Fund for the overseas countries and territories to which part four of the Treaty applies (hereinafter referred to as 'the OCT'); whereas provision is also made for operations to the amount of ECU 35 million to be undertaken by the Bank from its own resources in the OCT;

Whereas the ecu used for the application of this Agreement is defined in Council Regulation (EEC) No 3180/78 of 18 December 1978 changing the value of the unit of account used by the European Monetary Cooperation Fund<sup>(1)</sup> or, where appropriate, in any subsequent Council Regulation defining the composition of the ecu;

Whereas in order to implement the Convention and the Decision concerning the association of the OCT (hereinafter referred to as 'the Decision'), an eighth European Development Fund should be established and a procedure should be laid down for the provision of funds

and for contributions from Member States to those funds;

Whereas the rules for the administration of financial cooperation should be determined, the procedure for programming, examining and approving aid should be decided and the detailed rules for supervising the use of the aid should be laid down;

Whereas a committee of representatives of the Governments of the Member States should be set up under the auspices of the Commission and a similar committee should be set up under the auspices of the Bank; whereas the work done by the Commission and the Bank to apply the Convention and the corresponding provisions of the Decision should be harmonised; whereas it is therefore desirable that, as far as possible, the composition of the committees set up under the auspices of the Commission and of the Bank should be identical;

Whereas the Council Resolution of 2 December 1993 and the conclusions of the Council of 6 May 1994 concern the coordination of cooperation policies and operations within the Community; whereas the Council Resolution of 1 June 1995 covers complementarity between the development policies and operations of the Union and its Member States;

After consulting the Commission,

HAVE AGREED AS FOLLOWS:

### CHAPTER I

#### *Article 1*

1. The Member States hereby set up an eighth European Development Fund (1995), hereinafter referred to as 'the Fund'.
2. (a) The Fund shall consist of ECU 13 132 million of which:

<sup>(1)</sup> OJ L 379, 30.12.1978, p. 1. Regulation as amended by Regulation (EEC) No 1971/89 (OJ L 189, 4.7.1989, p. 1).

(i) ECU 12 840 million contributed by the Member States as follows:

	(in ECU million)
Belgium	503
Denmark	275
Germany	3 000
Greece	160
Spain	750
France	3 120
Ireland	80
Italy	1 610
Luxembourg	37
Netherlands	670
Austria	340
Portugal	125
Finland	190
Sweden	350
United Kingdom	1 630

(ii) ECU 292 million arising from the transfer of unallocated or unusable resources from previous funds, financed by the Member States as follows:

- ECU 111 million from the adjustment of the aggregate total of seventh EDF grants, decided by the Contracting Parties on the basis of Article 232 of the Convention, broken down in accordance with the scale fixed in Article 1(2) of the internal agreement on the financing and administration of the seventh EDF,
- ECU 142 million from the adjustment of the aggregate total of seventh EDF grants which must be considered as unusable for the purposes of programmable aid, broken down in accordance with the scale fixed in Article 1(2) of the internal agreement on the financing and administration of the seventh EDF,
- ECU 26 million from the adjustment of the aggregate total of grants unallocated under the sixth EDF, broken down in accordance with the scale fixed in Article 1(2) of the internal agreement on the financing and administration of the sixth EDF,
- ECU 13 million from the adjustment of the aggregate total of grants unallocated under the fourth EDF, broken down in accordance with the scale fixed in Article 1(2) of the internal agreement on the financing and administration of the fourth EDF.

unanimously, should a new State accede to the Community.

#### Article 2

1. The amount stated in Article 1 shall be allocated as follows:

(a) ECU 12 967 million for the ACP States, comprising:

(i) ECU 11 967 million in the form of grants, of which:

- ECU 1 400 million specifically reserved for structural adjustment support,
- ECU 1 800 million in the form of transfers pursuant to Part Three, Title II, Chapter 1 of the Convention,
- ECU 575 million in the form of the special financing facility, pursuant to Part Three, Title II, Chapter 3 of the Convention,
- ECU 260 million reserved for emergency aid and aid to refugees,
- ECU 1 300 million reserved for regional cooperation,
- ECU 370 million to fund interest rate subsidies as referred to in Article 235 of the Convention,
- ECU 6 262 million to fund national programmable aid;

(ii) ECU 1 000 million in the form of risk capital;

(b) ECU 165 million for the OCT, comprising:

(i) ECU 135 million in the form of grants, of which:

- ECU 2,5 million ECU in the form of the special financing facility pursuant to the provisions of the Decision relating to mining products,
- ECU 5,5 million ECU in the form of transfers for the OCT, pursuant to those provisions of the Decision which concern the system for stabilising export earnings,
- ECU 3,5 million reserved for emergency aid and aid to refugees,
- ECU 10 million reserved for regional cooperation,
- ECU 8,5 million to fund interest rate subsidies as referred to in Article 157 of the Decision,

(b) The allocation of contributions under (a)(i) may be amended by a decision of the Council, acting

— ECU 105 million to fund national programmable aid;

(ii) ECU 30 million in the form of risk capital.

2. Where an OCT which has become independent accedes to the Convention, the amounts indicated in paragraph 1(b)(i), first, third, fourth, fifth and sixth indents, and 1(b)(ii) shall be reduced and those indicated in paragraph 1(a) correspondingly increased by a decision of the Council acting unanimously on a proposal from the Commission.

In such cases, the country concerned will continue to be eligible for the funds provided for in paragraph 1(b)(i), second indent, subject to the administrative rules laid down in Part Three, Title II, Chapter 1 of the Convention.

#### Article 3

To the amount laid down in Article 1 shall be added ECU 1 693 million in the form of loans granted by the Bank from its own resources under the conditions laid down by it in accordance with its Statute.

These loans shall be allocated as follows:

- (a) the amount of ECU 1 658 million for financing operations to be carried out in the ACP States;
- (b) the amount of ECU 35 million for financing operations to be carried out in the OCT.

#### Article 4

That part of the amount set aside in Article 2(1)(a)(i), sixth indent, and 1(b)(i), fifth indent, to fund interest rate subsidies, which at the end of the period during which the Bank loans are granted has not been committed shall be made available again under the grants from which it was derived.

The Council, acting on a proposal from the Commission, drawn up in agreement with the Bank, may decide unanimously to increase that ceiling.

#### Article 5

With the exception of loans granted by the Bank from its own resources, all financial operations undertaken for the benefit of the ACP States or the OCT in accordance with the Convention or the Decision shall be carried out under the conditions laid down in this Agreement and shall be charged to the Fund.

#### Article 6

1. Each year the Commission, taking account of the Bank's estimates concerning those operations administered by it, shall establish and communicate to the Council before 1 November a statement of the payments to be made in the following budget year and a schedule of calls for contributions. The Council shall decide thereon by the qualified majority laid down in Article 21(4). The detailed rules for payment of contributions by the Member States shall be determined by the Financial Regulation referred to in Article 32.

2. Together with its annual estimates of contributions, the Commission shall send the Council its estimates of expenditure, including those relating to the previous Funds, for each of the four years following the year relating to the call for contributions.

3. Should the contributions prove insufficient to meet the Fund's actual needs in the financial year in question, the Commission shall submit proposals for supplementary payments to the Council which shall take a decision, as soon as possible, by the qualified majority provided for in Article 21(4).

#### Article 7

1. Any remaining balance of the Fund shall be used up in accordance with the same rules as those laid down in the Convention, the Decision and this Agreement.

2. On expiry of this Agreement, Member States shall still be obliged to pay, as provided in Article 6 and in the Financial Regulation referred to in Article 32, the portion of their contributions not yet called for.

#### Article 8

1. The Member States undertake to act as guarantor for the Bank, waiving any right to object and in proportion to their contributions to its capital, in respect of all financial commitments arising for its borrowers out of the loan contracts concluded by the Bank with its own resources in implementation both of Article 1 of the Second Financial Protocol annexed to the Convention and the corresponding provisions of the Decision and, where appropriate, Articles 104 and 109 of the Convention.

2. The guarantee referred to in paragraph 1 shall be restricted to 75 % of the total amount of the credits opened by the Bank under all the loan contracts; it shall be applied to cover all risks.



3. Notwithstanding the overall guarantee referred to in paragraphs 1 and 2 of this Article, the Member States may, with regard to financial commitments pursuant to Articles 104 and 109 of the Convention, act as guarantor for the Bank, in specific cases and at the latter's request, in respect of a percentage greater than 75 % and up to 100 % of the credits opened by the Bank under the corresponding loan contracts.

4. The undertakings arising from paragraphs 1, 2 and 3 shall be the subject of guarantee contracts between each Member State and the Bank.

#### *Article 9*

1. Payments made to the Bank in respect of special loans granted to the ACP States the OCT and the French overseas departments since 1 June 1964, together with the proceeds and income from risk capital operations undertaken since 1 February 1971 for the benefit of those States, countries, territories and departments, shall be credited to the Member States in proportion to their contributions to the Fund from which the sums are derived, unless the Council decides unanimously, on a proposal from the Commission, to place them in reserve or allocate them to other operations.

Any commission due to the Bank for managing the loans and operations referred to in the first subparagraph shall be deducted in advance from these sums.

2. Without prejudice to Article 192 of the Convention, the revenue accruing from interest on the funds deposited with the paying agents in Europe referred to in Article 319(4) of the Convention shall be credited to one or more bank accounts opened in the name of the Commission. After the EDF Committee referred to in Article 21, acting by a qualified majority, has delivered its opinion, the Commission shall use such revenue:

- to cover the administrative and financial costs arising from the cash management of the fund,
- for limited-budget, short-term studies or consultancy services, in particular in order to strengthen its own capabilities in the area of the analysis, diagnosis and formulation of structural adjustment policies,
- for limited-budget, short-term audits and assessments,
- for limited-budget, short-term studies or consultancy services during the finalisation of financing proposals.

However, acting on a Commission proposal, the Council may decide by the qualified majority laid down in Article 21(4) to use the revenue referred to in this Article for purposes other than those provided for in paragraph 2.

## CHAPTER II

### *Article 10*

1. Subject to Articles 22, 23 and 24 and without prejudice to the Bank's responsibilities for the administration of certain forms of aid, the Fund shall be administered by the Commission in accordance with the rules laid down in the Financial Regulation referred to in Article 32.

2. Subject to Articles 28 and 29, risk capital and interest rate subsidies financed from the Fund's resources shall be administered by the Bank on behalf of the Community in accordance with its Statute and the rules laid down by the Financial Regulation referred to in Article 32.

### *Article 11*

The Commission shall ensure that the aid policy defined by the Council is implemented as well as the guidelines for development finance cooperation defined by the ACP-EC Council of Ministers pursuant to Article 325 of the Convention.

### *Article 12*

1. The Commission and the Bank shall provide each other periodically with information on the requests made to them for finance and on preliminary contacts made with them, before their requests were submitted, by the relevant bodies of the ACP States, the OCT, or other recipients of aid as provided for in Article 230 of the Convention and in the corresponding provisions of the Decision.

2. The Commission and the Bank shall keep each other informed of the progress made in appraising requests for finance. They shall exchange all general information in order to promote the harmonisation of administrative procedures and of the course to be followed in their proceedings from a development policy viewpoint and also the assessment of requests.

### *Article 13*

1. The Commission shall appraise projects and programmes which, pursuant to Article 233 of the Convention and the corresponding provisions of the Decision, could be financed by grants from the Fund's resources.

The Commission shall also appraise requests for transfers pursuant to Part Three, Title II, Chapter 1 of the Convention and the corresponding provisions of the Decision, together with projects and programmes eligible for the special financing facility pursuant to Part Three, Title II, Chapter 3 of the Convention and the corresponding provisions of the Decision.

2. The Bank shall appraise projects and programmes which, pursuant to its Statute, Articles 233 and 236 of the Convention and the corresponding provisions of the Decision, could be financed by loans from its own resources with interest rate subsidies, or by risk capital.

3. Production projects and programmes which come under the industrial, agroindustrial, tourism, mining or energy sectors, and transport and telecommunications schemes linked to those sectors, shall be presented to the Bank, which shall examine whether they are eligible for one of the forms of aid it administers.

4. Where, in the course of appraisal of a project or programme by the Commission or by the Bank, it is found that the project or programme could not be financed by one of the forms of aid administered by the institution in question, the latter shall, having informed the potential recipient, transmit the request to the other institution.

#### *Article 14*

Without prejudice to general instructions which the Bank receives from the Community in respect of the recovery of principal and interest relating to special loans and operations under the special financing facility of the previous Conventions, the Commission shall undertake, on behalf of the Community, the financial execution of operations carried out with the Fund's resources in the form of grants, transfers or the special financing facility; it shall make payments in accordance with the Financial Regulation referred to in Article 32.

#### *Article 15*

1. The Bank shall undertake, on behalf of the Community, the financial execution of operations carried out with the Fund's resources in the form of risk capital. In this context, the Bank shall act on behalf and at the risk of the Community. Any resulting rights, and particularly rights as creditor or owner, shall be vested in the Community.

2. The Bank shall undertake the financial execution of operations carried out by means of loans from its own resources combined with interest rate subsidies from the Fund's resources.

### CHAPTER III

#### *Article 16*

1. In order to ensure transparency and consistency between cooperation operations and improve complementarity between them and the Member States' bilateral aid, the Commission shall communicate to the Member States and their representatives on the spot the notes identifying projects as soon as the decision to appraise them has been taken. The Commission shall subsequently update these notes and notify the Member States thereof.

2. With the same objective of transparency, consistency and complementarity, the Member States and the Commission shall periodically send each other updated statements of the development aid they have granted or intend to grant. Moreover, particularly in the priority areas on which the Council has adopted specific resolutions on policy coordination, the Member States and the Commission shall carry out systematic exchanges of information and views on their policies and strategies for each recipient country and shall, wherever desirable and possible, agree on common sectoral guidelines on a country-by-country basis, by means of regular meetings between the Commission and Member State representations on the spot, bilateral contacts or meetings of Member State and Commission experts and in the context of the proceedings of the EDF Committee referred to in Article 21, which must play a central role in this process.

3. The Member States and the Commission shall also communicate to each other, by means of regular meetings between the Commission and Member State representations on the spot, bilateral contacts or meetings of Member State and Commission experts and in the context of the proceedings of the EDF Committee referred to in Article 21, any information they possess on other bilateral, regional or multilateral aid granted to or envisaged for ACP States.

4. The Bank shall regularly and confidentially inform the representatives of the Member States and of the Commission designated by name of any projects for the benefit of the ACP States which it intends to appraise.

#### *Article 17*

1. The programming provided for in Article 281 of the Convention shall be undertaken in each ACP State under the responsibility of the Commission and with the participation of the Bank.

2. In order to prepare the programming, the Commission, in the context of greater coordination with

the Member States, in particular those represented on the spot, and in conjunction with the Bank, shall undertake an economic and social analysis of each ACP State's economic and social situation so that constraints on and viable prospects for development can be identified and, on that basis, the appropriate policies assessed.

3. The analysis referred to in paragraph 2 shall also concern sectors in which the Community is particularly active and those for which a request for Community support may be envisaged account being taken of the priorities for the Community's cooperation policy; national macroeconomic and sectoral policies and their effectiveness, aid from other donors, especially from the Member States; the interdependence between sectors; and a detailed assessment of past Community aid and of the lessons learned therefrom.

4. On the basis of the analysis referred to in paragraph 2, the Commission shall prepare a summary document on its cooperation strategy for each country and region in which it shall propose a Community aid strategy.

#### Article 18

1. This document shall be examined by the representatives of the Member States, the Commission and the Bank, within the EDF-Committee referred to in Article 21, in order to assess the general framework of the Community's cooperation with each ACP State and to ensure, as far as possible, consistency and complementarity between Community aid and aid from the Member States. The Bank, for its part, shall indicate the possible total of its proposed allocation to the ACP State.

2. On the basis of this examination and of the proposals made by the ACP State concerned, exchanges of views shall be held between the latter, the Commission and the Bank, for the part concerning it, pursuant to Article 282 of the Convention, to draw up the indicative programme of Community aid.

3. The indicative programme of Community aid for each ACP State shall be forwarded to the Member States so that an exchange of views can take place between the representatives of the Member States and the Commission. This exchange of views shall be held if the Commission or one or more Member States so request.

4. The provisions of Article 17 and of this Article relating to national programming shall apply, *mutatis mutandis*, to regional programming on the basis of Article 160 of the Convention.

#### Article 19

1. Notwithstanding the possibility provided for in Article 282(3) for the ACP State to request a revision of the indicative programme, this programme shall be revised in accordance with Article 282(3) no later than three years after the entry into force of the Second Financial Protocol or when the total amount of financing decisions taken in the context of the ACP State's indicative programme has reached 80 % of the first instalment of the indicative allocation, provided that level is reached before the end of the aforesaid three-year period.

2. Following the mid-term review of an ACP State's indicative programme, and taking into account the factors referred to in Article 282(4) of the Convention, the Commission shall assess the actual needs of the ACP State in terms of financial commitments up to the end of the period of the Second Financial Protocol to the Convention. The Commission shall decide, case by case, on the allocation and level of a second instalment of the indicative programme following an exchange of views with the Member States in the EDF Committee pursuant to Article 23, on the basis of a summary document from the Commission departments.

#### Article 20

1. The provisions of the Convention relating to adjustment support shall be implemented on the basis of the following principles:

- (a) when analysing the situation of the States concerned, the Commission, using a diagnostic method based on the indicators listed in Article 246 of the Convention, shall assess the scope and effectiveness of the reforms undertaken or contemplated in the areas covered by that Article, in particular monetary, budgetary and fiscal policies;
- (b) support given for structural adjustment must relate directly to operations and measures adopted by the State concerned in connection with that adjustment;
- (c) the procedures applying in the award of contracts must be sufficiently flexible to adapt to the normal administrative and commercial procedures in the ACP States concerned;
- (d) subject to subparagraph (c), where import programmes apply, each structural adjustment support programme shall specify, for imports, the tendering system, together with the values of import

orders determining the choice of the two forms of invitation to tender:

- international invitation to tender,
- direct agreement.

However, normal public tendering procedures shall be followed for imports by the State or quasi-public bodies;

- (e) at the request of the ACP State concerned and after consultation with that State, technical assistance shall be made available to the ACP body responsible for implementing the programme.

When technical assistance is negotiated, the Commission shall ensure that such technical assistance is responsible for:

- supervising the operational aspects of the programme,
- ensuring that imports are procured on the best quality/price terms following the widest possible consultations with ACP and EC suppliers,
- advising importers, whenever technically possible and economically justified, on how to extend their markets.

Such technical assistance personnel may, if necessary, assist importers who so desire to combine their orders where the goods to be imported are homogeneous, and thus obtain a better quality/price ratio;

- (f) direct budgetary support must be entirely consistent with the macroeconomic and budgetary framework as an element of the overall reform programme and must be subject to the usual exceptions applied in the framework of the general and sectoral import programmes. In particular, assistance must not be used to support expenditure for military purposes.

2. The Commission shall inform the Member States, as the need arises and at least once a year, of the implementation of the adjustment support programmes and of any problem with regard to maintaining eligibility. The information provided, accompanied by all necessary particulars including statistical data, shall cover, in particular, the proper application of the agreement concluded with the ACP body responsible for implementing the programme, including the provisions relating to the consultations referred to in the second indent of the second subparagraph of paragraph 1(e). On the basis of this information, the progress of import programmes and coordination with other donors, the Council, acting by the qualified majority provided for in Article 21(4) on a proposal from the Commission, may adjust the arrangements for implementing the programmes, as specified in paragraph 1.

## CHAPTER IV

### Article 21

1. A Committee (hereinafter called 'the EDF Committee') consisting of representatives of the Governments of the Member States shall be set up under the auspices of the Commission, for the Fund resources it administers.

The EDF Committee shall be chaired by a Commission representative, and its secretariat shall be provided by the Commission.

A representative of the Bank shall take part in its work.

2. The Council, acting unanimously, shall adopt the rules of procedure of the EDF Committee.

3. Within the EDF Committee, the votes of the Member States shall be weighted as follows.

Belgium	9
Denmark	5
Germany	50
Greece	4
Spain	13
France	52
Ireland	2
Italy	27
Luxembourg	1
Netherlands	12
Austria	6
Portugal	3
Finland	4
Sweden	6
United Kingdom	27

4. The EDF Committee shall act by a qualified majority of 145 votes, expressing a vote in favour by at least eight Member States.

5. The weightings laid down in paragraph 3 and the qualified majority mentioned in paragraph 4 shall be amended, by a decision of the Council, acting unanimously, in the case referred to in Article 1(2)(b).

### Article 22

1. The EDF Committee shall focus its work on the substantive problems of cooperation on a country-by-country basis and seek appropriate coordination of the approaches and operations of the Community and its Member States in the interests of consistency and complementarity.

2. The Committee's tasks shall cover three levels:

- programming of Community aid,
- monitoring the implementation of Community aid, including sectoral aspects,
- the taking of decisions.

- evaluations of Community aids when they give rise to issues relating to the work of the EDF Committee.

#### Article 25

#### Article 23

With regard to programming, the purpose of the examination referred to in Article 18(1) and of the exchanges of views provided for in Articles 18(3) and 19(2) shall be to reach the desirable consensus between the Commission and the Member States. The examination and exchanges of views shall take place within the EDF Committee and shall concern:

- the general framework of Community cooperation with each ACP State, in particular the proposed focal sectors and the measures envisaged to attain the objectives set for those sectors and the general guidelines proposed for the implementation of regional cooperation,
- consistency and complementarity between Community aid and aid from the Member States.

If it is not possible to reach the consensus referred to in the first paragraph, and at the request of a Member State or the Commission, the EDF Committee will also give its opinion acting by a qualified majority in accordance with the procedure laid down in Article 21.

#### Article 24

With regard to the monitoring of the implementation of cooperation, the EDF Committee shall discuss:

- development policy problems and any problem of a general and/or sectoral nature which might result from the implementation of the various projects or programmes financed from the resources administered by the Commission, account being taken of the Member States' experience and operations,
- the approach of the Community and the Member States to the adjustment support given to the States concerned, including the question of the use of counterpart funds,
- any changes which might appear necessary in the indicative programmes or in adjustment support,
- mid-term reviews where requested by the EDF Committee when approving financing proposals for particular projects or programmes,

1. With regard to the decision-making process, the EDF Committee shall give its opinion, by the qualified majority laid down in Article 21, on:

- (a) the eligibility of the ACP States for resources to support structural adjustment, except in cases where, under Article 246(2) of the Convention, such eligibility is automatic;
- (b) financing proposals for projects or programmes with a value greater than ECU 2 million, according to a written procedure or a standard procedure, the detailed arrangements for which shall be determined in the rules of procedure referred to in Article 21(2);
- (c) financing proposals relating to adjustment support or to the special financing facility (Sysmin), irrespective of the amount involved;
- (d) financing proposals drawn up under Article 9(2) (use of interest).

2. The Commission is authorised to approve operations with a value less than ECU 2 million without seeking the EDF Committee's opinion.

3. (a) The Commission is also authorised in the circumstances provided for in (b), to approve, without seeking the EDF Committee's opinion, the additional commitments required to cover expected or actual overspending under a project or programme referred to in paragraphs 1(b) and 2, to cover additional financing requirements for structural adjustment tranches which are the subject of the proposals referred to in paragraph 1(c), where the overspending or additional amount required does not exceed 20 % of the initial commitment fixed in the financing decision.

- (b) Where the additional commitment referred to in (a) is under ECU 4 million, the EDF Committee shall be informed of the Commission's decision. Where the additional commitment referred to in

(a) exceeds ECU 4 million but is under 20 % of the initial commitment, the EDF Committee's opinion shall be sought under simplified, expedited procedures to be laid down, on the basis of Commission proposals, when the Rules of Procedure of the EDF Committee are adopted.

4. The financing proposals shall indicate in particular the relevance of the projects or programmes to the development prospects of the country or countries concerned and how they fit in with the sectoral or macroeconomic policies receiving Community support. They shall mention the use to which such countries have put previous Community aid in the same sector and indicate any existing project evaluations for that sector.

5. Financing proposals concerning structural adjustment shall specify, *inter alia*, the items to which budgetary assistance is allocated, whether directly or indirectly.

6. In order to speed up the procedures, financing proposals may cover overall amounts for the financing of:

- (a) training;
- (b) decentralised cooperation;
- (c) micro-projects;
- (d) trade promotion and development;
- (e) packages of small-scale operations in a specific sector;
- (f) technical cooperation.

#### Article 26

1. If the EDF Committee requests substantial changes to one of the proposals referred to in Article 25(1), or in the absence of a favourable opinion on the proposal, the Commission shall consult the representatives of the ACP State or States concerned.

Following such consultations, the Commission shall communicate the results to the Member States at the next meeting of the EDF Committee.

2. Following the consultations referred to in paragraph 1, the Commission may submit a revised or extended proposal to the EDF Committee at one of its subsequent meetings.

3. If the EDF Committee still refuses to deliver a favourable opinion, the Commission shall inform the ACP State or States concerned, which may then request either:

- that the matter be brought before the ACP-EC Ministerial Committee referred to in Article 325 of the Convention (hereinafter called 'the Development Finance Cooperation Committee'), or
- that it or they be given a hearing by the Community's decision-making bodies, on the conditions set out in Article 27(2).

#### Article 27

1. The proposals referred to in Article 25(1), together with the opinion of the EDF Committee, shall be submitted to the Commission for its decision.

2. If the Commission decides to depart from the opinion expressed by the EDF Committee or if the Committee has not delivered a favourable opinion, the Commission shall either withdraw the proposal or, at the earliest opportunity, refer the proposal to the Council, which shall decide on it according to the same voting procedure as the EDF Committee within a period which, as a general rule, may not exceed two months.

In the latter case, where a financing proposal is involved, the ACP State concerned may, if it has not decided to refer the matter to the Development Finance Cooperation Committee, forward to the Council, in accordance with Article 289(3) of the Convention, any additional information it considers necessary before the final decision is taken, and may be heard by the President and the members of the Council.

#### Article 28

1. A committee (hereinafter called 'the Article 28 Committee') consisting of representatives of the Governments of the Member States shall be set up under the auspices of the Bank.

The Article 28 Committee shall be chaired by the representative of the Member State currently chairing the Board of Governors of the Bank; its secretariat shall be provided by the Bank.

A representative of the Commission shall take part in its work.

2. The Council, acting unanimously, shall adopt the rules of procedure of the Article 28 Committee.

3. The weighting of the votes of the Member States and the qualified majority applicable to the Article 28 Committee shall be those resulting from the application of Article 21(3), (4) and (5).

*Article 29*

1. The Article 28 Committee shall deliver an opinion by qualified majority on requests for loans with interest rate subsidies and on proposals for financing by risk capital which are submitted to it by the Bank.

The Commission representative may, at meetings, submit the Commission's assessment of these proposals. This assessment shall cover the conformity of the projects with Community development aid policy, with the objectives of financial and technical cooperation laid down by the Convention and with the general guidelines adopted by the ACP-EC Council of Ministers.

The Committee may also, if requested by the Bank, or, with its agreement, by one or more Member States,

- examine questions of development policy, inasmuch as they are directly connected with Bank activities in the framework of the project,
- hold exchanges of views on the practical ideas of the Bank and the Member States as regards the funding of projects from the coordination angle,
- discuss questions arising from the evaluations of the Bank's activities provided for in Article 30(6).

2. The document submitted to the Article 28 Committee by the Bank shall, in particular, explain the relevance of the project to the development prospects of the country or countries concerned and, where appropriate, indicate the situation as regards repayable aid granted by the Community and holdings acquired by it and the use made of previous aid in the same sector; any existing project evaluations for that sector shall be attached.

3. Where that Article 28 Committee delivers a favourable opinion in respect of a request for a loan with an interest rate subsidy, the request, together with the reasoned opinion of the Committee and, where appropriate, the assessment of the Commission representative, shall be submitted for a decision to the Board of Directors of the Bank, which shall act in accordance with the Bank's Statute.

In the absence of a favourable opinion from the Committee, the Bank shall either withdraw the request or

decide to uphold it. In the latter event, the request, together with the reasoned opinion of the Committee and, where appropriate, the assessment given by the Commission representative, shall be submitted for a decision to the Bank's Board of Directors, which shall act in accordance with the Bank's Statute.

4. Where the Article 28 Committee delivers a favourable opinion in respect of a proposal for financing by risk capital, the proposal shall be submitted for a decision to the Bank's Board of Directors, which shall act in accordance with the Bank's Statute.

In the absence of a favourable opinion from the Committee, the Bank, in accordance with Article 289(2) and (3) of the Convention, shall inform the representatives of the ACP State or States concerned, who may request either:

- that the matter be referred to the Development Finance Cooperation Committee, or
- that they be given a hearing by the competent body of the Bank.

At the end of that hearing the Bank may either:

- decide not to follow up the proposal, or
- request that the Member State chairing the Article 28 Committee refer the matter to the Council as soon as possible.

In the latter case, the proposal shall be submitted to the Council together with the opinion of the Article 28 Committee and, where appropriate, the assessment of the Commission representative and any further information which the ACP State concerned considers the Council requires.

The Council shall act in accordance with the same voting procedure as the Article 28 Committee.

If the Council confirms the Article 28 Committee's position, the Bank shall withdraw its proposal.

If, however, the Council is in agreement with the Bank's proposal, the Bank shall implement the procedures laid down in its Statute.

*Article 30*

1. The Commission and the Bank shall ascertain, each to the extent to which it is concerned, how the Community aid they administer is used by the ACP States, the OCT or any other recipients.

2. The Commission and the Bank shall also ascertain, each to the extent to which it is concerned and in close collaboration with the relevant authorities of the country or countries concerned, how projects financed with Community aid are used by the recipients.

3. When ascertaining how Community aid and projects are used, as provided for in paragraphs 1 and 2, the Commission and the Bank shall examine the extent to which the objectives referred to in Articles 220 and 221 of the Convention and in the corresponding provisions of the Decision have been attained.

4. The Bank shall regularly send the Commission all information relating to the implementation of projects financed from the Fund resources it administers.

5. The Commission and the Bank shall inform the Council, on the expiry of the Financial Protocol annexed to the Convention, of their findings pursuant to paragraphs 1, 2 and 3. The report by the Commission and the Bank shall also contain an assessment of the impact of Community aid on the economic and social development of the recipient countries.

6. The Council shall be informed periodically of the results of work done by the Commission and the Bank on the evaluation of projects being carried out or completed, particularly in relation to development objectives set.

## CHAPTER V

### *Article 31*

1. The amounts of the Stabex transfers referred to in Part Three, Title II, Chapter 1 of the Convention and in the corresponding provisions of the Decision shall be expressed in ecus.

2. Payments shall be made in ecus.

3. Each year the Commission shall draw up a comprehensive report for the Member States on the operation of the system for the stabilisation of export earnings and the use made by the ACP States of the funds transferred.

The report shall indicate in particular the effects of the transfers made on the development of the sectors to which they were allocated.

4. Paragraph 3 shall also apply as regards the OCT.

## CHAPTER VI

### *Article 32*

The provisions for implementing this Agreement shall be the subject of a Financial Regulation adopted, on the entry into force of the Agreement amending the Fourth ACP-EC Convention, by the Council, acting by the qualified majority laid down in Article 21(4), on the basis of a Commission draft, after an opinion has been delivered by the Bank on the provisions of concern to it and by the Court of Auditors established under Article 188a et seq. of the Treaty.

### *Article 33*

1. At the end of each financial year, the Commission shall adopt the revenue and expenditure account and the balance-sheet of the fund.

2. Without prejudice to paragraph 5, the Court of Auditors shall also exercise its powers in respect of the Fund's operations. The conditions under which the Court exercises its powers shall be laid down in the Financial Regulation referred to in Article 32.

3. The discharge for the financial management of the Fund shall be given to the Commission by the European Parliament on the recommendation of the Council, which shall act by the qualified majority laid down in Article 21(4).

4. The Commission shall make the information referred to in Article 30(4) available to the Court of Auditors so that the latter may, on the basis of the documentary evidence, carry out checks on the aid provided from the Fund's resources.

5. The operations financed from the Fund resources managed by the Bank shall be subject to the control and discharge procedure laid down by the Statute of the Bank for all its operations. Each year the Bank shall send the Commission and the Council a report on the execution of operations financed from the Fund resources managed by the Bank.

6. The Commission shall draw up periodically, in agreement with the Bank, lists of the information it receives from the latter in order to assess how the Bank is carrying out its brief and to encourage close coordination between the Commission and the Bank.

### *Article 34*

1. Without prejudice to the transfers referred to in Article 1(2)(a)(ii):



- the remaining balance of the Fund set up under the internal agreement of 1975 on the financing and administration of Community aid shall continue to be administered as provided in that agreement and in accordance with the rules and regulations in force on 28 February 1980,
- the remaining balance of the Fund set up under the internal agreement of 1979 on the financing and administration of Community aid shall continue to be administered as provided in that agreement and in accordance with the rules and regulations in force on 28 February 1985,
- the remaining balance of the Fund set up under the internal agreement of 1985 on the financing and administration of Community aid shall continue to be administered as provided in that agreement and in accordance with the rules and regulations in force on 28 February 1990,
- the remaining balance of the Fund set up under the internal agreement of 1990 on the financing and administration of Community aid shall continue to be administered as provided in that agreement and in accordance with the rules and regulations in force on 28 February 1995.

2. In the event of successful completion of projects financed from the Funds referred to in paragraph 1 being jeopardised by a lack of resources owing to the remaining balance being used up, proposals for

additional financing may be submitted by the Commission in accordance with the procedure laid down in Article 21.

#### *Article 35*

1. This Agreement shall be approved by each Member State in accordance with its own constitutional requirements. The Government of each Member State shall notify the General Secretariat of the Council of the European Union when the procedures required for the entry into force of this Agreement have been completed.

2. This Agreement is concluded for the same duration as the Second Financial Protocol annexed to the Convention. However, it shall remain in force for as long as is necessary for all the operations financed under the Convention and the Protocol to be fully executed.

#### *Article 36*

This Agreement, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Union, which shall transmit a certified copy to each of the Governments of the signatory States.

En fe de lo cual, los representantes de los Gobiernos de los Estados miembros, reunidos en el seno del Consejo, abajo firmantes, suscriben el presente Acuerdo.

Til bekræftelse heraf har repræsentanterne for Det Europæiske Fællesskabs medlemsstater, forsamlet i Rådet, underskrevet denne aftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten der im Rat vereinigten Regierungen der Mitgliedstaaten ihre Unterschriften unter dieses Abkommen gesetzt.

Σε πίστωση των οποίων, οι υπογράφωντες αντιπρόσωποι των κυβερνήσεων των κρατών μελών, συνελθόντες στα πλαίσια του Συμβουλίου, έθεσαν την υπογραφή τους κάτω από την παρούσα συμφωνία.

In witness whereof, the undersigned representatives of the Governments of the Member States, meeting within the Council, have hereunto set their hands.

En foi de quoi, les représentants des gouvernements des États membres, réunis au sein du Conseil, soussignés, ont apposé leurs signatures au bas du présent accord.

In fede di che i sottoscritti rappresentanti dei governi degli Stati membri, riuniti in sede di Consiglio, hanno apposto le loro firme in calce al presente accordo.

Ten blijke waarvan de ondergetekende vertegenwoordigers van de regering van de ondertekende lidstaten, in het kader van de Raad bijeen, hun handtekening onder dit Akkoord hebben gesteld.

Em fé do que, os representantes dos Governos dos Estados-membros, reunidos no Conselho, apuseram as suas assinaturas no final do presente acordo.

Tämän vakuudeksi alla mainitut neuvostossa kokoontuneet jäsenvaltioiden hallitusten edustajat ovat allekirjoittaneet tämän sopimuksen.

Till bevis härpå har företrädarna för medlemsstaternas regeringar, församlade i rådet, undertecknat detta avtal.

Hecho en Bruselas, el veinte de diciembre de mil novecientos noventa y cinco.

Udfærdiget i Bruxelles, den tyvende december nitten hundrede og femoghalvfems.

Geschehen zu Brüssel am zwanzigsten Dezember neunzehnhundertfünfundneunzig.

Έγινε στις Βρυξέλλες, στις είκοσι Δεκεμβρίου χίλια εννιακόσια ενενήντα πέντε.

Done at Brussels on the twentieth day of December in the year one thousand nine hundred and ninety-five.

Fait à Bruxelles, le vingt décembre mil neuf cent quatre-vingt-quinze.

Fatto a Bruxelles, addì venti dicembre millenovecentonovantacinque.

Gedaan te Brussel, de twintigste december negentienhonderd vijfennegentig.

Feito em Bruxelas, em vinte de Dezembro de mil novecentos e noventa e cinco.

Tehty Brysselissä kahdentenkymmenentenä päivänä joulukuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäviisi.

Som skedde i Bryssel den tjugonde december nittonhundrafem.

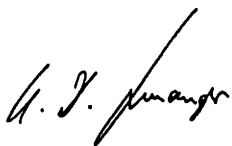
Pour le Royaume de Belgique  
Voor het Koninkrijk België  
Für das Königreich Belgien



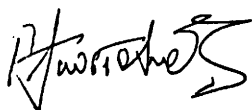
På Kongeriget Danmarks vegne



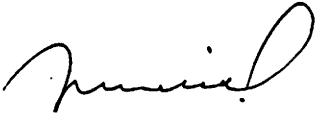
Für die Bundesrepublik Deutschland



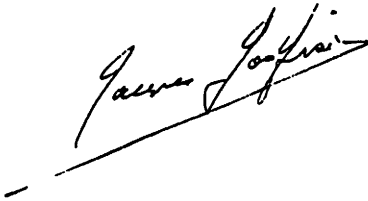
Για την Ελληνική Δημοκρατία



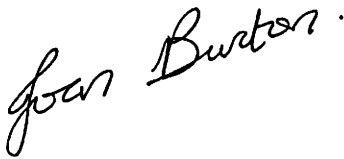
Por el Reino de España



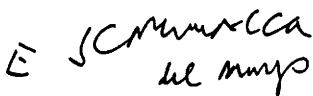
Pour la République française



Thar ceann na hÉireann  
For Ireland



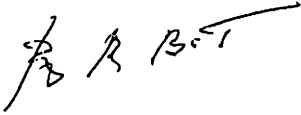
Per la Repubblica italiana



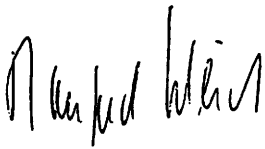
Pour le Grand-Duché de Luxembourg

A handwritten signature consisting of several strokes, including a large 'L' and 'D' shape, and a horizontal line.

Voor het Koninkrijk der Nederlanden

A handwritten signature that appears to be 'A. R. B. T.' with a long horizontal line extending from the end.

Für die Republik Österreich

A handwritten signature in cursive script, appearing to read 'Manfred Klein'.

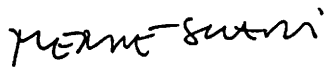
Pela República Portuguesa

A handwritten signature consisting of a large, sweeping 'S' shape followed by a horizontal line.

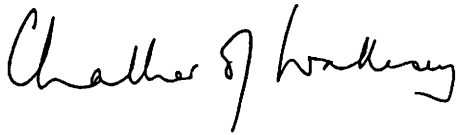
Suomen tasavallan puolesta

A handwritten signature in black ink, appearing to read 'Pekka Haavisto'.

För Konungariket Sverige

A handwritten signature in black ink, appearing to read 'Matti Suuronen'.

For the United Kingdom of Great Britain and Northern Ireland

A handwritten signature in black ink, appearing to read 'Chatter of Wadhwa'.

---

**CORRIGENDA**

**Corrigendum to the Internal Agreement between the representatives of the Governments of the Member States, meeting within the Council, on the financing and administration of the Community aid under the Second Financial Protocol to the fourth ACP-EC Convention**

*(Official Journal of the European Communities L 156 of 29 May 1998)*

On page 1 of the cover, the indication '98/363/EC' shall be inserted before the title of the Internal Agreement.

On page 108, the indication '(98/363/EC)' shall be inserted after the title of the Internal Agreement.

---

## II

*(Acts whose publication is not obligatory)*

# COUNCIL

## FINANCIAL REGULATION

of 16 June 1998

applicable to development finance cooperation under the fourth ACP-EC Convention

(98/430/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, hereinafter referred to as 'the EC Treaty',

Having regard to the fourth ACP-EC Convention, signed at Lomé on 15 December 1989, hereinafter referred to as 'the Convention', as amended by the Agreement signed in Mauritius on 4 November 1995,

Having regard to the Internal Agreement on the financing and administration of Community aid under the Fourth ACP-EEC Convention<sup>(1)</sup>, signed in Brussels on 20 December 1995, hereinafter referred to as 'the Internal Agreement', and in particular Article 32 thereof,

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>(2)</sup>, hereinafter referred to as 'the Decision',

Having regard to the general regulations and general conditions for works, supplies and service contracts financed by the European Development Fund<sup>(3)</sup> which were approved by the ACP-EEC Council of Ministers on 29 March 1990, hereinafter referred to as 'the General Regulations and Conditions of Contract',

Having regard to the proposal submitted by the Commission,

Having regard to the opinion of the European Investment Bank, hereinafter referred to as 'the Bank',

Having regard to the opinion of the Court of Auditors<sup>(4)</sup>,

Whereas, pursuant to Article 1(1) of the Internal Agreement, the Member States have set up an eighth European Development Fund, hereinafter referred to as 'the EDF';

<sup>(1)</sup> OJ L 229, 17. 8. 1991, p. 288.

<sup>(2)</sup> OJ L 263, 19. 9. 1991, p. 1. Decision as amended by Decision 97/803/EC (OJ L 329, 29. 11. 1997, p. 50).

<sup>(3)</sup> OJ L 382, 31. 12. 1990, p. 3.

<sup>(4)</sup> OJ C 223, 22. 7. 1997, p. 1.



Whereas, under Article 32 of the Internal Agreement, the provisions for implementing this Internal Agreement shall be the subject of a Financial Regulation adopted, upon the entry into force of the Convention, by the Council acting by the qualified majority laid down in Article 21(4) of the said Agreement,

HAS ADOPTED THIS FINANCIAL REGULATION:

## TITLE I

### FINANCIAL ESTIMATES, RULES FOR PAYMENT OF CONTRIBUTIONS TO THE EDF BY THE MEMBER STATES AND GENERAL PRINCIPLES

#### *Article 1*

The amount of the EDF set in Article 1 of the Internal Agreement shall be allocated as indicated in Annex I. The allocation of appropriations and the rules of transfer shall be laid down by the Convention and the Internal Agreement.

#### *Article 2*

1. Annual contributions to the EDF shall be called up in four instalments payable on:

- 20 January,
- 1 April,
- 1 July,
- 1 November.

Supplementary contributions for the financial year decided on by the Council in accordance with Article 6(3) of the Internal Agreement shall, unless otherwise decided by the Council, be due and be made within as brief a period as possible which shall be laid down in the decision to call for such contributions and which may not exceed three months.

2. The Commission shall notify the Member States as soon as possible, not later than the beginning of each financial year, and on the basis of the Council decision referred to in Article 6(1) of the Internal Agreement, of the amount of the instalments of contributions to be paid on each of the due dates. The Commission shall set the amounts to be paid by each Member State so that they are in proportion to its contributions to the EDF as fixed in Article 1(2) of the Internal Agreement.

The Commission shall inform the Member States of any alteration to the amount of the calls for contributions as soon as possible before the date on which each instalment of contributions is due, on the basis of the cash situation of the EDF and its expenditure estimates for the remainder of the year.

3. Where an instalment of contributions payable under this Article is not paid within 15 days of the due date, the Member State concerned shall be required to pay interest in respect of the amount not paid on the basis of a rate of

two percentage points above the interest rate for short-term financing applicable on the date on which the instalment is due on the money market of the Member State for the ecu. This rate shall be increased by a quarter of a percentage point for each month of delay. The increased rate shall be applicable to the entire period of delay. Amounts received by the Commission in respect of such late payment interest shall be credited to the account provided for in Article 9(2) of the Internal Agreement.

#### *Article 3*

1. The financial contributions of the Member States shall be expressed in ecus.

2. Each Member State shall pay the amount of its contribution in ecus. The Member States may, however, make actual payments of their contributions in their national currencies.

3. Financial contributions shall be credited by each Member State to a special account entitled 'Commission of the European Communities — European Development Fund' opened with the bank of issue of that Member State or the financial institution designated by it. The amount of such contributions shall remain in these special accounts until required to meet payments needs provided for in Article 319 of the Convention.

4. Upon expiry of the Convention, that part of the contributions which the Member States remain obliged to make shall be called up by the Commission, as required, on the conditions laid down in this Financial Regulation.

#### *Article 4*

1. The ecu is the sum of specified amounts of the currencies of the Member States as set out in Council Regulation (EC) No 3320/94 of 22 December 1994 on the consolidation of the existing Community legislation on the definition of the ecu following the entry into force of the Treaty on European Union<sup>(1)</sup>.

Any change in the composition of the ecu decided on by the Council pursuant to the EC Treaty shall automatically apply to this provision.

<sup>(1)</sup> OJ L 350, 31. 12. 1994, p. 27.

2. The value of the ecu in a given currency shall be equal to the sum of the equivalents of the amounts of the currencies which make up the ecu.

It shall be determined by the Commission on the basis of the exchange rates recorded each day on the exchange markets.

The daily rates for conversion into the various national currencies shall be available each day and shall be published in the *Official Journal of the European Communities*.

3. Any operations involving conversions of the ecu into a national currency shall, in principle, be effected on the basis of the exchange rate applicable on that day; derogations from this principle may be permitted in duly justified exceptional cases, in accordance with the implementing rules of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities<sup>(1)</sup>.

#### Article 5

In order to make payments provided for in Article 319(1) and (4) of the Convention, the Commission shall open accounts with financial institutions in the ACP States and the OCT, for payments in the national currencies of the ACP States or in the local currencies of the OCT, and in the Member States, for payments in ecus and other currencies. Subject to Article 319(3) of the Convention, deposits in these accounts shall bear interest. Subject to Article 192 of the Convention, such interest shall be credited to the account provided for in Article 9(2) of the Internal Agreement.

#### Article 6

1. The Commission shall transfer from the special accounts opened pursuant to Article 3(3) amounts needed to replenish the accounts opened in its name in accordance with Article 5. Such transfers shall be made on the basis of the cash needs of the projects and programmes.

2. The Commission shall endeavour to make any withdrawals from the special accounts referred to in Article 3(3) in such a way as to maintain a distribution of its assets in those accounts corresponding to the proportions in which the various Member States contribute to the EDF.

#### Article 7

The signatures of the Commission officials and agents who are empowered to carry out operations on the EDF's accounts shall be lodged with the banks concerned when the accounts are opened or, in the case of officials and agents who are authorised subsequently, when they are designated. This procedure also applies to the lodging of signatures of national and regional authorising officers and their deputies for operations in paying agent accounts opened in the ACP States or the OCT and, where appropriate, in the accounts opened in the Member States.

#### Article 8

1. EDF resources must be used in accordance with the principles of sound financial management, and in particular those of economy and cost effectiveness. Qualitative and quantitative objectives must be identified and the progress of their realisation monitored by means of appropriate indicators.

2. To this end the use of EDF resources must be preceded by an *ex ante* evaluation of the operation to be undertaken with a view to ensuring that the expected results justify the means deployed.

3. All operations must be periodically examined and their grounds checked, particularly with a view to the estimates of calls for contributions referred to in Article 6(1) of the Internal Agreement.

#### Article 9

1. The financing decisions taken pursuant to Articles 25 to 27 of the Internal Agreement, with regard to aid administered by the Commission, and the financing agreements, have a time limit for starting implementation of the project. Beyond this date, the financing decision and agreement no longer apply.

2. The financing decisions referred to in paragraph 1 and the financing agreements also have a time limit for implementation of the operation. Continuation of the operation beyond this date must be justified by the third-party beneficiary and accepted by the Commission before the implementation time limit expires.

3. The termination of a project and the non-commitment of the funds committed under Article 20 shall be carried out when the legal commitment entered into by the Commission in connection with that project with respect to the beneficiary is concluded and the related payments and collections have been recorded in the accounts.

<sup>(1)</sup> OJ L 356, 31. 12. 1977, p. 1. Regulation as last amended by Regulation (EC) No 2444/97 (OJ L 340, 11. 12. 1997, p. 1).

TITLE II

FINANCIAL ADMINISTRATION OF EDF-APPROPRIATIONS BY THE COMMISSION

Section I

GENERAL PROVISIONS

*Article 10*

Subject to Article 15(3)(c) and Article 39, the provisions of this Title are not applicable to risk capital and interest rate subsidies managed by the Bank.

*Article 11*

1. Appropriations shall be administered by authorising officers, who alone shall have the power to enter into commitments regarding expenditure, establish sums due to be collected and issue recovery orders and payment orders.

2. Collection and payment operations shall be carried out by the accounting officer.

3. The duties of authorising officer, financial controller and accounting officer shall be mutually incompatible.

*Article 12*

Where revenue and expenditure operations are managed by means of integrated computer systems, the provisions of Sections II and III of this Title shall apply with due allowance for the possibilities and requirements deriving from computerised management.

To this end:

— the supporting documents may remain with the chief authorising officer or the accounting officer or their deputies for the purposes of checking,

— signatures and approvals may be added in appropriate computerised form.

The financial controller shall be consulted on the setting up of the EDF accounting system and shall have access to the data of the system.

*Article 13*

1. The chief authorising officer of the EDF, whose duties are laid down in Article 311 of the Convention, shall be appointed by the Commission.

2. The chief authorising officer of the EDF may delegate his powers of implementation of the EDF to authorised persons, whom he shall appoint, subject to approval by the Commission. The rules governing responsibilities adopted under this Title shall apply to such persons within the limits of the powers delegated to them. Each decision to delegate powers shall state the extent and, where appropriate, the duration of the delegation.

3. Those to whom powers are delegated may act only within the limits of the powers expressly conferred upon them. Decisions to delegate powers shall be notified to those to whom powers are delegated, to the accounting officer, the financial controller, the chief authorising officer and the Court of Auditors.

*Article 14*

1. The financial controller of the EDF shall be the financial controller of the Commission. He shall be responsible for monitoring the commitment and authorisation of expenditure and for monitoring the recording and collection of revenue and debts. The financial controller may be assisted in his duties by one or more assistant financial controllers.

2. Monitoring shall be carried out by the financial controller by means of inspection of the files and, if necessary, on the spot. In this connection he shall have access to files and to the original supporting documents relating to commitments, expenditure and revenue and, where appropriate, to files relating to appropriations and assigned funds. Any document or information drawn up or kept on a magnetic medium which the financial controller deems necessary for the performance of his work shall be sent to him at his request.

3. The special rules applicable to the financial controller are those laid down in the Financial Regulation applicable to the general budget of the European Communities.

*Article 15*

1. The accounting officer shall be appointed by the Commission. He may be assisted in his duties by one or more assistant accounting officers appointed, on the basis of a reasoned opinion by the accounting officer, under the same conditions as the accounting officer.

2. The accounting officer shall be responsible for the collection of revenue and the payment of expenditure, the recovery of debts and the management of the cash flow. Subject to Article 36, the accounting officer alone shall be empowered to manage funds and assets. He shall be responsible for their care.

3. The accounting officer shall be responsible for maintaining the accounts for:

- (a) the appropriations referred to in Article 1;
- (b) the commitments referred to in Article 20;
- (c) the risk capital decisions and interest-rate subsidies referred to in Article 39;
- (d) payments, revenue and debts.

4. The accounting officer shall be responsible for the preparation of the financial statements referred to in Article 66(2) of this Financial Regulation.

### *Article 16*

The Court of Auditors shall be notified of the appointment of the chief authorising officer, the accounting officer, the assistant accounting officer and the administrator of advance funds referred to in Article 36 and of the accounting plan referred to in Article 40. The Commission shall forward to the Court any rules of procedure drawn up by it in respect of financial matters.

## Section II

### REVENUE AND DEBTS

#### *Article 17*

1. EDF revenue consists of payments made by the Member States in accordance with the Internal Agreement, the income generated by deposits and any other sum whose acceptance is established by the Council.

2. The accounting officer shall be responsible for the monitoring and entry in the accounts of payments by the Member States and other revenue.

3. For all other revenue, the accounting officer shall draw up a revenue order which is sent to the financial controller for prior approval. The purpose of the approval of the financial controller shall be to establish that:

- (a) the revenue is booked to the correct item;
- (b) the order is in order and conforms to the relevant provisions;
- (c) the supporting documents are in order;
- (d) the order conforms to the principles of sound financial management;
- (e) the amount and currency of the revenue are correct.

Entry in the accounts of revenue becomes final after the approval of the financial controller.

#### *Article 18*

1. All measures or situations which may give rise to or modify a debt due to the EDF and are brought to the attention of the Commission by the national authorising officer must be preceded by a debt estimate from the chief authorising officer. Such estimates shall be sent to the financial controller for his approval and to the accounting officer for provisional recording in the accounts. They shall mention, in particular, the type of debt, the estimated amount thereof and the budget item to which it is to be booked and also the name and description of the debtor. The purpose of the approval of the financial controller shall be to establish that:

- (a) the revenue is booked to the correct item;
- (b) the debt estimate is in order and conforms to the relevant provisions relating to the management of the EDF and all acts made in implementation thereof and to the principles of sound financial management referred to in Article 8.

The financial controller may withhold his approval if he considers that the conditions laid down in paragraph 1(a) and (b) above have not been met.

The Commission may, by a decision stating the full reasons therefor, and on its sole responsibility, overrule this refusal. This decision shall be final and binding; it shall be communicated for information to the financial controller. The Commission shall inform the Court of Auditors of all such decisions within one month.

2. Without prejudice to Article 12, the chief authorising officer shall draw up, in respect of every established, liquid and payable debt due to the EDF in the context of the implementation of EDF appropriations, a recovery order which shall be sent with supporting documents to the financial controller for his prior approval. Such recovery orders shall, after they have received the approval of the financial controller, be recorded in the accounts by the accounting officer.

The purpose of the approval shall be to establish that:

- (a) the revenue is booked to the correct item;
- (b) the order is in order and conforms to the relevant provisions;
- (c) the supporting documents are in order;
- (d) the debtor is correctly described;
- (e) the due date is indicated;
- (f) the order conforms to the principle of sound financial management referred to in Article 8;
- (g) the amount and currency of the sum to be recovered are correct.

If approval is withheld, the third subparagraph of paragraph 1 shall apply.

3. If the chief authorising officer waives the right to recover a debt as referred to in paragraph 1, he shall send beforehand a proposal for cancellation to the financial controller for his approval and to the accounting officer for his information. The purpose of approval by the financial controller shall be to establish that the waiver is in order and conforms with the principles of sound financial management. The proposal concerned shall be registered by the accounting officer.

If approval is withheld, the third subparagraph of paragraph 1 shall apply.

4. Where the financial controller finds that a recovery order has not been drawn up or that a sum due has not been recovered, he shall inform the Commission thereof.

#### Article 19

1. The accounting officer shall assume responsibility for recovery orders that have been duly drawn up.
2. The accounting officer shall do all in his power to ensure that the debts referred to in Article 18 are recovered at the due dates indicated in the recovery orders and shall ensure that the relevant rights of the Community are safeguarded.
3. The accounting officer shall inform the chief authorising officer and the financial controller of any debts not recovered within the time limits laid down.
4. If necessary, he shall initiate the recovery procedure.

### Section III

#### COMMITMENT, VALIDATION, AUTHORISATION AND PAYMENT OF EXPENDITURE

##### 1. Commitment of expenditure

#### Article 20

1. All measures which may give rise to expenditure payable by the EDF must be preceded by a proposal for commitment of expenditure from the chief authorising officer and can create legal obligations *vis-à-vis* third parties only after approval by the financial controller of the proposal for commitment and after a Commission financing decision.
2. Financing decisions taken by the Commission in accordance with Articles 25 to 27 of the Internal Agreement and the provisions authorising it to grant financial aid from the EDF shall give rise to commitments of expenditure.

#### Article 21

1. Without prejudice to Article 12, proposals for commitments, accompanied by the supporting documents, shall be transmitted to the financial controller. They shall show in particular the purpose of the expenditure, the estimated amount involved, the item to which it is to be charged and the name and description of the recipient of the financing.
2. Proposals for commitments shall be subject to endorsement by the accounting officer after approval by the financial controller and a Commission financing decision.

#### Article 22

1. The purpose of approval of proposals for commitment by the financial controller shall be to establish that:

- (a) the proposal conforms to Article 20(1);
  - (b) the expenditure has been charged to the correct item;
  - (c) appropriations are available;
  - (d) the financing proposal is correct and in conformity with the provisions applicable to the EDF;
  - (e) the principles of sound financial management referred to in Article 8 have been applied.
2. Approval may not be conditional.

#### Article 23

1. The financial controller may withhold his approval if he considers that the conditions laid down in Article 22 are not met. If he withholds his approval, he shall furnish a written statement giving the reasons therefor. The chief authorising officer shall be notified accordingly.

Where approval is withheld and the chief authorising officer maintains his proposal, the refusal shall be referred for a decision to the Commission.

2. Except where the availability of appropriations is in doubt, the Commission may, by means of a decision stating the full reasons therefor and taken on its sole responsibility, overrule such a refusal. This decision shall be final and binding; it shall be communicated for information to the financial controller. The Commission shall inform the Court of Auditors of all such decisions within one month.

##### 2. Assigned funds

#### Article 24

1. The contracts concluded by the beneficiary for the implementation of a project or programme which was the subject of a financing decision referred to in Article 20(2) and approved by the Head of Delegation, shall be recorded in the accounts by the chief authorising officer. This recording is called assigned funds. The same holds for contracts and estimates concluded directly or on behalf of the beneficiary by the Commission for the implementation of such projects and programmes.
2. The assigned funds recorded shall be set off against commitments of expenditure of the financing decisions referred to in Article 20(2).

##### 3. Validation of expenditure

#### Article 25

The validation of expenditure shall be the act whereby the chief authorising officer:

- (a) verifies the existence of the creditor's claim;
- (b) determines or verifies the existence and the amount of the sum due;
- (c) verifies the conditions under which payment falls due.

#### *Article 26*

1. Validation of any expenditure shall be subject to the submission of supporting documents showing the creditor's claim and, where appropriate, the service rendered or the existence of a document justifying payment. The nature of the supporting documents to be enclosed with the payment orders and the particulars they shall include shall be such as to make it possible to carry out the checks provided for in Articles 25 and 29.

2. For certain categories of expenditure, advances may be granted.

3. The chief authorising officer empowered to validate expenditure shall personally check the supporting documents or shall, on his own responsibility, ascertain that this has been done.

#### **4. Authorisation of expenditure**

#### *Article 27*

Authorisation is the act whereby the chief authorising officer, by the issue of a payment order, authorises the accounting officer to pay an item of expenditure which he has validated.

#### *Article 28*

The payment order shall state:

- (a) the item against which payment shall be charged;
- (b) the amount to be paid, in figures and in words, showing the currency;
- (c) the name and address of the beneficiary;
- (d) the bank account;
- (e) the method of payment;
- (f) the purpose of the expenditure.

The payment order shall be dated and signed by the chief authorising officer.

#### *Article 29*

1. The payment order shall be accompanied by the original supporting documents, which shall bear or be accompanied by a statement confirming that the amounts to be paid are correct and that the supplies have been received or the service performed. The payment order shall show the numbers and dates of the relevant approvals of commitment.

2. Copies of the supporting documents, certified as true copies by the chief authorising officer or the head of the Commission delegation, may, in duly warranted cases, be accepted in place of the originals.

#### *Article 30*

1. Subject to Article 35, payment orders shall be sent to the financial controller for prior approval. The purpose of this prior approval shall be to establish that:

- (a) the payment order was properly issued;
- (b) the payment order agrees with the creditor's claim;
- (c) the expenditure is charged to the correct item;
- (d) the appropriations are available;
- (e) the supporting documents are in order;
- (f) the payee is correctly named and described.

2. Should approval be withheld, Article 23 shall apply.

3. After approval by the financial controller, the original of the payment order, together with all supporting documents, shall be forwarded to the accounting officer.

#### **5. Payment of expenditure**

#### *Article 31*

1. Without prejudice to Article 313 or Article 319(8) of the Convention concerning respectively the responsibilities of the national authorising officer and the financial liabilities of the agents responsible for the management and execution of development finance cooperation, payment is the final action whereby the EDF is discharged of its obligations towards its creditors.

2. Subject to Article 36, payment shall be made by the accounting officer within the limits of the funds available.

#### *Article 32*

In the event of a substantive error or of the validity of the discharge being contested or of failure to observe the formalities prescribed by this Financial Regulation, the accounting officer shall suspend payment.

#### *Article 33*

1. If payment is suspended, the accounting officer shall give the reasons for his decision in a written statement which he shall send forthwith to the chief authorising officer and, for information, to the financial controller.

2. Except where the validity of the discharge is contested, the chief authorising officer may, where payment is suspended, refer the matter to the Commission. The latter may require, in writing and on its own responsibility, that payment be effected.

*Article 34*

1. Payments shall be effected through the bank accounts described in Article 5. The procedures for opening, administering and using such accounts shall be determined by the Commission.

2. These conditions shall in particular require two signatures on cheques and on transfer orders, one signature being that of the accounting officer, an assistant accounting officer or an administrator of advance funds; these conditions shall, moreover, require the specification of the expenditure in respect of which payment must necessarily be made either by cheque or by transfer.

**6. Payments effected locally**

*Article 35*

1. In cases where the chief authorising officer has delegated his responsibilities to the head of delegation in accordance with Article 13, the corresponding payments may be effected by an assistant accounting officer, on the spot, appointed under the conditions referred to in Article 15.

The assistant accounting officer shall effect payments in local currency from the paying agent account in the ACP State or OCT and, where appropriate, payments in foreign currency from one or more paying agent accounts in the Community.

2. The entry in the EDF accounts of the payments effected pursuant to paragraph 1 may also be entrusted to the assistant accounting officer.

3. For payments made by the assistant accounting officer, the financial controller will carry out checks after they are effected or possibly after their entry in the accounts.

**7. Imprest accounts**

*Article 36*

1. For the payment of certain categories of expenditure, advance funds may be set up at the decision of the chief authorising officer following a favourable opinion of the accounting officer and of the financial controller.

2. Only the accounting officer may replenish the imprest accounts.

3. The rules governing the management of the advance funds shall cover in particular:

- (a) the appointment of administrators of advance funds;
- (b) the nature and maximum amount of each item of expenditure to be incurred;
- (c) the maximum amounts which may be advanced;
- (d) the procedures for the production of supporting documents and the time within which they must be produced;

(e) the responsibility of the administrators of advance funds.

4. The chief authorising officer and the accounting officer shall take the necessary steps towards clearing, in respect of the exact amounts and within the appropriate period, advances granted under this Article.

Section IV

ACCOUNTS

*Article 37*

Accounts shall be kept in ecus by the double entry method and on the basis of the calendar year.

They shall show all:

- (a) appropriations,
- (b) commitments,
- (c) assigned funds,
- (d) revenue, payments, established debts and collection operations for the year in full and without any adjustment against each other.

They shall be substantiated by supporting documents.

When assigned funds, revenue, payments and debts are expressed in national currencies, the accounting system should make it possible, where necessary, for them to be recorded in national currencies as well as in ecus.

*Article 38*

1. The commitments defined in Article 20(2) shall be recorded in ecus for the value of the financing decisions taken by the Commission.

2. The assigned funds defined in Article 24 shall be recorded in ecus at the equivalent of the value of the contracts and estimates concluded by the beneficiary ACP State or OCT or by the Commission in the performance of the project. This value shall include where appropriate:

- (a) provision for the payment of (reimbursable) expenses on presentation of supporting documents;
- (b) provision for the revision of prices and contingencies as defined in EDF-funded contracts;
- (c) financial provision for exchange rate fluctuations.

3. The conversion rates to be used for final accounting of payments made under the projects or programmes referred to in Part 3, Title III, of the Convention shall be the rates applicable on the actual date of such payments. That date shall correspond to the date on which the Commission accounts referred to in Article 5 of this Financial Regulation were debited.

4. All accounting records referring to the fulfilment of a commitment shall be kept for a period of five years from the date of the decision giving discharge in respect of implementation of the EDF, referred to in Article 33(3) of the Internal Agreement, concerning the financial year during which the commitment was closed for accounting purposes.

#### Article 39

1. The Commission shall keep accounts of the risk capital and interest-rate subsidies administered by the Bank on behalf of the Community.

2. Before the financing decision is adopted by the Bank's board of directors in accordance with Article 29(3) and (4) of the Internal Agreement, a proposal to enter the decision in the accounts shall be sent to the financial controller and to the accounting officer by the chief authorising officer.

3. The proposal shall indicate, *inter alia*, the purpose, the estimated amount and the item to which the expenditure is to be booked as well as the beneficiary of the financing.

The purpose of the approval of the financial controller shall be to establish that:

- (a) the expenditure is booked to the correct item;
- (b) appropriations are available.

Validation by the accounting officer shall take place after the Bank's Board of Directors has adopted the financing decision.

- 4. (a) Financing decisions relating to risk capital adopted by the Bank shall be entered in the accounts at their nominal value.
- (b) In the case of interest-rate subsidies, a provisional entry shall be made in the accounts based on a value estimated by the Commission when the decision was adopted. This shall be finalised in the accounts on receipt of the estimate of the amount of the interest-rate subsidy from the Bank when the contract is signed. This amount shall be adjusted at the end of the contract.

5. Requests for payments of funds as referred to in Articles 59(2) and 61 (3) shall be sent to the financial controller for approval by the chief authorising officer.

The following shall be indicated in requests for payment:

- (a) the item against which payment shall be charged;
- (b) the amount to be paid, in figures and in words, showing the currency;
- (c) the name and address of the payee;
- (d) the bank account and the method of payment;
- (e) the purpose of the expenditure;
- (f) the value date of the payment.

6. The payment shall be made and entered in the accounts by the accounting officer.

7. The termination of a financing decision and the repayment of the balance available to the relevant appropriation shall be effected at the request of the EIB.

#### Article 40

1. Entries in the accounts shall be made on the basis of an accounting plan comprising a nomenclature of budgetary items which makes a clear distinction between the financial statements and revenue and expenditure accounts.

2. The detailed conditions for drawing up and operating the accounting plan shall be defined by the Commission on a proposal from the accounting officer.

#### Article 41

The accounts shall be closed at the end of the financial year to enable the financial statements and revenue and expenditure accounts of the EDF to be drawn up. These shall be submitted for the financial controller's opinion.

### Section V

#### RESPONSIBILITIES OF AUTHORISING OFFICERS, FINANCIAL CONTROLLERS, ACCOUNTING OFFICERS AND ADMINISTRATORS OF ADVANCE FUNDS

#### Article 42

Without prejudice to Article 313(1)(f) or Article 319(8) of the Convention, authorising officers who, when establishing entitlements to be recovered for the EDF, entering into commitments of expenditure, signing payment orders, or issuing recovery orders, do so without complying with this Financial Regulation, shall render themselves liable to disciplinary action, and where appropriate, to payment of compensation. The same shall also apply if they neglect to issue recovery or payment orders or are, without justification, late in issuing them, thereby rendering the Commission liable to civil action by third parties.

#### Article 43

Financial controllers shall be liable to disciplinary action and, where appropriate, to payment of compensation for any action taken during their terms of office, in particular where they approve expenditure in excess of appropriations.

#### Article 44

1. The accounting officer and assistant accounting officers shall be liable to disciplinary action and, where appropriate, to payment of compensation as regards payments they make in disregard of Article 32.

They shall render themselves liable to disciplinary action and to payment of compensation as regards any loss or deterioration of the monies, assets and documents in their charge where such loss or deterioration was caused by intentional mistake or was due to serious negligence on their part.



Under the same conditions, they shall be responsible for the correct execution of orders received by them in respect of the use and administration of accounts held with recognised financial institutions and, in particular:

- (a) where the recoveries or payments made by them do not agree with the amounts on the corresponding recovery or payment orders;
- (b) where they effect payments to a party other than the entitled payee.

2. Administrators of advance funds shall be liable to disciplinary action and, where appropriate, to payment of compensation:

- (a) where they cannot show due warrant with proper documents for payments made by them;
- (b) where they effect payments to a party other than the entitled payee.

They shall be liable to disciplinary action and to payment of compensation in respect of any loss or deterioration of the monies, assets and documents in their charge where such loss or deterioration was caused by intentional mistake or was due to serious negligence on their part.

3. The accounting officer, assistant accounting officers and administrators of advance funds shall insure themselves against any risk they may incur under this Article, and which cannot be covered by the guarantee fund provided for in paragraph 4. The Commission shall cover the relevant insurance costs.

4. Special allowances shall be granted to accounting officers, assistant accounting officers and administrators of advance funds. The amount of these allowances shall be determined by the Commission. The sums corresponding to these allowances shall be credited each month to an account opened by the Commission on behalf of each of these officials in order to establish a guarantee fund to cover any cash or bank shortage for which the person concerned might render himself liable.

The credit balance in these guarantee accounts shall be paid over to the persons concerned after they terminate their appointment as accounting officer or administrator of advance funds. In the case of accounting officers, this shall be conditional upon receipt of the final discharge referred to in Article 46.

#### Article 45

The liability of the chief authorising officer and his deputies, financial controllers, accounting officers and administrators of advance funds to payment of compensation and disciplinary action may be determined in accordance with Articles 22 and 86 to 89 of the Staff Regulations of officials of the European Communities.

#### Article 46

The Commission shall be allowed a period of two years from the date on which the financial statements are submitted to the Council to take a decision on the final discharge to be given to accounting officers for the transactions relating thereto.

### TITLE III

#### IMPLEMENTING MEASURES

##### Section I

##### 2. Tenders and contracts

#### EDF OPERATIONS ADMINISTERED BY THE COMMISSION

#### Article 49

##### 1. General

#### Article 47

Where aid accorded is lent to the final borrower in accordance with Articles 219(5), 233(3) and 266 of the Convention, the financial agreement shall specify the terms of such lending, *inter alia* rates of interest, duration of loan, grace period, and arrangements for the utilisation of funds provided by reimbursement of capital and interest. In fixing these terms, due regard will be paid to all relevant provisions of the Convention, and in particular, to Articles 233(4)(b), 240(1)(a) and Article 291.

#### Article 48

Claims for delayed payments for which it is responsible by virtue of Article 319 of the Convention shall be borne by the Commission from the account provided for in Article 9(2) of the Internal Agreement.

1. The Commission shall take all appropriate measures to ensure the effective dissemination of information for the economic operators concerned, notably through periodical publication of forecasts of contracts to be financed from the resources of the EDF.

2. The Commission shall ensure that the following are published by the most appropriate means:

- (a) indicating the purpose, content and value of each contract forecast:
  - once a year, forecasts of the contracts for services and technical cooperation projects to be awarded after invitations to tender during the twelve months following publication,
  - once every three months, any changes in the forecasts referred to in the first indent;
- (b) the results of invitations to tender at the earliest opportunity.

3. A similar procedure shall be followed in communicating decisions to intervene in respect of carrying out studies and supplying technical assistance.

#### *Article 50*

The Commission shall inform the Council each year of any contract concluded during that year. Where appropriate, it shall notify the Council of any measures it has been led to take or proposes to take to improve the terms of competition for participation in invitations to tender issued by the EDF.

In its report, the Commission shall provide the Council with information enabling it to assess whether the measures taken by the Commission have in fact first given all undertakings of the various Member States, of the ACP and of the associated countries and territories equal opportunity of access to works, supply and services contracts financed by the EDF.

#### *Article 51*

Information relating to direct agreement contracts, works, supply and services contracts concluded following restricted invitation to tender or direct labour contracts shall be contained in the annual report to the Council referred to in Article 50.

#### *Article 52*

1. Without prejudice to Article 20(1)(c) of the Internal Agreement, the provisions of the General Regulations and Conditions of Contract shall apply to all tenders and contracts financed from the EDF. The payments arrangements and the currency or currencies of payment shall be specified in the wording of the relevant contracts.

2. The price offered in tenders for contracts financed by the EDF shall take into account the applicable tax arrangements provided for in Articles 308, 309 and 310 of the Convention.

3. Where payment is made in the national currency of an ACP State, it shall be made through the intermediary of a bank established in that State or in the country where the contractor's registered office is located.

Where payment is made in ecus or in a foreign currency, it shall be made through the intermediary of an approved bank or agency established in a Member State, in an ACP State or in the country where the contractor's registered office is located.

### **3. Structural adjustment support**

#### *Article 53*

1. Support for structural adjustment programmes provided under the Convention shall be implemented in accordance with Articles 243 to 248 of the Convention.

2. Contracts arising in the case of import programmes which take the form of provision of foreign exchange may be expressed in currencies other than those of ACP States or the ecu, such other currencies to include those of countries which are not Contracting Parties to the Convention.

3. On the occasion of each advance of funds provided in structural adjustment programmes, the Commission shall check regularity and conformity with respect to the justification of the use of funds and the rules applicable pursuant to Articles 246, 248 and 294(1)(b) of the Convention and to Article 20 of the Internal Agreement.

### **4. Management of the export earnings stabilisation system (Stabex)**

#### *Article 54*

The annual resources available to the Stabex system provided for in Article 191 of the Convention shall be managed by the Commission in accordance with the following procedures:

(a) half of each annual instalment shall be credited to the system on 1 April and 1 July respectively and transferred to a special Stabex bank account. However, the first half annual instalment in each year shall be reduced by any amount used in advance in the preceding year under Article 194(1) of the Convention. The second half annual instalment in each year shall be increased by any amount used in advance on the following year under Article 194(1) of the Convention. Any sums due to the Stabex system in the year in which the Convention came into force shall be transferred to the Stabex account on the date of entry into force of this Financial Regulation, with effect from the due dates laid down above. Each Member State may, however, convert the contribution owed by it into an open debt producing interest for the benefit of the system in accordance with the arrangements laid down in Annex II;

(b) interest shall be provided on the amounts of annual instalments credited to the Stabex system's resources as follows:

- from 1 April each year on the amount of the first half of each annual instalment less any advance and transfers paid from the Stabex system's resources,
- in like manner, from 1 July each year in respect of the second half of each annual instalment;

(c) any part of an annual instalment which has not been paid by way of advance or transfer shall continue to bear interest which shall accrue to the system's resources until its utilisation in the following year;

(d) the transfers referred to in Article 211 of the Convention shall be made in ecus into an interest-bearing bank account, opened in a Member State of the Community and chosen by mutual agreement between the ACP State and the Commission. All interest accruing shall be credited to that account. All withdrawals from the account shall require two signatures, one being that of a person designated by the ACP State concerned, the other that of the Commission's head of delegation. The funds in the account, including interest, shall be mobilised in accordance with Article 186(2) of the Convention.

#### *Article 55*

Where advance use is made of the following year's instalment as provided for in Article 194 of the Convention, the advances referred to in Article 206 of the Convention shall be reduced proportionately.

#### *Article 56*

The quarterly report to the Member States on the cash situation of the EDF treasury, provided for in Article 2(1), shall include specific information on the financial situation of the Stabex system.

#### *Article 57*

Wherever the calculation of the amount of a transfer or advance requires the conversion of statistics expressed in the national currency of the ACP State concerned, or of any other currency, into ecus, the exchange rate applicable shall be the average annual rate in force in the calendar year to which the statistics concerned refer.

### Section II

#### AID MANAGED BY THE BANK

#### *Article 58*

The Bank shall forward to the Commission at the beginning of each quarter estimates of all amounts expected to be claimed from the EDF in that quarter in respect of the risk capital and interest-rate subsidies that it administers in accordance with Article 10 of the Internal Agreement.

##### 1. Risk capital

#### *Article 59*

1. Each decision to grant risk capital shall set a limit to the Community's commitment and financial responsibilities and, in the case of shareholdings, to the extent of the rights in the company to which such operations relate.

The decision shall also take into account the provisions of Article 234(2) of the Convention relating to responsibility for exchange-rate risks.

The instruments giving effect to risk-capital operations shall be concluded by the Bank acting as the Community's authorised agent.

2. When each disbursement takes place, the Bank shall request the Commission to pay in ecus the amount of the risk capital disbursed. The Commission shall pay this amount within 21 days of receipt of the request for payment with the same value date as that of the disbursement by the Bank.

3. When the disbursement takes place in currencies other than the ecu, the exchange rates used to determine the amounts to be disbursed shall be those obtained by the Bank from the correspondent responsible for the exchange transaction.

The ecu exchange rates to be used by the borrower to calculate the amounts due in respect of products, income and reimbursements from risk capital operations shall be those in force one month before the date of payment.

4. Amounts due in respect of receipts, income and repayments relating to risk capital operations shall be collected by the Bank on behalf of the Community, in accordance with Article 60.

#### *Article 60*

The sums collected by the Bank in the form of receipts, income or repayments from risk-capital operations shall be credited to a special account opened on behalf of the Community for the Member States in proportion to their contributions to the EDF. The account shall be denominated in ecus and managed by the Bank in accordance with Article 9(1) of the Internal Agreement. The Bank shall agree with the Member States on the information to be supplied concerning the account.

The technical procedures for the management of the account, including those relating to the fixing of the rates of interest on it, shall be decided upon by the Council and the Bank in agreement with the Commission.

##### 2. Subsidised loans

#### *Article 61*

1. The aggregate amount of interest-rate subsidies on each loan from the Bank shall be calculated in ecus in accordance with Article 235 of the Convention on the basis of the composite interest rate to be fixed in accordance with the procedures set out in paragraph 3(c) of this Article.

2. On the signing of each loan contract, the Bank shall communicate to the Commission the estimated total amount of the interest-rate subsidy expressed in ecus.

3. Upon the disbursement of each instalment of the loan, the Bank shall request the Commission to pay the interest subsidy relating to the instalment based on the following calculations:

- (a) the equivalent in ecus of the amounts of currencies in which the loan instalment was disbursed at the conversion rate for those currencies and the ecu as published in the *Official Journal of the European Communities* in operation on the date on which the amount of currencies to be disbursed is determined, which date shall be communicated to the Commission;
- (b) application of the percentage rate of interest subsidy to the declining annual capital balance due at each repayment date;
- (c) the present value of the interest subsidies relating to the loan disbursement. Calculation of the present value shall be made by reference to a composite discount rate equal to the annual interest rate(s) which the Bank would in fact receive in the currency or currencies used for the relevant disbursement of the

loan if the loan did not benefit from an interest subsidy. The actual calculation of present value shall use this composite discount rate reduced by four tenths of a percentage point.

4. The Commission shall pay in ecus the amount of subsidy, discounted in accordance with the procedures described in paragraph 3, within 21 days of receipt of the request for payment, the value date being that of the disbursement of the relevant loan instalment.

5. Where the whole of an interest subsidised loan is repaid in advance, the Bank shall pay to the Commission the total balance of the discounted subsidy, adjusted for the period between receipt and payment by the Bank, on the first contractual repayment date subsequent to the advance payment. Where only part of such a loan is repaid, the payment by the Bank to the Commission shall relate to that part of the loan which has been repaid.

6. The sums reimbursed to the Commission shall be added to the appropriations available for the financing of interest-rate subsidies provided for in Article 4 of the Internal Agreement.

7. All payments provided for in this Article shall be made in ecus.

#### TITLE IV

#### EXECUTIVE AGENTS

##### 1. The chief authorising officer

Convention, temporary replacement of that officer by the chief authorising officer.

##### *Article 62*

The chief authorising officer of the EDF, referred to in Article 311 of the Convention, shall take all measures necessary for the implementation of Articles 294 to 307 of the Convention.

##### *Article 64*

Transactions relating to the execution of projects shall be carried out by the national or regional authorising officer in close cooperation with the head of delegation in accordance with Articles 313 and 317 of the Convention.

##### *Article 63*

1. The chief authorising officer shall take all measures to ensure that national or regional authorising officers perform the tasks for which they are responsible by virtue of the Convention, and in particular Articles 312 to 315 thereof.

In performing the duties laid down in Article 316 the head of delegation shall comply with this Financial Regulation.

##### 2. The paying agent

##### *Article 65*

2. Where the chief authorising officer of the EDF becomes aware of problems in the carrying out of procedures relating to management of EDF resources, he shall, in conjunction with the national or regional authorising officer, make all contacts necessary to remedy the situation and take any steps appropriate, including where the national or regional authorising officer does not or cannot perform the duties incumbent on him under the

The relations between the Commission and the paying agents provided for in Article 319 of the Convention shall be the subject of contracts which shall require the prior approval of the financial controller. Once signed, these contracts shall be sent to the Court of Auditors.

TITLE V

PRESENTING AND AUDITING ACCOUNTS

*Article 66*

1. The Commission shall draw up, not later than 1 May each year, the financial statements and the revenue and expenditure accounts of the EDF describing the financial situation of the Fund as at 31 December of the preceding year.

2. The financial statements shall be drawn up by the accounting officer and include:

- (a) a balance sheet of the EDF's assets and liabilities at the end of the preceding financial year;
- (b) a statement of sources and uses of funds covering the preceding financial year;
- (c) a statement of revenue and payments in the preceding financial year;
- (d) a table of revenue showing:
  - estimated revenue for the calendar year,
  - amendments to the revenue estimates,
  - entitlements established in the course of the calendar year,
  - amounts still to be received at the end of the calendar year,
  - additional revenue;
- (e) a table of debts showing:
  - debts still to be recovered at the beginning of the calendar year,
  - entitlements established in the course of the calendar year,
  - amounts recovered in the course of the calendar year,
  - cancellation of established entitlement,
  - debts still to be recovered at the end of the calendar year;
- (f) notes indicating which accounting principles were applied in the preparation and presentation of the accounts providing, where appropriate, additional explanations of various headings in the tables referred to in points (a), (b), (c), (d) and (e).

*Article 67*

1. The revenue and expenditure account referred to in Article 68 shall be drawn up by the chief authorising officer in conjunction with the accounting officer and shall include:

- (a) a table showing changes during the preceding year in the appropriations referred to in Article 1;

(b) a table showing the total by appropriation of commitments, assigned funds and payments effected during the financial year and aggregate totals since the opening of the EDF;

(c) tables showing by appropriation, country, territory, region or sub-region, the total commitments, assigned funds and payments effected during the financial year and aggregate totals since the opening of the EDF.

2. The revenue and expenditure accounts shall be prepared by an analysis of financial management during the preceding year.

*Article 68*

Without prejudice to Article 33(5) of the Internal Agreement, the Commission shall forward the financial statements and revenue and expenditure accounts to the European Parliament, the Council and the Court of Auditors not later than 1 May of the following financial year.

*Article 69*

The Court of Auditors and its Members may seek the assistance of the Court's staff in the discharge of their duties.

The tasks delegated to such staff shall be notified by the Court of Auditors itself, or by one of its Members, to the authorities with which the staff in question are required to work.

*Article 70*

1. Without prejudice to Article 33(5) of the Internal Agreement, the audit carried out by the Court of Auditors shall be based on records and, if necessary, be performed on the spot. Its purpose shall be to establish that all revenue has been received and all expenditure incurred in a lawful and regular manner with regard to the provisions applicable and that the financial management has been sound.

2. In the performance of its tasks, the Court of Auditors may, under the conditions laid down in paragraph 6, consult all documents and information relating to the financial management of the departments subject to its inspection; it has the power to hear any official responsible for revenue and expenditure operations and to use any of the auditing procedures appropriate to those departments.

3. The Court of Auditors shall ensure that all securities and cash on deposit or in hand are checked against vouchers signed by the depositaries or against official memoranda of cash and securities held. The Court may itself carry out such checks.

4. At the request of the Court of Auditors, the Commission shall authorise financial institutions holding EDF deposits to enable the Court to ensure that the external data tally with the accounts.

5. The Commission shall afford the Court of Auditors all the facilities and give it all the information which the Court may consider necessary for the performance of its tasks, and shall in particular provide all the information available to the Commission as a result of the checks which it has carried out, pursuant to the regulations in force, within the departments responsible for the management of EDF finances and for effecting expenditure on behalf of the Community. In particular, it shall place at the disposal of the Court all documents concerning the conclusion and implementation of contracts and all accounts of cash or materials, all accounting records or supporting documents and also the administrative documents pertaining thereto, all documents relating to revenue and expenditure, all inventories, and all lists of posts in the departments which the Court of Auditors may consider necessary and all documents and data created or stored on a data medium.

To this end, officials subject to audit by the Court of Auditors shall in particular:

- (a) disclose their records of cash in hand, any other cash, securities and materials of any kind and the supporting documents in respect of their management of which they are the depositaries and any books, registers and other documents relating thereto;
- (b) present the correspondence or any other document required for the full implementation of the audit referred to in paragraph 1.

The information referred to under (b) of the second subparagraph may be requested only by the Court of Auditors.

The Court of Auditors shall be empowered to audit the documents in respect of EDF revenue and expenditure which are held by the Commission's departments and, in particular, by the departments responsible for decisions on such revenue and expenditure.

6. The task of establishing that revenue has been received and expenditure incurred in a lawful and regular manner and that the financial management has been sound shall also encompass the utilisation by bodies outside the Commission of Community funds they have received. Any grant of EDF funds to beneficiaries outside the Commission shall be subject to the agreement in writing by the recipients to an audit being carried out by the Court of Auditors on the utilisation of the amounts paid out.

#### Article 71

1. The Court of Auditors shall draw up an annual report at the end of each financial year.
2. The Court of Auditors may also, at any time, submit observations, notably in the form of special reports, on specific questions and deliver opinions at the request of one of the institutions of the Communities.
3. The special reports shall be transmitted to the institution or body concerned.

The institution concerned shall have two and a half months within which to inform the Court of Auditors of any comments it wishes to make on the observations in question.

Should the Court of Auditors decide to have such observations published in the *Official Journal of the European Communities*, it shall include after them any comments submitted by the institution or institutions concerned.

The special reports shall be transmitted to the European Parliament and the Council, each of which shall decide, in conjunction with the Commission if appropriate, what action is to be taken in response.

#### Article 72

1. The annual report of the Court of Auditors provided for in Article 188c of the EC Treaty shall be governed by the following provisions:
  - (a) the Court of Auditors shall communicate to the Commission, not later than 15 July, any observations which it considers should appear in the annual report. These observations must remain confidential. The Commission shall forward its replies to the Court of Auditors not later than 31 October of the relevant year;
  - (b) the annual report shall contain an assessment of the soundness of the financial management.

2. The Court of Auditors shall send its annual report, together with the Commission's replies, not later than 30 November, to the Commission and to the authorities responsible for giving discharge pursuant to Article 33(3) of the Internal Agreement, and shall ensure its publication in the *Official Journal of the European Communities*.

#### Article 73

At the same time as the annual report referred to in Article 71, the Court of Auditors shall provide the European Parliament and the Council with a statement of assurance as to the reliability of the accounts and to the legality and regularity of the underlying transactions.

*Article 74*

1. Before 30 April of the following year, the European Parliament, upon a recommendation from the Council, which shall act by a qualified majority, shall give the Commission discharge in respect of the execution of the financial management of the EDF for the preceding financial year, in accordance with Article 33(3) of the Internal Agreement. If this date cannot be complied with, the European Parliament or the Council shall inform the Commission of the reasons for which this decision has had to be deferred. Should the European Parliament postpone the decision giving discharge, the Commission shall make every effort to take measures, as soon as possible, to facilitate removal of the obstacles to this decision.

2. The discharge decision shall include an assessment of the responsibility of the Commission in the execution of the financial management during the preceding period.

3. The financial controller shall take account of the observations appearing in the decision giving discharge.

4. The Commission shall take all appropriate steps to act on the comments appearing in the decision giving discharge.

5. At the request of the European Parliament or the Council, the Commission shall report on the measures taken in the light of these comments, and, in particular, on the instructions given to those of its departments which are responsible for the management of the EDF. This report shall also be sent to the Court of Auditors.

6. The financial statements and the revenue and expenditure accounts for each financial year and the decision giving the discharge shall be published in the *Official Journal of the European Communities*.

TITLE VI

GENERAL AND FINAL PROVISIONS

*Article 75*

Unless otherwise specified, references in this Financial Regulation to the provisions of the Convention shall be deemed to refer to the corresponding provisions of Decision 91/482/EEC.

*Article 76*

This Regulation shall be applicable to the aid specified in the Financial Protocol to the Convention. This Regulation shall enter into force on the day following that of its adoption and shall be applicable for the same period as the Internal Agreement.

Done at Luxembourg, 16 June 1998.

*For the Council*  
*The President*  
M. MEACHER

---

ANNEX I

In accordance with Article 1 of the Internal Agreement, the eighth EDF shall consist of ECU 13 132 million, of which:

1. ECU 12 967 million, for the ACP States, allocated as follows:
- |   |                   |
|---|-------------------|
| (a) grants reserved for structural adjustment support:  | ECU 1 400 million |
| (b) grants reserved for the Export Earnings Stabilisation System (Stabex):  | ECU 1 800 million |
| (c) grants reserved for Sysmin:   | ECU 575 million   |
| (d) grants reserved for emergency aid:  | ECU 140 million   |
| (e) grants reserved for refugee aid:  | ECU 120 million   |
| (f) grants reserved for regional cooperation:<br>including:<br>— an amount reserved to finance the budget of the Centre for the<br>Development of Industry,<br>— an amount reserved for the purposes of Annex LXVIII to the<br>Convention,<br>— an amount reserved to finance regional programmes pertaining to<br>trade development as referred to in Article 138 of the Convention,<br>— an amount reserved for the incentive financing of institutional support<br>as referred to in Article 224(m) of the Convention; | ECU 1 300 million |
| (g) grants reserved for the financing of interest-rate subsidies as referred to in<br>Article 235 of the Convention:  | ECU 370 million   |
| (h) grants reserved for the financing of national programmable aid:   | ECU 6 262 million |
| (i) risk capital:   | ECU 1 000 million |
2. ECU 165 million, for the OCT, allocated as follows:
- |   |                       |
|---|-----------------------|
| (a) grants reserved for the Export Earnings Stabilisation System (Stabex):  | ECU 5,5 million       |
| (b) grants reserved for Sysmin:   | ECU 2,5 million       |
| (c) grants reserved for emergency aid:  | } ECU 3,5 million     |
| (d) grants reserved for refugee aid:  |                       |
| (e) grants reserved for regional cooperation:   | ECU 10 million        |
| (f) grants reserved for the financing of interest-rate subsidies as referred to in<br>Article 157 of Decision 91/482/EEC: | ECU 8,5 million       |
| (g) grants reserved for the financing of national programmable aid: British<br>OCT:                                       | } ECU 105 million (*) |
| (h) grants reserved for the financing of national programmable aid: French<br>OCT:  |                       |
| (i) grants reserved for the financing of national programmable aid:<br>Netherlands OCT:                                   |                       |
| (j) risk capital:   | ECU 30 million        |

(\*) It should be noted that the allocation of this amount among the three groups of OCT will have to be determined in the context of the revised Decision on the association of the OCT.



*ANNEX II*

In accordance with Article 54(a) each Member State may convert the contribution owed by it to finance the annual instalments referred to in Article 191 of the Convention into an open debt producing interest for the benefit of the Stabex system; such contributions would be recorded in the Treasury accounts of Member States that operate this system in accordance with the eighth EDF allocation scale determined in the Internal Agreement.

The compound interest on the debt owed by the Member State concerned will be calculated by the EDF accounting officer on the basis of the annual average rate in force at the Bank for international settlements plus quarter of a percentage point.

The mobilisation of the debt will be effected gradually as and when the need arises.

In practice the Member States are liable for the payment of the following amounts on account of Stabex under this proposal:

- 1998:
    - 1 July 1998:
      - (a) ECU 720 million liable for payment in terms of debt or cash for the years of application 1995 and 1996;
      - (b) ECU 180 million liable for payment in terms of debt or cash under the first tranche of the year of application 1997,
    - 1 November 1998: ECU 180 million liable for payment in terms of debt or cash under the second tranche of the year of application 1997,
  - 1999:
    - 1 April 1999: ECU 180 million liable for payment in terms of debt or cash under the first tranche of the year of application 1998,
    - 1 July 1999: ECU 180 million liable for payment in terms of debt or cash under the second tranche of the year of application 1998,
  - 2000:
    - 1 April 2000: ECU 180 million liable for payment in terms of debt or cash under the first tranche of the year of application 1999,
    - 1 July 2000: ECU 180 million liable for payment in terms of debt or cash under the second tranche of the year of application 1999.
  - 2001 and thereafter: Call for funds on the basis of forecasts of actual expenditure by mobilisation of the debt and up to the amount of the capital as increased by the interest accrued.
-

## II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL DECISION

of 13 July 1998

**on financing the fixed costs of the system of managing technical assistance for the African, Caribbean and Pacific (ACP) States and the overseas countries and territories (OCT)**

(98/461/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the fourth ACP-EC Convention, signed at Lomé on 15 December 1989 and amended by the agreement signed in Mauritius on 4 November 1995,

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 under the second financial protocol of the fourth ACP-EC Convention, hereafter called the 'Internal Agreement', and in particular Article 9 thereof,

Having regard to the proposal from the Commission,

Whereas it is necessary to cover, for a period of four years, the fixed costs arising from the replacement of the European Association for Cooperation for the Management of Technical Assistance for the ACP States and the OCT;

Whereas the revenue accruing from the interest on the deposited funds referred to in Article 9(2) of the Internal Agreement would cover these fixed costs,

HAS DECIDED AS FOLLOWS:

### *Article 1*

The sum of ECU 5,5 million shall be deducted from the revenue accruing from the interest on the funds deposited with paying agents in Europe referred to in Article 319(4) of the fourth ACP-EC Convention, to finance the fixed costs arising from the replacement of the European Association for Cooperation for the management of technical assistance for the ACP States and the OCT.

### *Article 2*

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

Done at Brussels, 13 July 1998.

*For the Council*  
*The President*  
W. SCHÜSSEL

---

<sup>(1)</sup> OJ L 263, 19. 9. 1991, p. 1. Decision as last amended by Decision 97/803/EC (OJ L 329, 29. 11. 1997, p. 50).

**CORRIGENDA**

**Corrigendum to 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)**

*(Official Journal of the European Communities L 287 of 21 October 1997)*

On page 45, in the Annex, '14. PROCESSED FRUIT AND VEGETABLE PRODUCTS':

The 16 % reduction in 'third country' customs duties for products falling under CN codes 2005 20 20 and 2005 20 80 is eliminated.

On page 46, '17. CERTAIN GOODS RESULTING FROM THE PROCESSING OF AGRICULTURAL PRODUCTS':

Insert CN code 2004 10 91 after CN code 2001 90 40.

---

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

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



**DECISION No 1/98  
OF THE ACP-EC COMMITTEE OF AMBASSADORS  
of 10 November 1998**

on the appointment of a member 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,

Having regard to 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,

Whereas Ms M. MONTES FERNANDEZ (Spain) was appointed member of the Advisory Committee for a maximum five-year period starting on 15 September 1997, fixed by all the Committee members;

Whereas Mr José-Vidal ALVAREZ RAMOS has been nominated, on a proposal from the Community, to replace Ms M. MONTES FERNANDEZ as a member of the Advisory Committee for the remainder of her term of office,

HAS DECIDED AS FOLLOWS:

Article 1

On a proposal from the European Community, Mr José-Vidal ALVAREZ RAMOS (Spain) shall be appointed a member of the Advisory Committee of the ACP-EC Technical Centre for Agriculture and Rural Cooperation to replace Ms MONTES FERNANDEZ.

Article 2

This appointment shall be effective from the date of adoption of this Decision for a maximum period extending until the end of the term of office of the Advisory Committee members.

Hecho en Bruselas, el  
Udfærdiget i Bruxelles, den  
Geschehen zu Brüssel am  
Έγινε στις Βρυξέλλες, στις  
Done at Brussels,  
Fait à Bruxelles, le  
Fatto a Bruxelles, addì  
Gedaan te Brussel,  
Feito em Bruxelas, em  
Tehty Brysselissä  
Utfärdat i Bryssel den

10 -11- 1998

Por el Comité de Embajadores ACP-CE  
På AVS-EF Ambassadørudvalgets vegne  
Im Namen des AKP-EG-Botschafterausschusses  
Γιά την Επιτροπή των Πρέσβευων ΑΚΕ-ΕΚ  
For the ACP-EC Committee of Ambassadors  
Par le Comité des Ambassadeurs ACP-CE  
Per il Comitato degli Ambasciatori ACP-CE  
Voor de ACS-EG-Comité van Ambassadeurs  
Pelo Comité dos Embaixadores ACP-CE  
AKT-EY-suurlähettiläskomitean puolesta  
För ambassadörskommittén AVS-EG

El Presidente  
Formand  
Der Präsident  
Ο Πρόεδρος  
The President  
Le président  
Il Presidente  
De Voorzitter  
O Presidente  
Puheenjohtaja  
Ordföranden

Copia certificada conforme  
Bekræftet Kopi  
Die Richtigkeit der Abschrift wird beglaubigt  
Ακριβές αντίγραφο  
Certified true copy  
Copie certifiée conforme  
Copia certificata conforme  
Foor eensluidend gewaarmerkt afschrift  
Cópia autenticada  
Oikeaksi todistettu jäljennös  
Bestyrkt kopia

M. SCHEICH



Los Secretarios  
Sekretærene  
Die Sekretäre  
Οι Γραμματείς  
The Secretaries  
Les Secrétaires  
I Segretari  
De Secretarissen  
Os Secretários  
Sihteerit  
Sekreterarna



**DECISION No 2/98  
OF THE ACP-EC COMMITTEE OF AMBASSADORS  
of 31 December 1998**

adopting the budget  
of the Technical Centre for  
Agricultural and Rural Cooperation (1999)

THE ACP-EC COMMITTEE OF AMBASSADORS,

Having regard to the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989, 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 1999) and the annual work programme of the Centre for 1999;

Whereas the competent Community authority has adopted the financing decision on the relevant 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 1999 is hereby definitively adopted as set out in the Annex.

Hecho en Bruselas, el  
Udfærdiget i Bruxelles, den  
Geschehen zu Brüssel am  
*Έγινε στις Βρυξέλλες, στις*  
Done at Brussels,  
Fait à Bruxelles, le  
Fatto a Bruxelles, addì  
Gedaan te Brussel,  
Feito em Bruxelas, em  
Tehty Brysselissä  
Utfärdat i Bryssel den

31 -12- 1998

Por el Comité de Embajadores ACP-CE  
På AVS-EF Ambassadørudvalgets vegne  
Im Namen des AKP-EG-Botschafterausschusses  
*Γιά την Επιτροπή των Πρέσβειων ΑΚΕ-ΕΚ*  
For the ACP-EC Committee of Ambassadors  
Par le Comité des Ambassadeurs ACP-CE  
Per il Comitato degli Ambasciatori ACP-CE  
Voor de ACS-EG-Comité van Ambassadeurs  
Pelo Comité dos Embaixadores ACP-CE  
AKT-EY-suurlähettiläskomitean puolesta  
För ambassadörskommittén AVS-EG

El Presidente  
Formand  
Der Präsident  
Ο Πρόεδρος  
The President  
Le président  
Il Presidente  
De Voorzitter  
O Presidente  
Puheenjohtaja  
Ordföranden

Copia certificada conforme  
Bekræftet Kopi  
Die Richtigkeit der Abschrift wird beglaubigt  
*Ακριβές αντίγραφο*  
Certified true copy  
Copie certifiée conforme  
Copia certificata conforme  
Foor eensluidend gewaarmerkt afschrift  
Cópia autenticada  
Oikeaksi todistettu jäljennös  
Bestyrkt kopia

M. SCHEICH

Los Secretarios  
Sekretærerne  
Die Sekretäre  
*Οι Γραμματείς*  
The Secretaries  
Les Secrétaires  
I Segretari  
De Secretarissen  
Os Secretários  
Sihteerit  
Sekreterarna

**ANNEX**

**BUDGET FOR 1999 – SUMMARY (euros)**

	<b>BUDGET FOR 1999</b>	<b>BUDGET FOR 1998</b>
	<b>(euros)</b>	<b>(ecus)</b>
<b>TITLE I – STAFF EXPENDITURE</b>		
<b><u>Chapter 11 – Personnel</u></b>		
Article 111 Salaries and wages (39 members of staff)	2 400 000	2 275 000
Article 112 Provision for adjustment of salaries	81 000	77 000
Article 113 Welfare contributions	913 000	880 000
Article 114 Allowances	463 000	451 000
Article 115 Training	50 000	40 000
<b>TOTAL TITLE I</b>	<b><u>3 907 000</u></b>	<b><u>3 723 000</u></b>
<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	206 000	207 000
Article 212 Associated costs	72 000	70 000
<b>Total Chapter 21</b>	<b><u>278 000</u></b>	<b><u>277 000</u></b>
<b><u>Chapter 22 – Movable property and associated costs</u></b>		
Article 221 Purchase of office machines and movable furniture and equipment	105 000	103 000
Article 222 Rental of furniture and equipment	50 000	48 000
Article 223 Maintenance of furniture and equipment	32 000	26 000
Article 224 Maintenance, repair and use of vehicles	18 000	18 000
<b>Total Chapter 22</b>	<b><u>205 000</u></b>	<b><u>195 000</u></b>
<b><u>Chapter 23 – Current administrative expenditure</u></b>		
Article 231 Stationery and office supplies	34 000	32 000
Article 232 Postage and telecommunications	82 000	76 000
Article 234 Subscriptions to periodicals, etc.	10 000	10 000
Article 235 Other operating expenditure	176 000	172 000
<b>Total Chapter 23</b>	<b><u>302 000</u></b>	<b><u>290 000</u></b>

	BUDGET FOR 1999 (euros)	BUDGET FOR 1998 (ecus)	
<b><u>Chapter 24 – Expenditure on missions, representation and entertaining expenses</u></b>			
Article 241	General expenditure on missions	4 000	3 000
Article 242	General representation and entertainment expenses	20 000	18 000
<b>Total Chapter 24</b>	<b><u>24 000</u></b>	<b><u>21 000</u></b>	
<b><u>Chapter 25 – Brussels Branch Office (excluding staff expenditure)</u></b>			
Article 25	Brussels Branch Office	56 000	55 000
	<b><u>56 000</u></b>	<b><u>55 000</u></b>	
<b>TOTAL TITLE II</b>	<b><u>865 000</u></b>	<b><u>838 000</u></b>	
<b>TITLE III – ACTIVITIES</b>			
<b><u>Chapter 31 – Seminars and Studies Department</u></b>			
Article 311	Conquering markets	530 000	315 000
Article 312	Intensification and optimisation of production	380 000	568 000
Article 313	Natural resource management	350 000	410 000
Article 314	Strengthening of NASs	90 000	97 000
Article 315	Mobilising civil society	150 000	84 000
<b>Total Chapter 31</b>	<b><u>1 500 000</u></b>	<b><u>1 474 000</u></b>	
<b><u>Chapter 32 – Publications and Dissemination Department</u></b>			
Article 321	Publications	776 550	898 050
Article 322	Co-publications	541 500	516 000
Article 323	Distribution	724 300	700 000
Article 324	Question-and-answer service	175 000	180 000
Article 325	Selective dissemination of information (SDI)	252 650	267 950
<b>Total Chapter 32</b>	<b><u>2 470 000</u></b>	<b><u>2 562 000</u></b>	

	BUDGET FOR 1999 (euros)	BUDGET FOR 1998 (ecus)
<b><u>Chapter 33 – Information and Capacity Development Department</u></b>		
Article 331 Information and documentation support	504 000	470 000
Article 332 Networking and communication	806 400	583 000
Article 333 Modern information and communication technologies	705 600	631 000
<b>Total Chapter 33</b>	<b><u>2 016 000</u></b>	<b><u>1 684 000</u></b>
<b><u>Chapter 34 – Information Policies and Partnerships Department</u></b>		
Article 341 Policies and strategies programme	776 000	641 000
Article 342 Partnerships and regional programmes	718 000	657 000
<b>Total Chapter 34</b>	<b><u>1 494 000</u></b>	<b><u>1 298 000</u></b>
<b>TOTAL TITLE III</b>	<b><u>7 480 000</u></b>	<b><u>7 018 000</u></b>
<b>GRAND TOTAL OF EXPENDITURE</b>	<b><u>12 252 000</u></b>	<b><u>11 579 000</u></b>
(a) Contribution from the European Development Fund	12 062 000	11 399 000
(b) Income taxes and any other income (1)	190 000	180 000
<b>GRAND TOTAL OF INCOME</b>	<b><u>12 252 000</u></b>	<b><u>11 579 000</u></b>

(1) Explanatory note

(a) Income taxes = 8% of Article 111(a) EUR 180 000

(b) Other income EUR 10 000

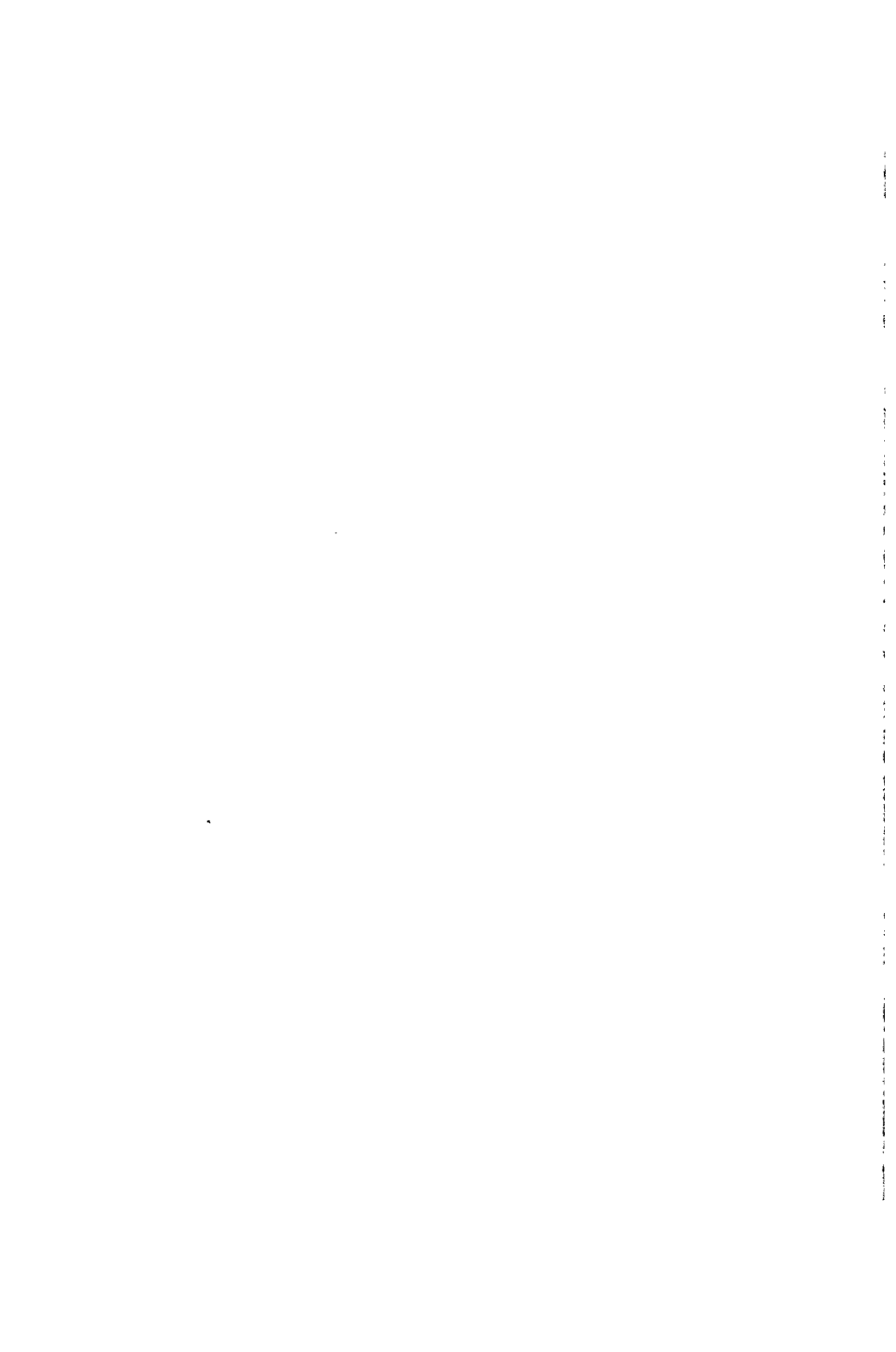
Total income EUR 190 000



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

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





**COMMISSION REGULATION (EC) No 488/98**

**of 27 February 1998**

**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 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 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 1997/98 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 1314/97<sup>(4)</sup> for the period from 1 July 1997 to 28 February 1998; whereas the production forecasts for raw cane sugar are now available for the 1997/98 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 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 therefore be fixed by taking account of the factors applying in the 1997/98 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 1314/97 for which the licences have not been requested up to 28 February 1998, for the Member States concerned to be authorized to issue the said licences after that date during 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*

A tariff quota is hereby opened for the period 1 March to 30 June 1998 under Decision 95/284/EC, in respect of imports of raw cane sugar for refining, amounting to 35 000 tonnes expressed as white sugar originating in the ACP States covered by that Decision.

This tariff quota shall bear the serial number 09.4097.

*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 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 49,68 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 L 177, 1. 7. 1981, p. 4.  
<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 43.  
<sup>(3)</sup> OJ L 181, 1. 8. 1995, p. 22.  
<sup>(4)</sup> OJ L 180, 9. 7. 1997, p. 12.

<sup>(5)</sup> OJ L 184, 3. 8. 1995, p. 18.

- (a) Finland: 0 tonnes,
- (b) metropolitan France: 8 000 tonnes,
- (c) mainland Portugal: 12 000 tonnes,
- (d) United Kingdom: 15 000 tonnes.

have not been lodged before 1 March 1998, to issue such licences to allow import and refining to take place until 30 June 1998.

*Article 4*

The Member States referred to in Article 3 of Regulation (EC) No 1314/97 are authorized, for the quantities in the said Article for which the applications for import licences

*Article 5*

This Regulation shall enter into force on 1 March 1998.

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

Done at Brussels, 27 February 1998.

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

---

## II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL DECISION

of 20 April 1998

on the conclusion of the Agreements in the form of an Exchange of Letters between the European Community and, on the one hand, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1997/98 delivery period

(98/672/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 113, in conjunction with the first sentence of Article 228(2), thereof,

### *Article 1*

Having regard to the proposal from the Commission,

The Agreements in the form of an Exchange of Letters between the European Community and, on the one hand, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1997/98 delivery period are hereby approved on behalf of the Community.

Whereas implementation of Protocol 8 on ACP Sugar annexed to the fourth ACP-EEC Convention of Lomé<sup>(1)</sup> and of the Agreement between the European Economic Community and the Republic of India on cane sugar<sup>(2)</sup> is carried out, in accordance with Article 1(2) of each, within the framework of the management of the common organisation of the sugar market;

The text of the Agreements is attached to this Decision.

Whereas it is appropriate to approve the Agreements in the form of an Exchange of Letters between the Community and, on the one hand, the States referred to in the Protocol and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1997/98 delivery period,

### *Article 2*

The President of the Council is hereby authorised to designate the person empowered to sign the Agreements referred to in Article 1 in order to bind the Community.

<sup>(1)</sup> OJ L 229, 17. 8. 1991, p. 216.

<sup>(2)</sup> OJ L 190, 22. 7. 1975, p. 35.

*Article 3*

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

Done at Luxembourg, 20 April 1998.

*For the Council*  
*The President*  
J. CUNNINGHAM

---

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**

between the European Community and Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 1997/98 delivery period

*A. Letter No 1*

Brussels,

Sir,

The representatives of the ACP States referred to in Protocol 8 on ACP sugar annexed to the fourth ACP-EEC Convention of Lomé and of the Commission, acting on behalf of the European Community, have agreed, pursuant to the provisions of the said Protocol, on the following:

For the delivery period 1 July 1997 to 30 June 1998, the guaranteed prices referred to in Article 5(4) of the Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: ECU 52,37 per 100 kilograms;
- (b) for white sugar: ECU 64,65 per 100 kilograms.

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community.

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

*On behalf of the Council  
of the European Union*

B. Letter No 2

Brussels,

Sir,

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

'The representatives of the ACP States referred to in Protocol 8 on ACP sugar annexed to the fourth ACP-EEC Convention of Lomé and of the Commission, acting on behalf of the European Community, have agreed, pursuant to the provisions of the said Protocol, on the following:

For the delivery period 1 July 1997 to 30 June 1998, the guaranteed prices referred to in Article 5(4) of the Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: ECU 52,37 per 100 kilograms;
- (b) for white sugar: ECU 64,65 per 100 kilograms.

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community.'

I have the honour to confirm the agreement of the Governments of the ACP States referred to in this letter with the foregoing.

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

*For the Governments  
of the ACP States  
referred to in Protocol 8*

Hecho en Bruselas, el tres de noviembre de mil novecientos noventa y ocho.  
Udfærdiget i Bruxelles den tredje november nitten hundrede og otteoghalvfems.  
Geschehen zu Brüssel am dritten November neunzehnhundertachtundneunzig.  
Έγινε στις Βρυξέλλες, στις τρεις Νοεμβρίου χίλια εννιακόσια ενενήντα οκτώ.  
Done at Brussels on the third day of November in the year one thousand nine hundred and ninety-eight.  
Fait à Bruxelles, le trois novembre mil neuf cent quatre-vingt-dix-huit.  
Fatto a Bruxelles, addì tre novembre millenovecentonovantotto.  
Gedaan te Brussel, de derde november negentienhonderd achtennegentig.  
Feito em Bruxelas, em três de Novembro de mil novecentos e noventa e oito.  
Tehty Brysselissä kolmantena päivänä marraskuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäkahdeksan.  
Som skedde i Bryssel den tredje november nittonhundraoittoåttio.

En nombre del Consejo de la Unión Europea  
På vegne af Rådet for Den Europæiske Union  
Im Namen des Rates der Europäischen Union  
Εξ ονόματος του Συμβουλίου της Ευρωπαϊκής Ένωσης  
On behalf of the Council of the European Union  
Au nom du Conseil de l'Union européenne  
A nome del Consiglio dell'Unione europea  
Namens de Raad van de Europese Unie  
Em nome do Conselho da União Europeia  
Euroopan unionin neuvoston puolesta  
På Europeiska unionens råds vägnar



For the Government of Barbados





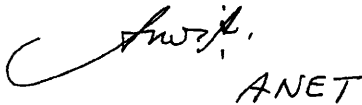
For the Government of Belize



Pour le gouvernement de la République du Congo




Pour le gouvernement de la République de Côte-d'Ivoire

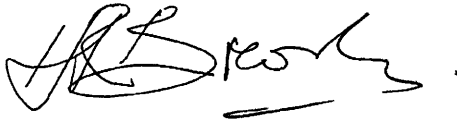


ANET

For the Government of the Sovereign Democratic Republic of Fiji



For the Government of the Cooperative Republic of Guyana



For the Government of Jamaica



For the Government of the Republic of Kenya



Pour le gouvernement de la République de Madagascar



For the Government of the Republic of Malawi



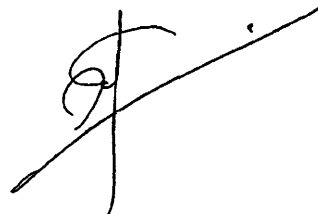
For the Government of the Republic of Mauritius



For the Government of Saint Kitts and Nevis



For the Government of the Republic of Suriname



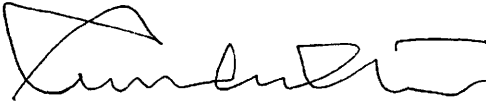
For the Government of the Kingdom of Swaziland



For the Government of the United Republic of Tanzania



For the Government of the Republic of Trinidad and Tobago



For the Government of the Republic of Uganda



For the Government of the Republic of Zambia



For the Government of the Republic of Zimbabwe



---

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**  
**between the European Community and the Republic of India on the guaranteed prices**  
**for cane sugar for the 1997/98 delivery period**

*A. Letter No 1*

Brussels,

Sir,

The Representatives of India and of the Commission, acting on behalf of the European Community, have agreed within the framework of the negotiations provided for in Article 5(4) of the Agreement between the European Community and the Republic of India on cane sugar, on the following:

For the delivery period 1 July 1997 to 30 June 1998, the guaranteed prices referred to in Article 5(4) of the Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be:

(a) for raw sugar: ECU 52,37 per 100 kilograms;

(b) for white sugar: ECU 64,65 per 100 kilograms.

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community.

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

*On behalf of the*  
*Council of the European Union*

B. Letter No 2

Brussels,

Sir,

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

'The Representatives of India and of the Commission, acting on behalf of the European Community, have agreed within the framework of the negotiations provided for in Article 5(4) of the Agreement between the European Community and the Republic of India on cane sugar, on the following:

For the delivery period 1 July 1997 to 30 June 1998, the guaranteed prices referred to in Article 5(4) of the Agreement shall, for the purpose of intervention within the terms of Article 6 of the Agreement, be:

(a) for raw sugar: ECU 52,37 per 100 kilograms;

(b) for white sugar: ECU 64,65 per 100 kilograms.

These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to the determination of the guaranteed prices.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between your Government and the Community.'

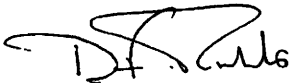
I have the honour to confirm the agreement of my Government with the foregoing.

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

*For the Government of  
the Republic of India*

Hecho en Bruselas, el veintiséis de junio de mil novecientos noventa y ocho.  
Udfærdiget i Bruxelles den seksogtyvende juni nitten hundrede og otteoghalvfems.  
Geschehen zu Brüssel am sechszwanzigsten Juni neunzehnhundertachtundneunzig.  
Έγινε στις Βρυξέλλες, στις είκοσι έξι Ιουνίου χίλια εννιακόσια ενενήντα οκτώ.  
Done at Brussels on the twenty-sixth day of June in the year one thousand nine hundred and ninety-eight.  
Fait à Bruxelles, le vingt-six juin mil neuf cent quatre-vingt-dix-huit.  
Fatto a Bruxelles, addì ventisei giugno millenovecentonovantotto.  
Gedaan te Brussel, de zesentwintigste juni negentienhonderd achtennegentig.  
Feito em Bruxelas, em vinte e seis de Junho de mil novecentos e noventa e oito.  
Tehty Brysselissä kahdentenäkympmentenäkuudentena päivänä kesäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäkahdeksan.  
Som skedde i Bryssel den tjugosjätte juni nittonhundraoåttioåtta.

En nombre del Consejo de la Unión Europea  
På vegne af Rådet for Den Europæiske Union  
Im Namen des Rates der Europäischen Union  
Εξ ονόματος του Συμβουλίου της Ευρωπαϊκής Ένωσης  
On behalf of the Council of the European Union  
Au nom du Conseil de l'Union européenne  
A nome del Consiglio dell'Unione europea  
Namens de Raad van de Europese Unie  
Em nome do Conselho da União Europeia  
Euroopan unionin neuvoston puolesta  
På Europeiska unionens råds vägnar



For the Government of the Republic of India  
Por el Gobierno de la República de la India  
For regeringen for Republikken Indien  
Für die Regierung der Republik Indien  
Για την κυβέρνηση της Δημοκρατίας της Ινδίας  
Pour le gouvernement de la République de l'Inde  
Per il governo della Repubblica dell'India  
Voor de regering van de Republiek India  
Pelo Governo da República da Índia  
Intian tasavallan hallituksen puolesta  
För Indiens regering

*A. Dasgupta.*

---

COMMISSION REGULATION (EC) No 1375/98

of 29 June 1998

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 1998 to 28 February 1999

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 organisation 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 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 indicates the need to import raw sugar and to open at this stage for the 1998/99 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 the production forecasts for raw cane sugar are now available for the 1998/99 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, provision should be made to authorise imports for each refining Member State, for the period 1 July 1998 to 28 February 1999;

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 1998/99 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 1998 to 28 February 1999 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, bearing the order No 09.4098;

and

(b) 10 000 tonnes expressed as white sugar originating in the Republic of India, bearing the order No 09.4099.

*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 L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ L 181, 1. 8. 1995, p. 22.

<sup>(4)</sup> OJ L 184, 3. 8. 1995, p. 18.



- (a) Finland: 45 000 tonnes;
- (b) metropolitan France: 15 000 tonnes;
- (c) mainland Portugal: 190 000 tonnes;
- (d) United Kingdom: 15 000 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 from 1 July 1998.

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

Done at Brussels, 29 June 1998.

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

---

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

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



**DECISION No 1/98  
OF THE ACP-EC SUBCOMMITTEE FOR COOPERATION  
ON AGRICULTURAL AND RURAL DEVELOPMENT  
of 9 November 1998**

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 1996 to 30 June 1997;

Whereas account should also be taken of trends in purchasing power during that 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 1/97 of the Subcommittee, require that scale to be adjusted by 5,4% with effect from 1 July 1997,

HAS DECIDED AS FOLLOWS:

Sole Article

With effect from 1 July 1997, the remuneration and tax brackets of staff of the Centre, as set out in the Annex to Decision No 1/97 of the Subcommittee for Cooperation on Agricultural and Rural Development of 31 December 1997 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 5,4% as set out in the Annex.

Hecho en Bruselas, el  
Udfærdiget i Bruxelles, den  
Geschehen zu Brüssel am  
Έγινε στις Βρυξέλλες, στις  
Done at Brussels,  
Fait à Bruxelles, le  
Fatto a Bruxelles, addì  
Gedaan te Brussel,  
Feito em Bruxelas, em  
Tehty Brysselissä  
Utfärdat i Bryssel den

9 -11- 1998

Por el Subcomité de Cooperación para el Desarrollo Agrícola y Rural ACP-CE  
AVS/EF-Underudvalget for samarbejde om Landbrugsudvikling og udvikling i  
Landdistrikterne

Im Namen des AKP-EG-Unterausschusses für Zusammenarbeit in der  
landwirtschaftlichen und ländlichen Entwicklung

Για την Υποεπιτροπή Γεωργικής και Αγροτικής Συνεργασίας ΑΚΕ-ΕΚ  
For the ACP-EC Subcommittee for Cooperation of Agricultural and Rural  
Development

Par le sous-comité ACP-CE de coopération agricole et rurale  
Per il Sottocomitato di cooperazione agricola e rurale ACP-CE

Voor het ACS-EG-Subcomité voor samenwerking op het gebied van landbouw-en  
plattelandsontwikkeling

Pelo Subcomité ACP-CE de Cooperação Agrícola e Rural  
Maatalouden ja maaseudun yhteistyön kehittämistä  
käsittelevän AKT-EY-alakomitean puolesta

För AVS-EG:s underkommitté för samarbete i jordbruks- och landbygdsfrågor

El Presidente  
Formand  
Der Präsident  
Ο Πρόεδρος  
The President  
Le président  
Il Presidente  
De Voorzitter  
O Presidente  
Puheenjohtaja  
Ordförande

Copia certificada conforme

Bekræftet Kopi

Die Richtigkeit der Abschrift wird beglaubigt

Ακριβές αντίγραφο

Certified true copy

Copie certifiée conforme

Copia certificata conforme

Foor eensluidend gewaarmerkt afschrift

Cópia autenticada

Oikeaksi todistettu jäljennös

Bestyrkt kopia

Ph. SOUBESTRE



Los Secretarios

Sekretærerne

Die Sekretäre

Οι Γραμματείς

The Secretaries

Les Secrétaires

I Segretari

De Secretarissen

Os Secretários

Sihteerit

Sekreterarna

## LOME IV - CTA's STAFF REGULATIONS

GROSS BASIC MONTHLY SALARY TABLE (in Hfl) (Applicable as from 1 July 1997)								
CATEGORY	LEVEL	DUTIES	STEP					
			1	2	3	4	5	
1. Director	1A	Director	25 030,35					
2. Administrative	2A	Main Expert	17 813,30	18 885,25	19 950,62			
	2B		14 253,27	15 106,89	16 033,28	16 959,67	17 958,86	
	2C	Expert	12 466,65	13 254,09	14 034,92			
	2D		9 978,62	10 580,78	11 222,63	11 896,47	12 612,24	
3. Clerical	3A	Principal Assistant	8 337,56	8 835,57	9 336,75	9 938,90	10 547,68	
	3B	Clerical Assistant	6 411,99	6 802,51	7 199,42	7 622,93	8 053,03	
	3C	Secretary	4 631,98	4 916,52	5 201,06	5 485,59	5 842,90	
4. Supporting staff	4A	Technical Staff	3 778,38	3 990,12	4 201,87	4 420,22	4 704,78	



LOME IV

CTA'S STAFF REGULATIONS

TAXABLE AMOUNTS

(applicable as from 1 July 1997)

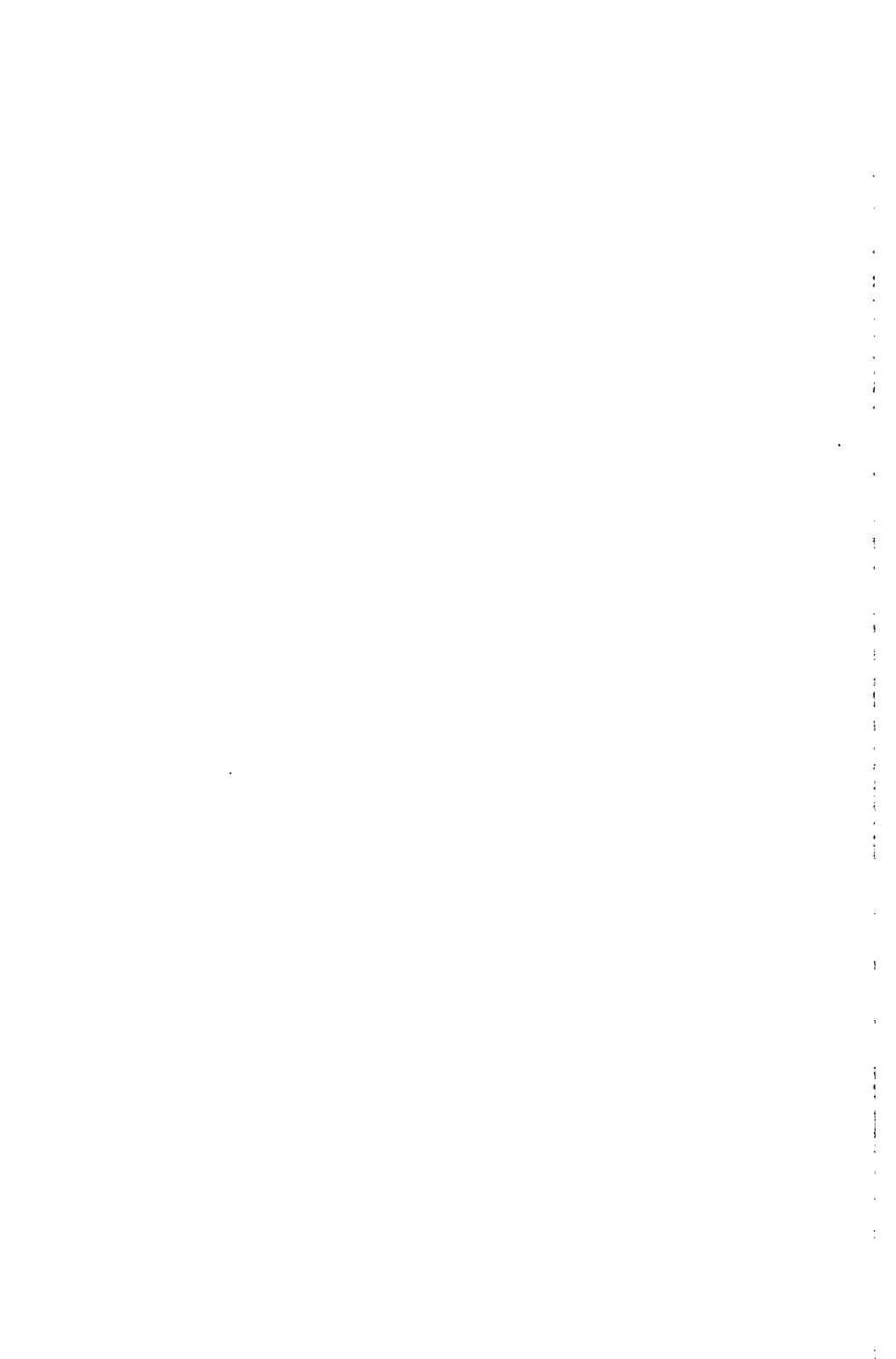
0%	to amounts of less than	Hfl	195		
8%	to amounts between	Hfl	196	and	3 117
10%	to amounts between	Hfl	3 118	and	4 294
12,5%	to amounts between	Hfl	4 295	and	4 921
15%	to amounts between	Hfl	4 922	and	5 586
17,5%	to amounts between	Hfl	5 587	and	6 214
20%	to amounts between	Hfl	6 215	and	6 821
22,5%	to amounts between	Hfl	6 822	and	7 450
25%	to amounts between	Hfl	7 451	and	8 057
27,5%	to amounts between	Hfl	8 058	and	8 684
30%	to amounts between	Hfl	8 685	and	8 292
32,5%	to amounts between	Hfl	8 293	and	9 919
35%	to amounts between	Hfl	9 920	and	10 526
40%	to amounts between	Hfl	10 527	and	11 153
45%	above	Hfl	11 154		

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

---

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

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



DECISION No 1/98  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 17 July 1998

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,



Article 2

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

Hecho en Bruselas, el  
Udfærdiget i Bruxelles, den  
Geschehen zu Brüssel am  
*Έγινε στις Βρυξέλλες, στις*  
Done at Brussels,  
Fait à Bruxelles, le  
Fatto a Bruxelles, addì  
Gedaan te Brussel,  
Feito em Bruselas, em  
Tehty Brysselissä  
Utfärdat i Bryssel den

16-07-1998

Por el Comité de cooperación industrial  
For Udvalget for industrielt Samarbejde  
Im Namen des Ausschusses für industrielle Zusammenarbeit  
*Για την Επιτροπή Βιομηχανικής Συνεργασίας*  
For the Committee on Industrial Cooperation  
Par le Comité de coopération industrielle  
Per il Comitato per la cooperazione industriale  
Voor het Comité voor industriële samenwerking  
Pelo Comité de Cooperação Industrial  
Teollisen yhteistyökomitean puolesta  
För Kommittén för industriellt samarbete

Los Presidentes  
Formaður  
Die Präsidenten  
*Οι Πρόεδροι*  
The Chairmen  
Les présidents  
I Presidenti  
De Voorzitters  
Os Presidentes  
Puheenjohtajat  
Ordförandena

Copia certificada conforme  
Bekræftet Kopi  
Die Richtigkeit der Abschrift wird beglaubigt  
*Ακριβές αντίγραφο*  
Certified true copy  
Copie certifiée conforme  
Copia certificata conforme  
Foor eensluidend gewaarmerkt afschrift  
Cópia autenticada  
Oikeaksi todistettu jäljennös  
Bestyrkt kopja

I. BASSONG

A. LIEBMAN



Los Secretarios  
Sekretæerne  
Die Sekretäre  
*Οι Γραμματείς*  
The Secretaries  
Les Secrétaires  
I Segretari  
De Secretarissen  
Os Secretários  
Sihteerit  
Sekreterarna

**DECISION No 2/98  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 24 September 1998**

giving a discharge to the Director of  
the Centre for the Development of Industry  
in respect of the implementation of the Centre's budget  
for the financial years 1992, 1993 and 1994

THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION,

Having regard to the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989, as amended by the Agreement signed in Mauritius on 4 November 1995, and in particular Article 87(2)(c) thereof,

Having regard to 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, hereinafter referred to as the "Centre", and in particular Article 9(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, and in particular Article 26 thereof,



Having regard to the Centre's balance sheets for the financial years 1992, 1993 and 1994,

Having regard to the Auditor's report on the accounts for the financial years 1992, 1993 and 1994,

Having taken note of the special audit report for the years 1992, 1993 and 1994 and of the replies given by the Director of the Centre to the comments made by the Auditors,

Whereas it is for the ACP-EC Committee on Industrial Cooperation, hereinafter referred to as the "Committee", to give a discharge to the Director of the Centre in respect of the implementation of the Centre's budget;

Whereas revenue for the financial years 1992, 1993 and 1994 consisted principally of contributions from the European Development Fund amounting to ECU 10 921 694,41, ECU 12 326 579,01 and ECU 13 841 017,35 respectively;

Whereas the Director's overall implementation of the Centre's budget during the financial years 1992, 1993 and 1994 was such that he should be given a discharge in respect of the implementation of that budget,

HAS DECIDED AS FOLLOWS:

Sole Article

The Committee, on the basis of the Auditor's report for the years 1992, 1993 and 1994, the special audit report, the balance sheets and the revenue and expenditure accounts for the corresponding financial years, hereby gives a discharge to the Director of the Centre in respect of the implementation of the Centre's budget for the financial years 1992, 1993 and 1994.

Hecho en Bruselas, el  
Udfærdiget i Bruxelles, den  
Geschehen zu Brüssel am  
Έγινε στις Βρυξέλλες, στις  
Done at Brussels,  
Fait à Bruxelles, le  
Fatto a Bruxelles, addì  
Gedaan te Brussel,  
Feito em Bruxelas, em  
Tehty Brysselissä  
Utfärdat i Bryssel den

24-09-1998

Por el Comité de cooperación industrial  
For Udvalget for industrielt Samarbejde  
Im Namen des Ausschusses für industrielle Zusammenarbeit  
Για την Επιτροπή Βιομηχανικής Συνεργασίας  
For the Committee on Industrial Cooperation  
Par le Comité de coopération industrielle  
Per il Comitato per la cooperazione industriale  
Voor het Comité voor industriële samenwerking  
Pelo Comité de Cooperação Industrial  
Teollisen yhteistyökomitean puolesta  
För Kommittén för industriellt samarbete

Los Presidentes  
Formænd  
Die Präsidenten  
Οι Πρόεδροι  
The Chairmen  
Les présidents  
I Presidenti  
De Voorzitters  
Os Presidentes  
Puheenjohtajat  
Ordförandena

Copia certificada conforme  
Bekræftet Kopi  
Die Richtigkeit der Abschrift wird beglaubigt  
Ακριβές αντίγραφο  
Certified true copy  
Copie certifiée conforme  
Copia certificata conforme  
Foor eensluidend gewaarmerkt afschrift  
Cópia autenticada  
Oikeaksi todistettu jäljennös  
Bestyrkt kopja

T. BASSONG

A. LTERMANN



Los Secretarios  
Sekretæerne  
Die Sekretäre  
Οι Γραμματείς  
The Secretaries  
Les Secrétaires  
I Segretari  
De Secretarissen  
Os Secretários  
Sihteerit  
Sekreterarna

**DECISION No 3/98  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 24 September 1998**

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 as amended by the Agreement signed in Mauritius on 4 November 1995, 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 ACP-EC 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 1996 to 30 June 1997;

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 1,78% for the period from 1 July 1996 to 30 June 1997,

HAS DECIDED AS FOLLOWS:

#### Article 1

With effect from 1 July 1997, 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 3/97 of the ACP-EC Committee on Industrial Cooperation of 24 July 1997 shall be increased by 1,78% 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.

Hecho en Bruselas, el  
Udfærdiget i Bruxelles, den  
Geschehen zu Brüssel am  
Έγινε στις Βρυξέλλες, στις  
Done at Brussels,  
Fait à Bruxelles, le  
Fatto a Bruxelles, addì  
Gedaan te Brussel,  
Feito em Bruxelas, em  
Tehty Brysselissä  
Utfärdat i Bryssel den

24 -09- 1998

Por el Comité de cooperación industrial  
For Udvalget for industrielt Samarbejde  
Im Namen des Ausschusses für industrielle Zusammenarbeit  
Για την Επιτροπή Βιομηχανικής Συνεργασίας  
For the Committee on Industrial Cooperation  
Par le Comité de coopération industrielle  
Per il Comitato per la cooperazione industriale  
Voor het Comité voor industriële samenwerking  
Pelo Comité de Cooperação Industrial  
Teollisen yhteistyökomitean puolesta  
För Kommittén för industriellt samarbete

Los Presidentes  
Formænd  
Die Präsidenten  
Οι Πρόεδροι  
The Chairmen  
Les présidents  
I Presidenti  
De Voorzitters  
Os Presidentes  
Puheenjohtajat  
Ordförandena

Copia certificada conforme  
Bekræftet Kopi  
Die Richtigkeit der Abschrift wird beglaubigt  
Ακριβές αντίγραφο  
Certified true copy  
Copie certifiée conforme  
Copia certificata conforme  
Foor eensluidend gewaarmerkt afschrift  
Cópia autenticada  
Oikeaksi todistettu jäljennös  
Bestyrkt kopia

T. BASSONG

A. LIEBMANN



Los Secretarios  
Sekretæerne  
Die Sekretäre  
Οι Γραμματείς  
The Secretaries  
Les Secrétaires  
I Segretari  
De Secretarissen  
Os Secretários  
Sihteerit  
Sekreterarna

LOME IV

(Conditions of employment of the staff of the CDI)

**TABLE OF BASIC GROSS MONTHLY SALARIES (BFR)**  
 (applicable as from 1 July 1997)

CATEGORY	LEVEL	BASIC POST	STEP					
			1	2	3	4	5	
1. DIRECTORS	1.A	Director	423 236					
	1.B	Deputy Director	374 866					
2. ADMINISTRATIVE	2.A	Main Expert	302 312	320 450	338 589	287 800	304 730	
	2.B		241 850	256 359	272 080			
	2.C	Expert	211 619	224 920	238 222	201 944	266 033	
	2.D		169 295	179 573	190 456			
3. CLERICAL	3.A	Principal assistant	141 485	149 946	158 412	168 691	178 968	
	3.B	Clerical assistant	108 831	114 878	122 134	129 391	136 634	
	3.C	Secretary	78 602	83 438	88 276	93 112	99 158	
4. SUPPORTING STAFF	4.A	Technical staff	64 090	67 717	71 347	74 974	79 810	



LOME IV

(Conditions of employment of the staff of the CDI)

**TAX SCALE**

(applicable as from 1 July 1997)

GROSS ANNUAL CEILINGS (in Belgian francs)		TAX			
FROM	TO	DIFFERENCE	%	TAX (in Belgian francs)	AGGREGATE (in Belgian francs)
1	2 993	2 992	NIL	NIL	NIL
2 994	52 901	49 907	8 0	3 993	3 993
52 902	72 862	19 960	10 0	1 996	5 989
72 863	83 505	10 642	12 5	1 330	7 319
83 506	94 820	11 314	15 0	1 697	9 016
94 821	105 463	10 642	17 5	1 862	10 878
105 464	115 779	10 315	20 0	2 063	12 941
115 780	126 373	10 593	22 5	2 383	15 324
126 374	136 742	10 368	25 0	2 592	17 916
136 743	147 382	10 639	27 5	2 926	20 842
147 383	157 699	10 316	30 0	3 095	23 937
157 700	168 345	10 645	32 5	3 460	27 397
168 346	178 662	10 316	35 0	3 610	31 007
178 663	189 303	10 640	40 0	4 256	35 263
189 304		99 999 999	45 0		

**DECISION No 4/98  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 31 December 1998**

approving the budget  
of the Centre for the Development of Industry (1999)

THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION,

Having regard to the Fourth ACP-EC Convention signed at Lomé on 15 December 1989, 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 1999 financial year;

Whereas the Executive Board, at its meeting on 4 and 5 June 1998, 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 1999, as contained in the Annex, is hereby approved.

Hecho en Bruselas, el  
Udfærdiget i Bruxelles, den  
Geschehen zu Brüssel am  
Έγινε στις Βρυξέλλες, στις  
Done at Brussels,  
Fait à Bruxelles, le  
Fatto a Bruxelles, addì  
Gedaan te Brussel,  
Feito em Bruxelas, em  
Tehty Brysselissä  
Utfärdat i Bryssel den

3 1 -12- 1998

Por el Comité de cooperación industrial  
For Udvalget for industrielt Samarbejde  
Im Namen des Ausschusses für industrielle Zusammenarbeit  
Για την Επιτροπή Βιομηχανικής Συνεργασίας  
For the Committee on Industrial Cooperation  
Par le Comité de coopération industrielle  
Per il Comitato per la cooperazione industriale  
Voor het Comité voor industriële samenwerking  
Pelo Comité de Cooperação Industrial  
Teollisen yhteistyökomitean puolesta  
För Kommittén för industriellt samarbete

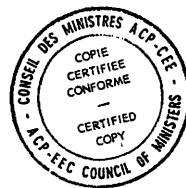
Los Presidentes  
Formaænd  
Die Präsidenten  
Οι Πρόεδροι  
The Chairmen  
Les présidents  
I Presidenti  
De Voorzitters  
Os Presidentes  
Puheenjohtajat  
Ordförandena

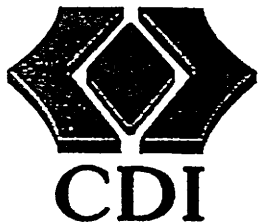
Copia certificada conforme  
Bekræftet Kopi  
Die Richtigkeit der Abschrift wird beglaubigt  
Ακριβές αντίγραφο  
Certified true copy  
Copia certifiée conforme  
Copia certificata conforme  
Foor eensluidend gewaarmerkt afschrift  
Cópia autenticada  
Oikeaksi todistettu jäljennös  
Bestyrkt kopia

T. BASSONG

A. LEBMANN

Los Secretarios  
Sekretærene  
Die Sekretäre  
Οι Γραμματείς  
The Secretaries  
Les Secrétaires  
I Segretari  
De Secretarissen  
Os Secretários  
Sihteerit  
Sekreterarna





**SUMMARY**

1	TITLE I - STAFF	BUDGET 1987 COMMITMENTS AT 31/12/87 (in ecus) (1)	BUDGET 1988 TOTAL (in ecus) (2)	BUDGET 1989 TOTAL (in euros) (3)	% EVOLUTION (3)/(2)
ARTICLE 111	SALARIES	3 461 085,41	4 100 000,00	4 100 000,00	0.00%
ARTICLE 112	PROVISION FOR THE ADJUSTMENT OF SALARIES	19.447,64	60 000,00	60 000,00	0.00%
ARTICLE 113	SOCIAL CHARGES	1 478 195,37	1 640 000,00	1 640 000,00	0.00%
ARTICLE 114	ALLOWANCES	456 561,19	597 000,00	597 000,00	0.00%
ARTICLE 115	TRAINING AND DEVELOPMENT OF STAFF	1 629,68	25 000,00	25 000,00	0.00%
ARTICLE 116	EXPENSES FOR STAFF INTEGRATION	3 472,80	5 000,00	5 000,00	0.00%
ARTICLE 117	MISCELLANEOUS CONSULTANCIES	148 784,87	60 000,00	200 000,00	233.33%
	TOTAL CHAPTER 1	5 569 176,96	6 487 000,00	6 627 000,00	2.16%
	TOTAL TITLE I	5 569 176,96	6 487 000,00	6 627 000,00	2.16%

2	TITLE II BUILDING, EQUIPMENT AND MISC. OPERATING EXPENDITURE	BUDGET 1997 COMMITMENTS AT 31/12/97 (in ecus) (1)	BUDGET 1998 TOTAL (in ecus) (2)	BUDGET 1999 TOTAL (in ecus) (3)	... % EVOLUTION (3)/(2)
ARTICLE 211	RENT	480 385,16	536 000,00	536 000,00	0.00%
ARTICLE 212	INCIDENTAL EXPENDITURE	191 625,46	204 000,00	204 000,00	0.00%
	TOTAL CHAPTER 21	672 011,62	740 000,00	740 000,00	0.00%
ARTICLE 221	PURCHASE OF OFFICE FURNITURE AND EQUIPMENT	19 882,98	45 000,00	75 000,00	66.67%
ARTICLE 222	RENTAL OF FURNITURE AND EQUIPMENT	39 452,67	65 000,00	65 000,00	0.00%
ARTICLE 223	MAINTENANCE OF FURNITURE AND EQUIPMENT	3 276,68	5 000,00	5 000,00	0.00%
ARTICLE 224	VEHICLES, MAINTENANCE, REPAIRS, USE	8 308,60	11 000,00	11 000,00	0.00%
ARTICLE 225	DATA PROCESSING	86 290,79	170 000,00	720 000,00	323.53%
	TOTAL CHAPTER 22	157 211,72	296 000,00	876 000,00	195.95%
ARTICLE 231	STATIONERY AND OFFICE SUPPLIES	37 765,55	50 000,00	50 000,00	0.00%
ARTICLE 232	POSTAL CHARGES AND TELECOMMUNICATIONS	233 042,41	252 000,00	252 000,00	0.00%
ARTICLE 233	BANK CHARGES AND LOSSES ON EXCHANGE RATES	31 469,38	15 000,00	25 000,00	66.67%
ARTICLE 234	OTHER OPERATING EXPENSES	34 093,70	45 000,00	45 000,00	0.00%
	TOTAL CHAPTER 23	336 370,04	362 000,00	372 000,00	2.76%
ARTICLE 241	REPRESENTATION AND ENTERTAINMENT EXPENSES	22 219,92	30 000,00	30 000,00	0.00%
	TOTAL CHAPTER 24	22 219,92	30 000,00	30 000,00	0.00%
	TOTAL TITLE II	1 187 843,30	1 428 000,00	2 018 000,00	41.32%

	TITLE III INTERVENTION PROGRAMME	BUDGET 1997 COMMITMENTS AT 31/12/97 (in ecus) (1)	BUDGET 1998 TOTAL (in ecus) (2)	BUDGET 1999 TOTAL (in euros) (3)	% EVOLUTION (3)/(2)
ARTICLE 311	ACP NETWORK	742 001,79	1 605 000,00	1 000 000,00	-37.69%
ARTICLE 312	EU NETWORK	242 954,78	600 000,00	255 000,00	-57.50%
ARTICLE 313	PUBLIC RELATIONS AND COMMUNICATIONS	182 482,37	150 000,00	190 000,00	26.67%
ARTICLE 314	SECONDED EXPERTS	168 712,64	175 000,00	175 000,00	0.00%
ARTICLE 321	TOTAL CHAPTER 31 IDENTIFICATION AND PROMOTION OF PROJECTS IN ACP COUNTRIES	1 336 151,58	2 530 000,00	1 620 000,00	-35.97%
ARTICLE 322	IDENTIFICATION AND PROMOTION OF PROJECTS IN EUROPE	289 488,19	320 000,00	288 000,00	-10.00%
ARTICLE 323	PARTNER INTRODUCTIONS	15 000,00	24 000,00	24 000,00	0.00%
ARTICLE 331	TOTAL CHAPTER 32 PROJECT INTERVENTIONS, DIAGNOSTIC, EXPERTISE, STUDIES	524 568,31	500 000,00	540 000,00	8.00%
ARTICLE 332	DIRECT INTERVENTIONS	829 056,50	844 000,00	852 000,00	0.95%
ARTICLE 333	PILOT AND DEMONSTRATION PROJECTS	1 456 156,61	1 350 000,00	1 527 000,00	13.11%
ARTICLE 341	TOTAL CHAPTER 33 MISSIONS	3 417 506,97	2 230 000,00	2 970 000,00	33.18%
ARTICLE 361	TOTAL CHAPTER 34 SECTORAL STUDIES, IN DEPTH SCRUTINY OF A SECTOR IN ACP COUNTRIES	61 540,00	100 000,00	80 000,00	-20.00%
ARTICLE 362	SECTORAL STUDIES, IN DEPTH SCRUTINY OF A SECTOR IN EU COUNTRIES	4 935 205,58	3 680 000,00	4 577 000,00	24.38%
ARTICLE 363	PUBLICATIONS	317 957,14	380 000,00	350 000,00	-7.89%
ARTICLE 364	INTERNAL INFORMATION, DOCUMENTATION	317 957,14	360 000,00	350 000,00	-7.89%
ARTICLE 365	MEETINGS AND SEMINARS	177 296,50	250 000,00	220 000,00	-12.00%
ARTICLE 366	INVESTMENT SOLICITATION IN ACP COUNTRIES VIA THE INTERNET	10 476,33	100 000,00	30 000,00	-70.00%
	TOTAL CHAPTER 36	128 210,00	160 200,00	140 000,00	-12.50%
	TOTAL TITLE III	93 560,27	50 000,00	80 000,00	60.00%
	TOTAL CHAPTER 36	406 021,22	280 000,00	400 000,00	42.86%
	TOTAL TITLE III	0,00	126 000,00	131 000,00	3.62%
	TOTAL CHAPTER 36	815 564,32	966 000,00	1 001 000,00	3.62%
	TOTAL TITLE III	8 233 935,12	8 400 000,00	8 400 000,00	0.00%



4	TITLE IV - SUPERVISORY BODIES	BUDGET 1997 COMMITMENTS AT 31/12/97 (in ecus) (1)	BUDGET 1998 TOTAL (in ecus) (2)	BUDGET 1999 TOTAL (in euros) (3)	% EVOLUTION (3)/(2)
ARTICLE 411	EXECUTIVE BOARD	108 829,47	150 000,00	150 000,00	0.00%
ARTICLE 412	SECRETARIAT TO THE EXECUTIVE BOARD	88.164,19	100.000,00	100 000,00	0.00%
	TOTAL CHAPTER 41	196 993,66	250 000,00	250 000,00	0.00%
ARTICLE 421	INTERNAL AUDIT BODY	123 904,40	130 000,00	138 000,00	6.15%
ARTICLE 422	EXTERNAL AUDIT BODY	15 000,00	15 000,00	15 000,00	0.00%
	TOTAL CHAPTER 42	138 904,40	145 000,00	153 000,00	5.52%
	TOTAL TITLE IV	335 898,06	395 000,00	403 000,00	2.03%

	TITLE V - BOOK LOSSES ON EXCHANGE RATES	BUDGET 1997 COMMITMENTS AT 31/12/97 (in ecus) (1)	BUDGET 1998 TOTAL (in ecus) (2)	BUDGET 1999 TOTAL (in euros) (3)	% EVOLUTION (3) / (2)
ARTICLE 511	BOOK LOSSES ON EXCHANGE RATES	0,00	50 000,00	0,00	-100.00%
	TOTAL TITLE V		50 000,00	0,00	-100.00%

6	SUMMARY OF TITLES I - II - III - IV - V	BUDGET 1997 COMMITMENTS AT 31/12/97 (in ecus) (1)	BUDGET 1998 TOTAL (in ecus) (2)	BUDGET 1999 TOTAL (in euros) (3)	% EVOLUTION (3)/(2)
	TITLE I - STAFF	5 569 176,96	6 487 000,00	6 627 000,00	2.16%
	TITLE II - BUILDING, EQUIPMENT & MISC. OPERATING EXPENDITURE	1 187 843,30	1 428 000,00	2 018 000,00	41.32%
	TITLE III - INTERVENTION PROGRAMME	8 233 935,12	8 400 000,00	8 400 000,00	0.00%
	TITLE IV - SUPERVISORY BODIES	335 898,06	395 000,00	403 000,00	2.03%
	TITLE V - BOOK LOSSES ON EXCHANGE RATES	0,00	50 000,00	0,00	-100.00%
	<b>GRAND TOTAL</b>	<b>15 328 853,44</b>	<b>16 760 000,00</b>	<b>17 448 000,00</b>	<b>4.11%</b>

**DECISION No 5/98**  
**OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION**  
**of 31 December 1998**

giving a discharge to the Director of  
the Centre for the Development of Industry  
in respect of the implementation of the Centre's budget  
for the financial years 1995 and 1996

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

Having regard to the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989, as amended by the Agreement signed in Mauritius on 4 November 1995, and in particular Article 87(2)(c) thereof,

Having regard to 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, hereinafter referred to as the "Centre", and in particular Article 9(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, and in particular Article 26 thereof,

Having regard to the Centre's balance sheets for the financial years 1995 and 1996,

Having regard to the Auditors' report on the accounts for the financial years 1995 and 1996,

Having taken note of the replies given by the Centre's Director to the comments made by the Auditors,

Whereas it is for the ACP-EC Committee on Industrial Cooperation, hereinafter referred to as the "Committee", to give a discharge to the Director of the Centre in respect of the implementation of the Centre's budget;

Whereas revenue for the financial years 1995 and 1996 consisted principally of contributions from the European Development Fund amounting to ECU 16 552 311,72 and ECU 16 802 781,40 respectively;

Whereas the Director's overall implementation of the Centre's budget during the financial years 1995 and 1996 was such that he should be given a discharge in respect of the implementation of that budget,

HAS DECIDED AS FOLLOWS:

Sole Article

The Committee, on the basis of the Auditors' report for the years 1995 and 1996, the balance sheets and the revenue and expenditure accounts for the corresponding financial years, hereby gives a discharge to the Director of the Centre in respect of the implementation of the Centre's budget for the financial years 1995 and 1996.

Hecho en Bruselas, el  
Udfærdiget i Bruxelles, den  
Geschehen zu Brüssel am  
Έγινε στις Βρυξέλλες, στις  
Done at Brussels,  
Fait à Bruxelles, le  
Fatto a Bruxelles, addì  
Gedaan te Brussel,  
Feito em Bruxelas, em  
Tehty Brysselissä  
Utfärdat i Bryssel den

3 1 -12- 1998

Por el Comité de cooperación industrial  
For Udvalget for industrielt Samarbejde  
Im Namen des Ausschusses für industrielle Zusammenarbeit  
Για την Επιτροπή Βιομηχανικής Συνεργασίας  
For the Committee on Industrial Cooperation  
Par le Comité de coopération industrielle  
Per il Comitato per la cooperazione industriale  
Voor het Comité voor industriële samenwerking  
Pelo Comité de Cooperação Industrial  
Teollisen yhteistyökomitean puolesta  
För Kommittén för industriellt samarbete

Los Presidentes  
Formaænd  
Die Präsidenten  
Οι Πρόεδροι  
The Chairmen  
Les présidents  
I Presidenti  
De Voorzitters  
Os Presidentes  
Puheenjohtajat  
Ordförandena

Copia certificada conforme  
Bekræftet Kopi  
Die Richtigkeit der Abschrift wird beglaubigt  
Ακριβές αντίγραφο  
Certified true copy  
Copie certifiée conforme  
Copia certificata conforme  
Foor eenskludend gewaarmerkt afschrift  
Cópia autenticada  
Oikeaksi todistettu jäljennös  
Bestyrkt kopia

I. BASSONG

A. LIEBMAN

Los Secretarios  
Sekretæerne  
Die Sekretäre  
Οι Γραμματείς  
The Secretaries  
Les Secrétaires  
I Segretari  
De Secretarissen  
Os Secretários  
Sihteerit  
Sekreterarna



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

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





II

*(Acts whose publication is not obligatory)*

COMMISSION

DECISION No 1/98 OF THE ACP-EC CUSTOMS COOPERATION  
COMMITTEE

of 16 October 1998

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)

*(notified under document number C(1998) 2708)*

(98/624/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 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, for the African, Caribbean and Pacific States (ACP States), a derogation has already been granted automatically, within an annual quota of 4 000 tonnes, for canned tuna; whereas the totality of this quota has been allocated, with Fiji being awarded an annual amount of 2 600 tonnes until the year 2000;

Whereas on 23 June 1998 the 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 May 1998 to 29 February 2000, for 8 250 tonnes;

Whereas the procedure, laid down in paragraphs 1 to 7 of the aforesaid Article 31, shall apply; whereas, according to the request submitted, the value added to the non-origin-

ating products used in Fiji is less than 45 % of the value of the finished product;

Whereas the Community canning industry is already subject to intense competitive pressure; whereas, in particular, labour-costs are fundamental to the pricing; whereas any additional opening of the market beyond the one granted in this Decision 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 the derogation is requested under the relevant provisions of Protocol 1, particularly with regard to Article 31(5) concerning island ACP States;

Whereas the derogation, limited in quantities, would not cause serious injury to an established community industry taking into account the quantities of the imports envisaged; provided that certain conditions relating to quantities, surveillance and duration are respected;

Whereas therefore, pursuant to Article 31(1), a derogation can be granted to Fiji in respect of 950 tonnes for 1998, of 1 700 tonnes for 1999, and 200 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 June 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.

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 1/98'.

*Article 5*

The customs authorities of Fiji shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1. To that end, all the certificates they issue pursuant to this Decision shall bear a reference to it. The competent authorities of Fiji shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR.1 have been issued pursuant to this Decision, and the serial numbers of those certificates.

*Article 6*

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

*Article 7*

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

This Decision shall apply as from 1 June 1998.

Done at Brussels, 16 October 1998.

*For the ACP-EC Customs Cooperation  
Committee*

M. VANDEN ABEELE  
P. MAINGI MWANZLA

*The Chairmen*

Hecho en Bruselas, el  
Udfærdiget i Bruxelles, den  
Geschehen zu Brüssel am  
*Έγινε στις Βρυξέλλες, στις*  
Done at Brussels,  
Fait à Bruxelles, le  
Fatto a Bruxelles, addì  
Gedaan te Brussel,  
Feito em Bruxelas, em  
Tehty Brysselissä  
Utfärdat i Bryssel den

16 -10- 1998

Por el Comité de cooperación aduanera  
På Toldsamarbejdsudvalgets vegne  
In Namen des Ausschusses für Zusammenarbeit im Zollwesen  
*Για την Επιτροπή Τελωνειακής Συνεργασίας*  
For the Customs Cooperation Committee  
Par le Comité de coopération douanière  
Per il Comitato di cooperazione doganale  
Voor het Comité voor douanesamenwerking  
Pelo Comité de Cooperação Aduaneira  
Tulliyhteistyökomitean puolesta  
För Kommittén för tullsamarbete

Los Presidentes  
Formaænd  
Die Präsidenten  
*Οι Πρόεδροι*  
The Chairmen  
Les présidents  
I Presidenti  
De Voorzitters  
Os Presidentes  
Puheenjohtajat  
Ordförandena

Copia certificada conforme  
Bekræftet Kopi  
Die Richtigkeit der Abschrift wird beglaubigt  
*Ακριβές αντίγραφο*  
Certified true copy  
Copie certifiée conforme  
Copia certificata conforme  
Foor eensluidend gewaarmerkt afschrift  
Cópia autenticada  
Oikeaksi todistettu jäljennös  
Bestyrkt kopia

M. VANDEN ABEELE

P. MATNGI MWANZIA



Los Secretarios  
Sekretærerne  
Die Sekretäre  
*Οι Γραμματείς*  
The Secretaries  
Les Secrétaires  
I Segretari  
De Secretarissen  
Os Secretários  
Sihteerit  
Sekreterarna

*ANNEX*

**FIJI**

Order No	HS heading	Description of goods	Period	Quantities (tonnes)
09.1661	ex 16.04	Canned tuna	1.6.1998 to 31.12.1998	950
			1.1.1999 to 31.12.1999	1 700
			1.1.2000 to 29.2.2000	200

II

*(Acts whose publication is not obligatory)*

COMMISSION

DECISION No 2/98 OF THE ACP-EC CUSTOMS COOPERATION  
COMMITTEE

of 17 December 1998

derogating from the definition of 'originating products' to take account of the  
special situation of Cape Verde regarding the production of men's shirts (HS  
heading 6205)

*(notified under document number C(1998) 3546)*

(1999/45/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

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

Having regard to the fourth ACP-EEC 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-EEC  
Convention, men's shirts of HS heading 6205, manufac-  
tured in Cape Verde from non-originating fabrics, shall be  
regarded as originating in this country in accordance with  
the terms of this Decision.

Whereas on 2 September 1998 the African, Caribbean  
and Pacific States (ACP States) submitted a request, on  
behalf of the Government of Cape Verde, for a derogation  
from the rule of origin in the Protocol, in respect of  
men's shirts produced by this country from 1 September  
1998 to 29 February 2000, for 350 000 pieces for 1998,  
400 000 pieces for 1999 and for 73 333 pieces for the  
period from 1 January 2000 to 29 February 2000;

*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 Cape Verde from 1 September 1998 to 29  
February 2000.

Whereas the derogation is requested under the relevant  
provisions of Protocol 1, particularly with regard to  
Article 31(5) concerning least-developed and island ACP  
States, the level of the added-value in the proposed man-  
ufacturing process in Cape Verde and the economic and  
social impact in Cape Verde of granting the derogation;

*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.

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

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*

The customs authorities of Cape Verde shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1. To that end, all the certificates they issue pursuant to this Decision shall bear a reference to it. The competent authorities of Cape Verde shall forward to the Commission every three

months a statement of the quantities in respect of which movement certificates EUR.1 have been issued pursuant to this Decision, and the serial numbers of those certificates.

*Article 5*

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

'Derogation — Decision No 2/98'.

*Article 6*

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 7*

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

This Decision shall apply as from 1 September 1998.

Done at Brussels, 17 December 1998.

*For the ACP-EC Customs Cooperation Committee*

Michel VANDEN ABEELE  
Philip MAINGI MWANZLA  
*The Joint Chairmen*

ANNEX

Cape Verde

Order No	HS heading	Description of goods	Period	Quantities in pieces
09.1672	6205	Men's shirts	1. 9. 1998 to 31. 12. 1998	350 000
			1. 1. 1999 to 31. 12. 1999	400 000
			1. 1. 2000 to 29. 2. 2000	73 333

Hecho en Bruselas, el  
Udfærdiget i Bruxelles, den  
Geschehen zu Brüssel am  
*Έγινε στις Βρυξέλλες, στις*  
Done at Brussels,  
Fait à Bruxelles, le  
Fatto a Bruxelles, addì  
Gedaan te Brussel,  
Feito em Bruxelas, em  
Tehty Brysselissä  
Utfärdat i Bryssel den

17 -12- 1998

Por el Comité de cooperación aduanera  
På Toldsamarbejdsudvalgets vegne  
In Namen des Ausschusses für Zusammenarbeit im Zollwesen  
*Για την Επιτροπή Τελωνειακής Συνεργασίας*  
For the Customs Cooperation Committee  
Par le Comité de coopération douanière  
Per il Comitato di cooperazione doganale  
Voor het Comité voor douanesamenwerking  
Pelo Comité de Cooperação Aduaneira  
Tulliyhteistyökomitean puolesta  
För Kommittén för tullsamarbete

Los Presidentes  
Formænd  
Die Präsidenten  
*Οι Πρόεδροι*  
The Chairmen  
Les présidents  
I Presidenti  
De Voorzitters  
Os Presidentes  
Puheenjohtajat  
Ordförandena

Copia certificada conforme  
Bekræftet Kopi  
Die Richtigkeit der Abschrift wird beglaubigt  
*Ακριβές αντίγραφο*  
Certified true copy  
Copie certifiée conforme  
Copia certificata conforme  
Foor eensluidend gewaarmerkt afschrift  
Cópia autenticada  
Oikeaksi todistettu jäljennös  
Bestyrkt kopia

M. VANDEN ABEELE P. MATNGT MWANZITA



Los Secretarios  
Sekretærerne  
Die Sekretäre  
*Οι Γραμματείς*  
The Secretaries  
Les Secrétaires  
I Segretari  
De Secretarissen  
Os Secretários  
Sihteerit  
Sekreterarna



DECISION No 3/98 OF THE ACP-EC CUSTOMS COOPERATION  
COMMITTEE

of 17 December 1998

derogating from the definition of 'originating products' to take account of the special situation of the Republic of the Seychelles regarding their production of canned tuna (HS heading ex 1604)

(notified under document number C(1998) 3548)

(1999/46/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

for 1998, of 1 500 tonnes for 1999, and 200 tonnes for the period from 1 January 2000 to 29 February 2000,

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,

HAS DECIDED AS FOLLOWS:

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;

*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 1604 manufactured in the Republic of the Seychelles from non-originating fish, shall be regarded as originating in this country in accordance with the terms of this Decision.

Whereas on 2 September 1998 the African, Caribbean and Pacific States (ACP States) submitted a request, on behalf of the Government of the Republic of the Seychelles, for a derogation from the rule of origin in the Protocol, in respect of canned tuna produced by this country from 1 September 1998 to 29 February 2000, for 1 800 tonnes per year;

*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 the Republic of the Seychelles from 1 September 1998 to 29 February 2000.

Whereas the Community canning industry is already subject to intense competitive pressure; whereas, in particular, labour-costs are fundamental to the pricing; whereas any additional opening of the market beyond the one granted in this Decision 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;

*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.

Whereas the derogation is requested under the relevant provisions of Protocol 1, particularly with regard to Article 31(5) concerning island ACP States, the level of the added-value in the proposed manufacturing process in the Seychelles and the economic and social impact in the Seychelles of granting the derogation;

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.

Whereas the derogation, limited in quantities, would not cause serious injury to an established Community industry taking into account the quantities of the imports envisaged; provided that certain conditions relating to quantities, surveillance and duration are respected;

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

Whereas therefore, pursuant to Article 31(1), a derogation can be granted to the Seychelles in respect of 850 tonnes

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*

The customs authorities of the Seychelles shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1. To that end, all the certificates they issue pursuant to this Decision shall bear a reference to it. The competent authorities of the Seychelles shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR.1 have been issued pursuant to this Decision, and the serial numbers of those certificates.

*Article 5*

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

'Derogation — Decision No 3/98'.

*Article 6*

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 7*

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

This Decision shall apply as from 1 September 1998.

Done at Brussels, 17 December 1998.

*For the ACP-EC Customs Cooperation Committee*

Michel VANDEN ABBEELE  
Philip MAINGI MWANZLA

*The Joint Chairmen*

ANNEX

Seychelles

Order No	HS heading	Description of goods	Period	Quantities
09.1662	ex 1604	Canned tuna	1. 9. 1998 to 31. 12. 1998	850 tonnes
			1. 1. 1999 to 31. 12. 1999	1 500 tonnes
			1. 1. 2000 to 29. 2. 2000	200 tonnes

Hecho en Bruselas, el  
Udfærdiget i Bruxelles, den  
Geschehen zu Brüssel am  
Έγινε στις Βρυξέλλες, στις  
Done at Brussels,  
Fait à Bruxelles, le  
Fatto a Bruxelles, addì  
Gedaan te Brussel,  
Feito em Bruxelas, em  
Tehty Brysselissä  
Utfärdat i Bryssel den

17-12-1998

Por el Comité de cooperación aduanera  
På Toldsamarbejdsudvalgets vegne  
In Namen des Ausschusses für Zusammenarbeit im Zollwesen  
Για την Επιτροπή Τελωνειακής Συνεργασίας  
For the Customs Cooperation Committee  
Par le Comité de coopération douanière  
Per il Comitato di cooperazione doganale  
Voor het Comité voor douanesamenwerking  
Pelo Comité de Cooperação Aduaneira  
Tulliyhteistyökomitean puolesta  
För Kommittén för tullsamarbete

Los Presidentes  
Formaænd  
Die Präsidenten  
Οι Πρόεδροι  
The Chairmen  
Les présidents  
I Presidenti  
De Voorzitters  
Os Presidentes  
Puheenjohtajat  
Ordförandena

Copia certificada conforme  
Bekræftet Kopi  
Die Richtigkeit der Abschrift wird beglaubigt  
Ακριβές αντίγραφο  
Certified true copy  
Copie certifiée conforme  
Copia certificata conforme  
Foor eensluidend gewaarmerkt afschrift  
Cópia autenticada  
Oikeaksi todistettu jäljennös  
Bestyrkt kopia

M. VANDEN ABEELE

P. MAINGI MWANZITA



Los Secretarios  
Sekretærene  
Die Sekretäre  
Οι Γραμματείς  
The Secretaries  
Les Secrétaires  
I Segretari  
De Secretarissen  
Os Secretários  
Sihteerit  
Sekreterarna

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

### **A. Trade**

#### **a) Trade**



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

**COMMON POSITION**

**of 30 March 1998**

**defined by the Council on the basis of Article J.2 of the Treaty on European Union on  
Rwanda**

**(98/252/CFSP)**

THE COUNCIL OF THE EUROPEAN UNION,

— promotion of national reconciliation, reconstruction and development and transition to democracy,

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

— protection and promotion of human rights and fundamental freedoms.

Whereas by Common Position 94/697/CFSP of 24 October 1994 adopted on the basis of Article J.2 of the Treaty on European Union, the Council defined the objectives and priorities of the European Union *vis-à-vis* Rwanda <sup>(1)</sup>;

*Article 2*

The European Union affirms that progress in these areas is primarily the responsibility of the Government of Rwanda. In order to support the efforts of the Government of Rwanda, the European Union, including through the offices of its Special Envoy to the Great Lakes Region, shall:

Whereas by 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, a Special Envoy for the African Great Lakes Region was nominated <sup>(2)</sup>;

Whereas in the light of developments in Rwanda since 1994, Common Position 94/697/CFSP should be updated,

— seek a way to help bring an end to the continuing destabilising conflict, including through supporting the work of the International Commission of Enquiry (Rwanda), and to all human rights violations resulting from this conflict,

HAS DEFINED THIS COMMON POSITION:

*Article 1*

The objectives and priorities of the European Union in its relations with Rwanda are to encourage, stimulate and support the process, begun by the Government of Rwanda, of:

— encourage and support efforts by the Government of Rwanda to protect and promote the human rights of all Rwandans, including through a close partnership with the UN Human Rights Field Operation in Rwanda,

— recovery from genocide,

— encourage and support efforts by the Government of Rwanda to bring about reconciliation among all Rwandans, including through dialogue with all groups which reject the use of violence, notably on power-sharing and minority protection, leading to strengthened democratic institutions and processes,

<sup>(1)</sup> OJ L 283, 29.10.1994, p. 1.

<sup>(2)</sup> OJ L 87, 4.4.1996, p. 1.

— encourage and support efforts by the Government of Rwanda to improve the Rwandan judicial system, including bringing to account those responsible for crimes against humanity, including genocide,

- encourage the Government of Rwanda to show utmost restraint with regard to the imposition and execution of the death penalty with a view to its total abolition and to comply fully with it in its obligations under the International Covenant on Civil and Political Rights and to observe other international safeguards concerning the death penalty,
  
- continue its support for the work of the International Tribunal in Arusha, including renewing its efforts to ensure that all States surrender to the Tribunal all those indicted for genocide and other serious violations of international humanitarian law,
  
- encourage and support the adoption, by the Government of Rwanda, of non-custodial measures to deal with certain categories of prisoners accused of lesser involvement in crimes against humanity,
  
- encourage and support efforts by the Government of Rwanda to facilitate the reintegration into Rwandan society of genocide survivors, demobilised soldiers and all other displaced people, including through close cooperation with relevant international organisations,
  
- encourage an improvement in the living conditions of all Rwandans, taking into account the detrimental effects of mass poverty and underdevelopment on political stability,
  
- encourage the Government of Rwanda to take the appropriate steps to comply with the United Nations General Assembly Resolution on Safety and Security of Humanitarian Personnel (52/167).

*Article 3*

The Council notes that the Commission intends to direct its action towards achieving the objectives and the priorities of this common position, where appropriate, by pertinent Community measures.

*Article 4*

In implementing this common position, the European Union will cooperate closely with the UN, Organisation of African Unity and other interested organisations.

*Article 5*

The implementation of this common position will be monitored regularly. The common position will be reviewed within 12 months.

*Article 6*

This common position shall take effect on the day of its adoption.

*Article 7*

This common position shall be published in the Official Journal.

Done at Brussels, 30 March 1998.

*For the Council*  
*The President*  
M. BECKETT

I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 941/98**

**of 27 April 1998**

**repealing Regulation (EC) No 2465/97 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 thereof,

Having regard to Common Position 98/300/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, on 16 March 1998, the United Nations Security Council adopted Resolution 1156 (1998) in which it decided to terminate, with immediate effect, its prohibitions on the sale or supply to Sierra Leone of petroleum and petroleum products;

Whereas, therefore, it is necessary to repeal Regulation (EC) No 2465/97 <sup>(2)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2465/97 is hereby repealed.

*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 16 March 1998.

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

Done at Luxembourg, 27 April 1998.

*For the Council*  
*The President*  
R. COOK

---

<sup>(1)</sup> See p. 2 of this Official Journal.

---

<sup>(2)</sup> OJ L 344, 15.12.1997, p. 1.



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

**COMMON POSITION**

**of 27 April 1998**

**defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning  
Sierra Leone**

**(98/300/CFSP)**

**THE COUNCIL OF THE EUROPEAN UNION,**

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

Whereas, on 16 March 1998, the United Nations Security Council adopted Resolution 1156 (1998) in which it decided to terminate, with immediate effect, its prohibitions on the sale or supply to Sierra Leone of petroleum and petroleum products,

**HAS DEFINED THIS COMMON POSITION:**

*Article 1*

The interruption of economic relations with Sierra Leone will be terminated in accordance with paragraph 2 of United Nations Resolution 1156 (1998).

*Article 2*

This common position shall take effect on 16 March 1998.

*Article 3*

This common position shall be published in the Official Journal.

Done at Luxembourg, 27 April 1998.

*For the Council*  
*The President*  
R. COOK

---

**COMMISSION REGULATION (EC) No 1063/98  
of 25 May 1998**

**on the issue of import licences for rice originating in the ACP States and the overseas countries and territories against applications submitted in the first five working days of May 1998 pursuant to Regulation (EC) No 2603/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2603/97 of 16 December 1997 laying down the detailed rules of application for the import of rice from the ACP States and for the import of rice from the overseas countries and territories (OCI) <sup>(1)</sup>, and in particular Article 9(2) thereof,

Whereas, pursuant to Article 9(2) of Regulation (EC) No 2603/97, the Commission must decide within 10 days of the final date for notification by the Member States the extent to which applications can be granted and must fix the available quantities for the following tranche and, where necessary, for the additional tranche for October;

Whereas examination of the quantities for which applications have been submitted shows that licences should be issued for the quantities applied for reduced, where

appropriate, by the percentages set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Import licences for rice against applications submitted during the first five working days of May 1998 pursuant to Regulation (EC) No 2603/97 and notified to the Commission shall be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto.
2. The quantities available under the following tranche shall be as set out in the Annex hereto.

*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, 25 May 1998.

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

---

<sup>(1)</sup> OJ L 351, 23. 12. 1997, p. 22.

ANNEX

Regulation (EC) No 2603/97

Reduction percentages to be applied to quantities applied for under the tranche for May 1998 and quantities available for the following tranche:

Origin	Reduction (%)	Quantity available for the tranche for September 1998 (tonnes)
ACP (Article 2(1))	0 (*)	41 666
— CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30		
ACP (Article 3)	84,4363	—
— CN code 1006 40 00		
ACP + OCT (Article 7)	90,0737	8 683
— ACP: CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30		
— OCT: CN code 1006		

(\*) Issue for the quantity applied for.

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

**COMMON POSITION**

**of 29 June 1998**

**defined by the Council on the basis of Article J.2 of the Treaty on European Union concerning Sierra Leone**

**(98/409/CFSP)**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas, on 5 June 1998, the United Nations Security Council (UNSC) adopted Resolution 1171 (1998) in which it welcomed the efforts of the Government of Sierra Leone to restore peaceful and secure conditions in the country, to re-establish effective administration and the democratic process and to promote national reconciliation;

Whereas, in the said Resolution the UNSC deplored the continued resistance to the authority of the legitimate government of Sierra Leone and stressed the urgency for all rebels to put an end to the atrocities, cease their resistance and lay down their arms;

Whereas prohibitions imposed by previous UN Security Council Resolution 1132 (1997) have been terminated; whereas Resolution 1171 (1998) should be implemented throughout the European Union,

HAS DEFINED THIS COMMON POSITION:

*Article 1*

The sale or supply of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and

spare parts for the aforementioned to Sierra Leone, shall be prohibited, in accordance with UNSC Resolution 1171 (1998) (1), subject to the exceptions set out in Articles 2 and 3.

*Article 2*

The restrictions referred to in Article 1 shall not apply to the Government of Sierra Leone, provided such supplies will be subject to examination by the UN and its Member States, in accordance with paragraphs 2 and 4 of UNSC Resolution 1171 (1998).

*Article 3*

The restrictions referred to in Article 1 shall not apply to the sale or supply of arms and related material for the sole use in Sierra Leone of the Military Observer Group of the Economic Community of West African States (ECOMOG) or the United Nations.

*Article 4*

The Member States shall, in accordance with their national laws, prevent the entry into or transit through their territories of leading members of the former military junta and of the Revolutionary United Front (RUF).

(1) Paragraph 2 of UNSC Resolution 1171 (1998) provides for the supply to the Government of Sierra Leone of the items subject to the embargo through named points of entry on a list to be supplied by that Government to the UN Secretary General, who shall promptly notify all Member States of the United Nations of the list.

Paragraph 4 of UNSC Resolution 1171 (1998) provides for the notification of all exports to Sierra Leone of the items subject to the embargo to the Security Council Committee established by Resolution 1132 (1997), that the Government of Sierra Leone shall mark, register and notify to the said Committee all imports made by it of arms and related material and that the said Committee shall report regularly to the UNSC on notifications so received.

The persons concerned by this measure will be designated in accordance with paragraph 5 of United Nations Security Council Resolution 1171 (1998). Exceptions may be authorised in accordance with the same paragraph 5 of the said Resolution<sup>(1)</sup>.

Nothing in the first paragraph may oblige a Member State to refuse entry into its territory to its own nationals.

*Article 5*

The effects of Common Position 97/826/CFSP<sup>(2)</sup> shall be terminated.

*Article 6*

This Common Position shall take effect on 5 June 1998.

*Article 7*

This Common Position shall be published in the Official Journal.

Done at Luxembourg, 29 June 1998.

*For the Council*

*The President*

R. COOK

---

<sup>(1)</sup> Paragraph 5 of UNSR 1171 (1998) provides that the UN Security Council Committee established by UNSCR 1132 (1997) will designate the persons subject to the entry and transit restrictions and may authorise entry into or transit through a particular State of any such person.

<sup>(2)</sup> OJ L 344, 15. 12. 1997, p. 6.

**COUNCIL DECISION**

**of 29 June 1998**

**extending the application of Joint Action 97/875/CFSP in support of the democratic transition process in the Democratic Republic of Congo**

(98/410/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article J.3 thereof,

Whereas Joint Action 97/875/CFSP of 19 December 1997 adopted by the Council on the basis of Article J.3 of the Treaty on European Union, in relation to the democratic transition process in the Democratic Republic of Congo (1) (DRC) expires on 30 June 1998;

Whereas, support by the Union is contingent upon the commitment of the Democratic Republic of Congo Government and institutions to a transition towards democracy;

Whereas the Union has expressed its concern about the current situation in the Democratic Republic of Congo and the intentions of the Democratic Republic of Congo Government, but has recently noted some positive developments such as the appointment of a Constitutional Assembly;

Whereas the Union remains prepared to support developments towards democracy in the Democratic Republic of

Congo and therefore the application of Joint Action 97/875/CFSP should be extended for a further year,

HAS DECIDED AS FOLLOWS:

*Article 1*

Joint Action 97/875/CFSP shall be extended until 30 June 1999.

*Article 2*

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

*Article 3*

This Decision shall be published in the Official Journal.

Done at Luxembourg, 29 June 1998.

*For the Council*

*The President*

R. COOK

---

(1) OJ L 357, 31. 12. 1997, p. 1.

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

**COMMON POSITION**

**of 3 July 1998**

**defined by the Council on the basis of Article J.2 of the Treaty on European Union concerning restrictive measures against the União Nacional para a Independência Total de Angola (UNITA)**

**(98/425/CFSP)**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas on 30 October 1997 the Council adopted Common Position 97/759/CFSP<sup>(1)</sup> with regard to Angola and aimed at including the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process;

Whereas, on 12 June 1998, the United Nations Security Council (UNSC) adopted Resolution 1173 (1998) in which it expressed its grave concern at the critical situation in the peace process in Angola, as a result of the failure by UNITA to implement its obligation in the said process;

Whereas, in the said Resolution the UNSC condemned UNITA and requested the adoption of further restrictive measures against it;

Whereas on 24 June 1998 the UNSC adopted Resolution 1176 (1998) which provides for the restrictive measures to enter into force on 1 July 1998,

HAS DEFINED THIS COMMON POSITION:

*Article 1*

Insofar as they constitute restrictive measures against UNITA, economic and financial relations with Angola will be reduced in accordance with UNSC Resolution 1173 (1998)<sup>(2)</sup>.

<sup>(1)</sup> OJ L 309, 12. 11. 1997, p. 8.

<sup>(2)</sup> Paragraph 11 of UNSC Resolution 1173 (1998) provides for the freezing of funds and financial resources attributable to UNITA and its senior officials or adult members of their immediate families.

Paragraph 12(b) provides for the prohibition of import of diamonds which are not accompanied by a certificate of origin of the government of Unity and National Reconciliation.

Paragraph 12(c) provides for the prohibition of sale or supply of mining equipment and mining services to persons or entities in areas of Angola to which State administration has not been extended, upon notification of guidelines.

Paragraph 12(d) provides for the prohibition of the sale or supply of motorised vehicles, watercraft and spare parts and ground or waterborne transportation services to persons or entities in areas of Angola to which State administration has not been extended, upon notification of guidelines.

Paragraph 13 provides that, on a case-by-case basis, exemption to these measures may be authorised.

*Article 2*

Official contacts with UNITA leadership in areas of Angola to which State administration has not been extended, except for those by representatives of the Government of Unity and National Reconciliation (GURN), of the United Nations and of the Observer States to the Lusaka Protocol, shall be prohibited.

*Article 3*

This Common Position shall take effect on 1 July 1998.

*Article 4*

This Common Position shall be published in the Official Journal.

Done at Brussels, 3 July 1998.

*For the Council*  
*The President*  
W. SCHÜSSEL

---



## II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL DECISION

of 6 July 1998

concerning exceptional assistance for the heavily indebted ACP countries

(98/453/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Internal Agreement on the financing and administration of Community aid within the framework of the fourth ACP-EC Convention, signed on 16 July 1990, hereinafter referred to as 'the Internal Agreement', and in particular Article 9 thereof<sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas the Council on 12 February 1998 adopted the conclusions of the report to Coreper of 18 December 1997 on the European Community's contribution to the debt initiative for the heavily indebted poor countries;

Whereas a debt initiative for the heavily indebted poor countries (hereinafter referred to as the 'HIPC Initiative') was presented by the International Monetary Fund and the World Bank at their April 1996 meetings and subsequently endorsed in the autumn of 1996 by the Interim and Development Committees at the annual meetings of the International Monetary Fund and the World Bank;

Whereas the Community and its Member States are firmly committed to participating in the HIPC Initiative by providing exceptional assistance to the countries which implement economic reform programmes and quality for this initiative;

Whereas all the countries to which there is Community exposure eligible for HIPC debt relief are ACP States;

Whereas the implementation of this Decision shall be in accordance with Financial Regulation 91/491/EEC of 29 July 1991 applicable to cooperation for the financing of

development according to the fourth ACP-EC Convention<sup>(2)</sup>,

HAS DECIDED AS FOLLOWS:

### *Article 1*

The European Community shall fully participate in the HIPC Initiative by assisting the countries which will qualify for this initiative, with a view to helping them reduce the net present value of their external financial obligations towards the Community. For this purpose, the Community shall make available grant resources to be utilised by the eligible countries to meet outstanding debt and debt service obligations towards the Community. This assistance, together with resources provided by other creditors, shall allow the eligible countries to achieve their country-specific debt sustainability target agreed within the framework of the HIPC Initiative.

### *Article 2*

The assistance referred to in Article 1 shall primarily be used by the beneficiary countries to pre-pay outstanding special loans on a net present value basis. If such action is not sufficient to attain the agreed level of net present value debt reduction, the beneficiary country shall use the allocated grant to meet any outstanding risk capital obligations towards the Community.

<sup>(1)</sup> OJ L 229, 17. 8. 1991, p. 288.

<sup>(2)</sup> OJ L 266, 21. 9. 1991, p. 1.

### *Article 3*

The Commission shall take, on a case-by-case basis, a specific decision providing assistance to each eligible ACP country, in accordance with the rules and procedures laid down in Chapter IV of the Internal Agreement.

The Commission's decision on the amount of assistance to be provided in each case shall allow for the necessary reduction in the net present value of that country's outstanding debt toward the Community and be consistent with the HIPC Initiative methodology. The country-specific decisions shall also take into account the structure of the country's exposure towards the Community, the desire to choose the simplest administrative proposals and the need to ensure an equitable and fair treatment between the eligible countries in full respect for the decisions reached among all the creditors. Each country's decision shall make explicit the arrangements, terms and conditions for the implementation of this Decision.

### *Article 4*

1. The assistance referred to in Article 1 shall be financed from interest accrued on the funds deposited with the paying agents in Europe referred to in Article 319(4) of the fourth ACP-EC Convention, to the extent that such revenue is available and after due account has been taken of the need to reserve such revenue for the purposes provided for in Article 9(2) of the Internal Agreement. An initial amount of ECU 40 million shall be reserved from this interest for the purpose of financing this assistance, intended primarily for the countries which fulfil the eligibility criteria for 1997 and 1998. Insofar as resources are insufficient, this amount will, as a matter of priority, be supplemented by further allocations from interest, following approval of the EDF Committee in accordance with Article 9 of the Internal Agreement.

2. To the extent that such revenue is not sufficient to cover the decisions referred to in Article 3, and awaiting possible further resources made available under future agreements with the ACP States, the Member States shall

examine whether resources could be provided from the payments made to the accounts held in the name of the Member States at the European Investment Bank in respect of special loans and risk capital operations. The allocation of such payments for the purpose of financing this exceptional assistance shall, on the basis of a Commission proposal, be subject to a unanimous decision by the Council, in accordance with Article 9(1) of the Internal Agreement.

### *Article 5*

1. In the course of 1998, the Commission shall present, in due time, a report to the European Parliament and to the Council containing a review of the remaining financing needs arising from the Community's participation in this initiative. On the basis of this report, the Council shall take a decision regarding the Community's further participation in the HIPC Initiative.

2. The Commission shall report periodically to the European Parliament and to the Council on the implementation of this Decision.

3. The Monetary Committee will be kept informed on the implementation of this Decision.

### *Article 6*

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

Done at Brussels, 6 July 1998.

*For the Council*  
*The President*  
R. EDLINGER

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

**COUNCIL DECISION**

**of 13 July 1998**

**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**

*(98/452/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 last extended by Decision 97/448/CFSP<sup>(2)</sup>, expires on 31 July 1998;

Whereas on the basis of the review of Joint Action 96/250/CFSP its application should be extended for an additional year,

HAS DECIDED AS FOLLOWS:

*Article 1*

The application of Joint Action 96/250/CFSP is hereby extended to 31 July 1999. 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, a sum of ECU 813 925 shall be charged to the general budget of the European Communities for 1998.

*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, 13 July 1998.

*For the Council*

*The President*

W. SCHÜSSEL

<sup>(1)</sup> OJ L 87, 4. 4. 1996, p. 1.

<sup>(2)</sup> OJ L 197, 27. 7. 1997, p. 1.

I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 1705/98**

**of 28 July 1998**

**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, and repealing Council Regulation (EC) No 2229/97**

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 Positions 97/759/CFSP<sup>(1)</sup> and 98/425/CFSP<sup>(2)</sup> 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 in view of the relevant decisions of the Security Council of the United Nations, in particular its Resolutions 864 (1993), 1127 (1997), 1130 (1997), 1173 (1998) and 1176 (1998),

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), 1127 (1997) and 1173 (1998) 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 and, therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement the relevant decisions of the Security Council as far as the territory of the 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 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 areas of Angola to which that State's administration has not been extended, points of entry in Angola for supplies of petroleum, petroleum products, aircraft and aircraft components, 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 (the 'said Committee') and notified to the Member States of the United Nations by the said Committee;

Whereas the aforesaid Resolutions provide for certain exceptions to the restrictions imposed on the condition of prior approval of the said Committee;

Whereas the approval of the said Committee should be obtained through the competent national authorities of the Member States, whose names and addresses should, therefore, be made available and annexed 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 VIII, the competent authorities of Member States;

Whereas the competent authorities of the Member States should be empowered to ensure compliance with the provisions of this Regulation on the freezing of funds and financial resources;

<sup>(1)</sup> OJ L 309, 12. 11. 1997, p. 8.

<sup>(2)</sup> OJ L 190, 4. 7. 1998, p. 1.

Whereas there is a need for the Member States and the Commission to inform each other of the measures taken under this Regulation and other relevant information at their disposal in connection with this Regulation;

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 (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<sup>(\*)</sup>, should be incorporated in this Regulation, and that Regulation should be repealed,

HAS ADOPTED THIS REGULATION:

TITLE I

**Trade and provision of services**

*Article 1*

The following shall be prohibited:

1. to import, be it directly or indirectly, diamonds originating in or coming from Angola into the territory of the Community which are not accompanied by a Certificate of Origin delivered by the Government of Unity and National Reconciliation of Angola;
2. 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 IV;
3. to sell or supply the equipment used in mining or mining services listed in Annex II to persons or entities in the areas of Angola listed in Annex V;
4. to sell or supply motorised vehicles, including watercraft, or components or parts of such vehicles listed in Annex III to persons or entities in areas of Angola listed in Annex V;
5. 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 IV;

TITLE II

**Freezing of funds**

*Article 2*

6. to provide ground or waterborne transportation services to persons or entities in areas of Angola listed in Annex V;
7. 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 VI, or with respect to any aircraft which entered the territory of Angola other than through a point of entry referred to in Annex IV;
8. 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 IV;
9. to start or continue, in any form, any operational activity of any UNITA office.

1. All funds and financial resources held outside the territory of Angola and belonging to either the 'União Nacional para a Independência Total de Angola' (UNITA) or to senior officials of that organisation or adult members of their immediate families listed in Annex VII, shall be frozen.
2. No funds or financial resources shall be made available, be it directly or indirectly, to or for the benefit of UNITA, senior officials of that organisation or adult members of their immediate families.
3. For the purpose of this Regulation:
  - (a) funds and financial resources shall mean both funds and financial assets of any kind, including cash, liquid assets, interest, dividends, other income on shares, bonds, debt obligations or other securities, and other value accruing to or from any such assets and funds derived or generated from any interest in property of either UNITA or senior officials of that organisation or adult members of their immediate families listed in Annex VII;
  - (b) freezing of funds and financial resources shall mean preventing any change in volume, amount, location, ownership, possession, character, destination or any other change that would enable the use of the funds and financial resources concerned.

<sup>(\*)</sup> OJ L 309, 12. 11. 1997, p. 1.

*Article 3*

Without prejudice to Community rules on confidentiality, the competent national authorities set out in Annex VIII of the Member States shall have the power to require banks, other financial institutions and other bodies and persons to provide all relevant information necessary for ensuring compliance with Article 2.

TTITLE III

**Exceptions and general provisions**

*Article 4*

The prohibition of the transactions or activities referred to in Articles 1 and 2 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 set out in Annex VIII, a prior approval has been obtained from the United Nations Security Council Committee created pursuant to Resolution 864 (1993).

*Article 5*

The participation, knowingly and intentionally, in related activities the object or effect of which is, directly or indirectly, to promote the transactions or activities referred to in Article 1 or to circumvent the provisions of this Regulation shall be prohibited.

*Article 6*

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 7*

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed.

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

Done at Brussels, 28 July 1998.

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 (EC) No 2229/97.

*Article 8*

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 9*

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, the Government of Unity and National Reconciliation of Angola or, in the case of Annex VIII, 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 10*

Regulation (EC) No 2229/97 is hereby repealed and replaced by the provisions of this Regulation.

*Article 11*

This Regulation shall apply within the territory of the 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 12*

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*  
W. SCHÜSSEL

ANNEX I

Petroleum products referred to in Article 1(2)

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; asphaltics and asphaltic rocks
2715 00 00	Bituminous mixtures based on natural asphalt, on 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*

Equipment used in mining or mining services, referred to in Article 1(3), such as

CN code	Product description
8429	Self-propelled bulldozers, angle-dozers, graders, levellers, scrapers, mechanical shovels, excavators, shovel loaders, tamping machines and road rollers
8430	Other moving, grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery for earth, minerals or ores; pile drivers and pile extractors
8431	Spare parts suitable for use solely or principally with the headings 8425 and 8430
8474	Machinery for sorting, screening, separating, washing, crushing, grinding, mixing or kneading earth, stone, ores or other mineral substances in solid form (including powder or paste)

Other items, equipment or services intended for use in mining or mining services.

—



ANNEX III

**Motorised vehicles or watercraft or spare parts for such vehicles, referred to in Article 1(4), such as**

*(The items included in this list are in addition to military vehicles and equipment already banned by Resolution 864 (1993))*

CN code	Product description
8407	Spark-ignition reciprocating or rotary internal combustion piston engines
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)
8409	Spare parts suitable solely or principally with engines of headings 8407 or 8408
8483	Transmission shafts
8601	Rail locomotives powered from an external source of electricity or by electric accumulators (batteries)
8602	Other rail locomotives; locomotives tenders
8603	Self-propelled railway or tramway coaches, vans and trucks
8604	Railway or tramway maintenance or service vehicles
8605	Other railway or tramway passenger coaches ... and other special purpose railway or tramway coaches
8606	Railway or tramway freight cars
8607	Parts of railway or tramway locomotives and rolling stock
8701	Tractors
8702	Public transport-type passenger motor vehicles
8703	Motor cars and other motor vehicles principally designed for the transport of persons
8704	Motor vehicles for the transport of goods
8705	Special purpose motor vehicles
8706	Chassis fitted with engines for motor vehicles
8707	Bodies (including cabs) for motor vehicles
8708	Parts and accessories for motor vehicles
8709	Works trucks, self-propelled
8711	Motorcycles
8714 11	Spare parts and accessories for vehicles in 8711
8714 19	Spare parts and accessories for vehicles in 8711
8716	Trailers and semi-trailers and spare parts thereof
8901	Cruise ships, excursion boats, ferry boats, cargo ships, barges and similar vessels for the transport of persons or goods
8902	Fishing vessels and factory ships
8903	Yachts and other vessels for pleasure or sports
8904	Tugs and pusher craft
8905	Light-vessels, fire-floats, dredgers, floating cranes and other vessels

*ANNEX IV*

Points of entry referred to in Article 1(2), (5), (7) and (8)

The airports of:

Luanda, and  
Katumbela (Benguela province)

and

the ports of:

Luanda,  
Malongo (Cabinda province),  
Lobito (Benguela province) and  
Namibe (Namibe province).

\_\_\_\_\_

*ANNEX V*

Areas of Angola to which that State's administration has not been extended:

Andulo  
Bailundo  
Mungo  
Nharea.

\_\_\_\_\_

*ANNEX VI*

Aircraft referred to in Article 1(7):

\_\_\_\_\_

*ANNEX VII*

List of UNITA persons established pursuant to paragraph 11 of Security Council Resolution 1127(1997):

\_\_\_\_\_

ANNEX VIII

Names and addresses of competent national authorities referred to in Articles 3 and 4

(to be revised where necessary)

BELGIUM

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<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

Ministère des finances  
Trésorerie  
avenue des Arts 30  
B-1040 Bruxelles  
Télécopieur: (32 2) 233 75 18

DENMARK

Danish Agency for Trade and Industry  
Tagensvej 137  
DK-2000 Copenhagen N  
Tif. (45) 35 86 86 86/35 86 84 91 /35 86 84 85  
Fax (45) 35 86 86 87

Ministry of Foreign Affairs  
Department of Southern Africa (S.7)  
Asiatisk Plads 2  
DK-1448 Copenhagen K  
Tif. (45) 33 92 00 00/33 92 09 09/33 92 09 26  
Fax (45) 32 54 05 33/33 92 18 02

Central Customs and Tax Administration  
Commercial Department  
Østbaugade 123  
Tif. (45) 35 29 73 00  
Fax (45) 35 43 47 20

GERMANY

Bundesaufuhramt (BAFA)  
Frankfurter Straße 29-35  
D-65760 Eschborn

Bundesanstalt für Landwirtschaft und Ernährung (BLE)  
Adickeallee 40  
D-60322 Frankfurt

Bundesamt für Verkehr  
Ref. LR 13  
Postfach 200 100  
D-53170 Bonn

GREECE

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. Iglessis  
Tel. 32 86 051 and  
Fax 32 86 094  
Ermou and Kornarou 1  
105 63 Athens

SPAIN

Ministerio de Economía y Hacienda  
Dirección General de Comercio Exterior  
Paseo de la Castellana, 162  
E-28046 Madrid  
Tel. (34) 913 49 38 60  
Fax (34) 914 57 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

IRELAND

Department of Public Enterprise  
Aviation Regulation and International Affairs Division  
44 Kildare Street  
Dublin 2  
Tel. (353 1) 604 10 50  
Fax (353 1) 670 74 11

ITALY

Ministero degli Affari esteri — Roma  
D.G.A.E.-Uff. X  
Tel. 0039 6-36 91 37 50  
Fax 36 91 37 52

Ministero del 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

NETHERLANDS

Ministerie van Buitenlandse Zaken  
Directie Verenigde Naties  
Afdeling Politieke Zaken  
2594 AC Den Haag  
Tel.: (0031-70) 348 42 06  
Fax: (0031-70) 348 67 49

AUSTRIA

Bundesministerium für wirtschaftliche Angelegenheiten  
Abteilung II/A/2  
Landstrasser Hauptstraße 55-57  
A-1030 Wien

Bundesministerium für Wissenschaft und Verkehr  
Oberste Zivilluftfahrtbehörde (OZB)  
Radetzkystraße 2  
A-1030 Wien

Österreichische Nationalbank  
Otto Wagner Platz 3,  
A-1090 Wien  
Tel. 01-40420

PORTUGAL

Ministério dos Negócios Estrangeiros  
A/C Mónica Lisboa  
Direcção-Geral dos Assuntos Multilaterais  
Largo Rilvas  
P-1300 Lisboa

FINLAND

Ulkoasiainministeriö  
PL 176  
00161 Helsinki

Utrikesministeriet  
PB 176  
00161 Helsingfors

**SWEDEN**

Riksåklagaren  
Box 16370  
S-103 27 Stockholm  
Tfn: (0046-8) 453 66 00  
Fax: (0046-8) 453 66 99

Regeringskansliet  
Utrikesdepartementet  
Rättssekretariatet för EU-frågor  
Fredsgatan 6  
S-103 39 Stockholm  
Tfn: (0046-8) 405 10 00  
Fax: (0046-8) 723 11 76

**UNITED KINGDOM**

Export Control Organisation  
Department of Trade and Industry  
Kingsgate House  
66-74 Victoria Street  
London SW1E 6SW  
Tel. (44 171) 215 6740  
Fax (44 171) 222 0612

---

COMMON POSITION (EC) No 60/98

adopted by the Council on 5 October 1998

with a view to adopting Council Regulation (EC) No . . /98 establishing a special framework of assistance for traditional ACP suppliers of bananas

(98/C 364/03)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

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

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

Acting in accordance with the procedure laid down in Article 189c of the Treaty<sup>(3)</sup>,

Whereas the Fourth ACP-EC Convention provides that, in respect of its banana exports to the Community markets, no ACP State shall be placed, as regards access to its traditional markets and its advantages on those markets, in a less favourable situation than in the past or at present;

Whereas the common organisation of the market in bananas established by Regulation (EEC) No 404/93<sup>(4)</sup> set the framework for continuing, on the Community market, the advantages enjoyed in the past by traditional ACP suppliers;

Whereas, in particular, the trade arrangements with third countries established by Title IV of that Regulation were designed to allow bananas produced by the ACP States which are traditional suppliers to the Community to be disposed of on the Community market providing an adequate income for the producers, in accordance with the Community's commitment set out above;

Whereas these trade arrangements have been amended by Regulation (EC) No 2362/98;

Whereas these modifications have substantially altered the market conditions for traditional ACP suppliers;

Whereas particular efforts will thus be needed by traditional ACP suppliers to adapt to these new market conditions in order to maintain a presence on the Community market and to allow for the continuing viability of traditional ACP supplies;

Whereas technical and financial assistance, additional to that provided for in the Fourth ACP-EC Convention, should therefore be granted to traditional ACP suppliers to enable them to adapt to new market conditions and in particular to improve competitiveness; whereas at the same time environment-friendly production and marketing methods which also respect social standards should be encouraged;

Whereas, as this assistance should relate to the special efforts required as a consequence of the new market conditions, objective criteria should be fixed to determine the extent of such assistance;

Whereas, in order to ensure the appropriateness of such assistance with regard to the objectives pursued, this assistance should be temporary and gradually and smoothly phased out;

Whereas, to facilitate implementation of these provisions, a procedure involving close cooperation between the Member States and the Commission should be established,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A special framework for technical and financial assistance is hereby established to assist traditional ACP suppliers of bananas to adapt to the new market conditions following the amendments made to the common organisation of the market in bananas by Regulation (EC) No 2362/98.

2. This special framework shall be implemented for a period not exceeding ten years starting on 1 January 1999.

<sup>(1)</sup> OJ C 108, 7.4.1998, p. 91.

<sup>(2)</sup> Not yet published in the Official Journal.

<sup>(3)</sup> Opinion of the European Parliament of 19 June 1998 (OJ C 210, 6.7.1998, p. 320), Council Common Position of 5 October 1998, and Decision of the European Parliament of . . . (not yet published in the Official Journal).

<sup>(4)</sup> OJ L 47, 25.2.1993, p. 1. Regulation as last amended by Regulation (EC) No 2362/98 (OJ L 293, 31.10.1998, p. 32).

### Article 2

For the purposes of this Regulation:

- 'traditional ACP suppliers' means the ACP countries listed in the Annex,
- 'bananas' means fresh or dried bananas covered by CN code 0803, except for plantains.

### Article 3

1. Traditional ACP suppliers shall be eligible for technical and financial assistance.

2. Technical and financial assistance shall be granted at the request of the ACP to contribute to the implementation of programmes aiming

(a) to improve competitiveness in the banana sector, in particular through:

- increasing productivity, without causing damage to the environment,
- improving quality, including phytosanitary measures,
- adapting production, distribution or marketing methods to meet the quality standards provided for in Article 2 of Regulation (EEC) No 404/93,
- establishing producers' organisations which have as their objective the improvement of the marketing and competitiveness of their products and the development of systems for certifying environment-friendly production methods, including fair trade bananas,
- developing a production and/or marketing strategy to meet the requirements of the market in the light of the Community's common organisation of the market in bananas,
- assisting with training, market intelligence, the development of environment-friendly production methods including fair trade bananas, improving the distribution infrastructure and improving commercial and financial services to banana producers;

(b) to support diversification where improvement in the competitiveness of the banana sector is not sustainable.

### Article 4

The Commission shall decide on the eligibility of the programmes referred to in Article 3 after consultation

with the traditional ACP suppliers concerned in accordance with the procedures laid down in Article 6. Special account will be taken of the individual circumstances of each ACP supplier, which particular regard to the need for specific solutions for Somalia. It shall also take into account the consistency of the envisaged programme with the general development objectives of the ACP State concerned and its coherence with regional cooperation with other banana producers, in particular the Community producers.

### Article 5

1. The Commission shall be responsible for appraising, taking decisions on and managing operations conducted under this Regulation, in accordance with the budgetary and other procedures in force, notably those laid down in the Financial Regulation applicable to the general budget of the European Communities.

2. Decisions concerning any operation financed under this Regulation at a cost of over ECU 2 million, or any adjustment of such an operation involving an increase of more than 20 % in the amount initially agreed, and proposals for fundamental amendments to be made as a result of difficulties which emerged in implementing projects which have already started, shall be adopted by means of the procedure laid down in Article 6.

Where the overrun referred to in the first paragraph is more than ECU 4 million but less than 20 % of the original commitment, the opinion of the Committee, as defined in Article 6, shall be sought by simplified and accelerated procedures.

The Commission shall inform the Committee succinctly of financing decisions it intends to take concerning projects and programmes of a value of under ECU 2 million. Such information shall be given at least one week before the decision is taken.

3. All financing agreements or contracts concluded under this Regulation shall provide for on-the-spot checks by the Commission and the Court of Auditors in accordance with the usual arrangements established by the Commission pursuant to the rules in force, in particular those laid down in the Financial Regulation applicable to the general budget of the European Communities.

4. Where operations give rise to financing agreements between the Community and the recipient country, such agreements shall stipulate that taxes, duties and charges shall not be borne by the Community.

5. Participation in invitations to tender and contracts shall be open on equal terms to all natural and legal persons in the Member States, the recipient country and



the ACP States. Participation may be extended to include other developing countries in duly substantiated cases and in order to ensure the best cost-effectiveness ratio.

6. Supplies shall originate in the Member States or the ACP States. In duly substantiated exceptional cases, they may originate in other developing countries.

7. Particular attention will be given to:

— the pursuit of cost effectiveness and sustainable impact in project design;

— the clear definition and monitoring of objectives and indicators of achievement for all projects.

8. The assistance provided for under this Regulation shall complement and reinforce assistance provided under other instruments of development cooperation.

#### *Article 6*

1. The Commission shall be assisted by the geographically determined committee competent for development, consisting of representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

(b) If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of one month from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

#### *Article 7*

1. Within the global amount available for a given year, the Commission shall fix the maximum amount available to each traditional ACP supplier for the financing of the programmes referred to in Article 3(2), on the basis of the competitiveness gap observed and taking into account the importance of banana production of the country concerned. Where only programmes as defined in Article 3(2)(b) are implemented, the Commission will allocate an amount comparable to that given to the other traditional suppliers.

2. From the year 2004 and for each subsequent year thereafter, a maximum reduction coefficient of 15 % shall be applied to the level of assistance made available to individual traditional ACP suppliers. Where programmes defined under Article 3(2)(a) are implemented, this reduction coefficient shall be reduced to the same extent that an increase in competitiveness has been observed compared to the previous year.

3. Detailed rules will be established by the Commission in accordance with the procedure laid down in Article 8.

#### *Article 8*

1. Detailed rules for the application of this Regulation shall be laid down by the Commission.

2. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by a representative of the Commission.

3. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

4. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

(b) If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall,

without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

*Article 9*

By 31 December 2000, and every two years thereafter, the Commission shall present a report, accompanied if appropriate by proposals, on the operation of this Regulation to the European Parliament and the Council.

*Article 10*

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 . . .

*For the Council  
The President*

---

ANNEX

List referred to in Article 2(1)

**TRADITIONAL ACP SUPPLIERS OF BANANAS**

Belize  
Cameroon  
Cape Verde  
Côte d'Ivoire  
Dominica  
Grenada  
Jamaica  
Madagascar  
Saint Lucia  
Saint Vincent and the Grenadines  
Somalia  
Suriname

---

## STATEMENT OF THE COUNCIL'S REASONS

### I. INTRODUCTION

1. On 17 February 1998 the Commission presented a proposal based on Article 130w of the EC Treaty establishing a special framework of assistance for traditional ACP suppliers of bananas<sup>(1)</sup>.
2. The European Parliament adopted its opinion on first reading of the proposal on 19 June 1998<sup>(2)</sup>.
3. On 5 October 1998, the Council adopted its Common Position in accordance with Article 189c of the Treaty.

### II. OBJECTIVE OF THE PROPOSAL

The purpose of the proposal is to establish a special framework of assistance for traditional ACP suppliers of bananas.

### III. ANALYSIS OF THE COMMON POSITION

The Common Position adopted by the Council is substantially the same as the Commission proposal. However, the Council has however modified the proposal so that particular attention is paid to diversification and fair trade.

It was agreed that the decision-making procedures would be in accordance with the III(a) procedure of the Decision on committee procedure.

Taking account of amendments 9, 10, 15, 29 proposed by the Parliament, it paid special attention to the particular case of Somalia arising from the fact that in the absence of a government or a recognised legitimate authority it is not able to benefit for the moment from all provisions of this Regulation. Therefore Articles 2 and 4 give particular attention to the need for specific solutions for Somalia to avoid that the absence of a government could prejudice the Somalian producers.

The Council took on board amendment 7, which includes reference to social standards. It also accepted, at least partially, amendment 27 (taking into account the competitiveness gap) and amendment 33 (report on the operation of the regulation by the Commission to Parliament and Council).

Concerning amendments 5, 6, 7, 18, 19, 22, 23, 25, 26 and 35 it noted an agreement with the principles reflected in those amendments and accepted the principles behind them. Nevertheless the Council decided to stick to its own wording which it considered sufficient and more coherent with the regulation.

The Council could not accept amendments 1, 2, 3, 8, 11, 20, 21, and 32 because in its view they are superfluous or repetitive.

Amendments 12 and 13 by the Parliament were rejected because the Council disagreed with the establishing of an income system through the creation of a special fund.

Amendment 14 was rejected because it included a wrong CN code.

(1) OJ C 108, 7.4.1998, p. 91.

(2) OJ C 210, 6.7.1998, p. 320.

Concerning amendment 16 by Parliament the Council recalled that the present proposal should be seen in relation to Protocol No 5 of the Lomé Convention, which only refers to traditional ACP suppliers. The proposal does therefore not concern non-traditional suppliers. In addition it recalled that the extension just to the Dominican Republic and Ghana, as proposed by the Parliament, would also discriminate against other ACP countries. Therefore amendment 16 has been rejected.

The idea of income support solely to the most disadvantaged traditional ACP suppliers, as suggested by amendment 17, has been rejected because of possible discrimination within international obligations.

Furthermore the Council disagreed with amendment 24 and the idea of additional funds for urgent measures.

Amendment 28 by the Parliament and its idea to make funds primarily available for the benefit of small independent producers and therefore to exclude multinational firms from benefiting from this regulation, has not been taken on board because of possible violation of the principle of non-discrimination.

The Council disagreed with amendment 30. It does not see any necessity for direct aid to producers or producer organizations.

Finally, amendment 31 has been rejected because it would prejudice the annual budget negotiations of the Community.

---

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

**COMMON POSITION**

**of 30 October 1998**

**defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning Nigeria**

**(98/614/CFSP)**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas the Council defined Common Position 95/515/CFSP on Nigeria (\*) on 20 November 1995 and Common Position 95/544/CFSP on Nigeria on 4 December 1995 (†);

Whereas Common Position 95/544/CFSP was extended until 1 November 1998 by Decision 97/821/CFSP (‡);

Whereas the European Union attaches great importance to the relationship between the Union and Nigeria in recognition of the pivotal regional and international role of this country, especially its contribution to peace-keeping activities, e.g. in Liberia and Sierra Leone, which the Union continues to support;

Whereas the European Union is mindful of developments in the past, in particular in 1993, when free elections were annulled and a military government was installed, and notes that the situation in Nigeria is still unstable;

Whereas the European Union recalls its declaration of 18 September 1998 in which it warmly welcomed recent developments in Nigeria;

Whereas the European Union encourages the Administration under General Abubakar to continue to implement the transition programme and the commitment to hand over power to an accountable civilian government in May 1999 after free and fair elections;

Whereas the European Union welcomes the release of the political prisoners, while urging a swift clarification of remaining pending cases;

Whereas the European Union welcomes General Abubakar's commitment to economic reform, including policies aimed at poverty reduction, and his undertaking to re-

professionalise the armed forces and to ensure the military's return to barracks by 29 May 1999;

Whereas the European Union is prepared to strengthen a constructive political dialogue with Nigeria and will consider concrete measures to support the election process in Nigeria;

Whereas the measures adopted in 1995 should be modified in light of the current situation,

HAS DEFINED THIS COMMON POSITION:

*Article 1*

Common Position 95/515/CFSP is hereby repealed, subject to the provisions set out in Article 2 and in Article 3(2).

*Article 2*

The following measures referred to in part 3 of Common Position 95/515/CFSP shall continue to apply:

- (a) suspension of military cooperation;
- (b) cancellation of training courses for all Nigerian military personnel, except for non-combative courses to encourage respect for human rights and to prepare the military for the democratic control by a civilian government of the armed forces; and
- (c) an embargo on arms, munitions and military equipment which covers weapons designed to kill and their ammunition, weapon platforms, non-weapon platforms and ancillary equipment as well as spare parts, repairs, maintenance and transfer of military technology. Contracts entered into before the date of entry into force of Common Position 95/515/CFSP are not affected.

(\*) OJ L 298, 11. 12. 1995, p. 1.

(†) OJ L 309, 21. 12. 1995, p. 1.

(‡) OJ L 338, 9. 12. 1997, p. 8.

*Article 3*

1. A dialogue on development cooperation with Nigeria, including relevant studies and preparatory measures, may be resumed with the Nigerian authorities, with a view to re-engagement after the installation of a democratically elected civilian government.

2. In the meantime, development cooperation with Nigeria may continue only for actions in support of human rights and democracy, as well as those concentrating on poverty alleviation and, in particular, the provision of basic needs for the poorest section of the population, in the context of decentralised cooperation through local civilian authorities and non-governmental organisations.

*Article 4*

1. This Common Position shall be monitored by the Council, to which the Presidency and the Commission shall regularly report. It shall be reviewed no later than 1 June 1999 in the light of further developments in

Nigeria, in particular with regard to the establishment of a democratically elected civilian government.

2. Should there be any deterioration in the respect for human rights or the democratic processes in Nigeria, the Council shall immediately review this Common Position with a view to adopting additional measures.

*Article 5*

This Common Position shall take effect on 1 November 1998.

*Article 6*

This Common Position shall be published in the Official Journal.

Done at Brussels, 30 October 1998.

*For the Council*  
*The President*  
W. SCHÜSSEL

**COUNCIL DECISION**  
**of 21 December 1998**  
**concerning exchange rate matters relating to the Cape Verde escudo**

(98/744/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 109(3) thereof,

Having regard to the recommendation from the Commission,

Having regard to the opinion of the European Central Bank <sup>(1)</sup>,

(1) Whereas according to Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro <sup>(2)</sup>, the euro will be substituted as from 1 January 1999 for the currency of each participating Member State at the conversion rate;

(2) Whereas the Community will have the competence for monetary and exchange rate matters in the Member States adopting the euro as from the same date;

(3) Whereas the Council decides the arrangements for the negotiation and conclusion of agreements concerning monetary or foreign exchange regime matters;

(4) Whereas the Portuguese Republic has concluded an agreement with the Republic of Cape Verde <sup>(3)</sup> which is intended to ensure the convertibility of the Cape Verde escudo into the Portuguese escudo at a fixed parity;

(5) Whereas the euro will be substituted for the Portuguese escudo on 1 January 1999;

(6) Whereas the convertibility of the Cape Verde escudo is ensured by a limited credit facility provided by the Portuguese government; whereas the Portuguese government has given the assurance that the agreement with Cape Verde has no substantial financial implications for Portugal;

(7) Whereas this agreement is unlikely to have any material effect on the monetary and exchange rate policy of the euro area; whereas in its present form and state of implementation this agreement therefore is unlikely to present any obstacle to a smooth

functioning of Economic and Monetary Union; whereas nothing in this agreement can be construed as implying an obligation for the ECB or any NCB to support the convertibility of the Cape Verde escudo; whereas modifications to the existing agreement shall not lead to any obligation for the ECB or any NCB;

(8) Whereas Portugal and Cape Verde are willing to continue the present agreement after the substitution of the euro for the Portuguese escudo; whereas it is appropriate that Portugal may continue the present agreement after this substitution and that Portugal and Cape Verde implement it under their sole responsibility;

(9) Whereas it is necessary for the Community to be informed on a regular basis about the implementation and envisaged modifications of the agreement;

(10) Whereas the modification or implementation of this agreement should be without prejudice to the primary objective of the Community's exchange rate policy to maintain price stability, in accordance with Article 3a(2) of the Treaty;

(11) Whereas it is necessary to involve the competent Community bodies before making any changes to the nature or scope of the present agreement; whereas this applies in particular to the principle of free convertibility at a fixed parity between the euro and the Cape Verde escudo, convertibility being ensured by a limited credit facility provided by the Portuguese government;

(12) Whereas without prejudice to Community competence and Community agreements as regards economic and monetary union, Member States may negotiate in international bodies and conclude international agreements;

(13) Whereas this Decision does not establish a precedent with respect to any arrangements that may be decided in the future with respect to the negotiation and conclusion of similar agreements concerning monetary or foreign exchange regime matters by the Community with other States or international organisations,

<sup>(1)</sup> Opinion delivered on 17. 12. 1998 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 139, 11. 5. 1998, p. 1.

<sup>(3)</sup> Acordo de cooperação cambial entre a República Portuguesa e a República de Cabo Verde. (Decreto n° 24/98 de 15 de Julho 1998).

HAS ADOPTED THIS DECISION:

*Article 1*

Upon the substitution of the euro for the Portuguese escudo, the Portuguese Republic may continue its present agreement concerning exchange rate matters with the Republic of Cape Verde.

*Article 2*

Portugal and Cape Verde shall keep the sole responsibility for the implementation of this agreement.

*Article 3*

The competent Portuguese authorities shall keep the Commission, the European Central Bank and the Economic and Financial Committee informed on a regular basis about the implementation of the agreement. The Portuguese authorities shall inform the Economic and Financial Committee prior to changes of the parity between the euro and the Cape Verde escudo.

*Article 4*

Portugal may negotiate and conclude modifications to the present agreement to the extent that the nature or scope of the agreement is not changed. It shall inform in

advance the Commission, the European Central Bank and the Economic and Financial Committee of such changes.

*Article 5*

Any plans to change the nature or scope of this agreement shall be submitted by Portugal to the Commission, the European Central Bank and the Economic and Financial Committee.

Such plans require the approval of the Council on the basis of a recommendation from the Commission and after consultation of the European Central Bank.

*Article 6*

This Decision shall apply as from 1 January 1999.

*Article 7*

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 21 December 1998.

*For the Council*

*The President*

M. BARTENSTEIN

---



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

**JOINT ACTION**  
**of 22 December 1998**  
**adopted by the Council on the basis of Article J.3 of the Treaty on European Union in support of the democratic process in Nigeria**

*(98/735/CFSP)*

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

Having regard to the Treaty on European Union, and in particular Articles J.3 and J.11 thereof,

*Article 1*

Having regard to the general guidelines contained in the conclusions adopted by the European Council in Madrid on 15-16 December 1995,

1. The European Union shall deploy a contingent of 100 EU observers to the February 1999 elections in Nigeria within the framework of the international observer mission coordinated by the United Nations.

2. The Presidency shall appoint an EU spokesperson who will be responsible for joint EU-UN declarations and press and public relations.

Whereas on 30 October 1998, the Council adopted, on the basis of Article J.2 of the Treaty, Common Position 98/614/CFSP and issued a declaration concerning Nigeria, which indicated the EU's willingness to consider concrete measures to support the legislative and presidential elections which will take place in Nigeria on 20 and 27 February 1999 respectively;

*Article 2*

1. An amount of up to EUR 810 000 shall be charged to the general budget of the European Communities. This amount is intended to cover the operational expenditure of the EU observer mission in Nigeria and shall be managed by the UN Volunteers under the responsibility of the Commission.

2. The salary and related charges of observers designated by the EU shall be at the charge of the Member States which provide them.

3. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with Community procedures and rules applicable to the said budget.

Whereas, within the framework of the international effort coordinated by the United Nations, the Commission, acting on behalf of the European Community and its Member States, has undertaken a number of activities to provide assistance for the preparation of, and observers for, the elections, including support to the functioning of the Nigerian Independent National Election Commission and assistance to local election monitoring (Transition Monitoring Group);

*Article 3*

Whereas the EU will further contribute to the support for the election process by deploying an EU contingent of election observers who will be integrated in the United Nations overall coordination structure;

The Council notes that the Commission intends to direct its action towards achieving the objectives and priorities of this Joint Action, where appropriate by pertinent Community measures.

Whereas, in order to guarantee EU visibility and in the absence of a UN-appointed spokesperson, the Presidency will appoint an EU spokesperson,

*Article 4*

This Joint Action shall come into force on 1 January 1999.

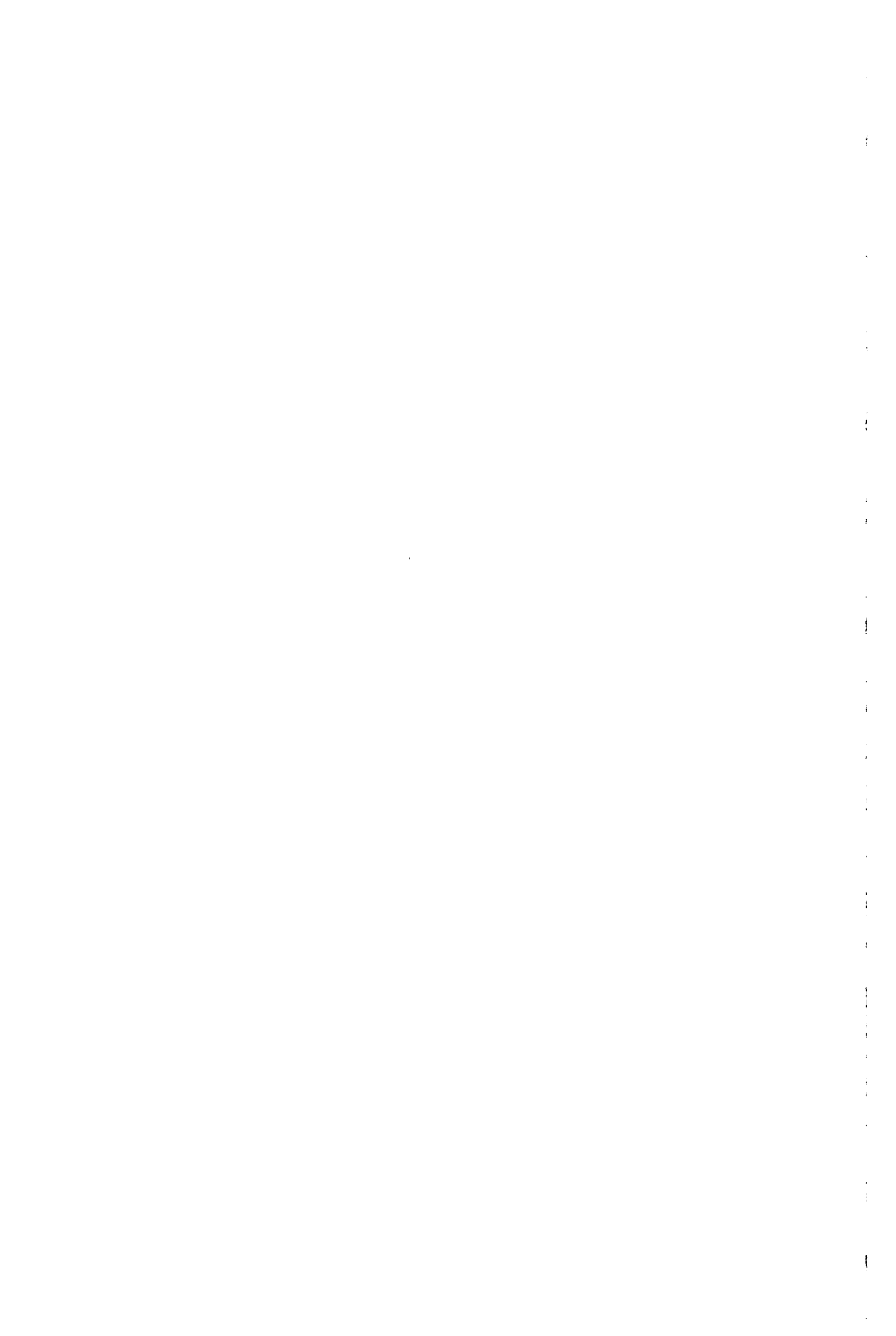
*Article 5*

This Joint Action shall be published in the Official Journal.

Done at Brussels, 22 December 1998.

*For the Council*  
*The President*  
C. EINEM

---



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

### **A. Trade**

#### b) Agricultural products



COMMISSION REGULATION (EC) No 9/98

of 6 January 1998

on the issuing of import licences for broken rice originating in the African, Caribbean and Pacific (ACP) States pursuant to Council Regulation (EEC) No 715/90

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 ACP States or in the overseas countries and territories (OCT) (1), as last amended by Regulation (EC) No 619/96 (2), and in particular Article 13 (3) thereof,

Having regard to 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) (3), as last amended by Regulation (EC) No 2603/97 (4), and in particular Article 3 (4) thereof,

Whereas Article 13 of Regulation (EEC) No 715/90 provides that the reduction in the customs duty is to apply to up to a quantity of 20 000 tonnes of broken rice falling within CN code 1006 40 00 per calendar year; whereas the Commission is to suspend the application of the measure for the remainder of the year when it observes that imports qualifying under the provisions in force during the year in progress have reached the quantities specified;

Whereas, in order to avoid an overrun in the tariff quota, Article 3 (4) of Regulation (EEC) No 999/90 provides that when the quantities applied for exceed those for which a reduced levy is granted, the Commission is to fix a single percentage reduction to be applied to the quantities covered by applications submitted on the day those quantities are exceeded;

Whereas quantities applied for on 30 December 1997 exceed those available for broken rice originating in the

ACP States; whereas Article 3 (4) of Regulation (EEC) No 999/90 should accordingly be applied to applications submitted on the abovementioned date and provision should be made for applications submitted subsequently to be rejected;

Whereas the quantities of broken rice originating in the ACP States and available for importing under the tariff quota in question for the period 1 January to 31 December 1997 have been exhausted,

HAS ADOPTED THIS REGULATION:

*Article 1*

Import licences shall be issued in response to applications relating to broken rice falling within CN code 1006 40 00 originating in the ACP States, submitted on 30 December 1997 under the arrangements provided for in Article 13 of Regulation (EEC) No 715/90 after a single reduction percentage of 16,87 % has been applied to the quantities applied for.

*Article 2*

Import licences shall not be issued in response to applications relating to broken rice falling within CN code 1006 40 00 originating in the ACP States, submitted on 31 December 1997 under the tariff quota provided for in Article 13 of Regulation (EEC) No 715/90.

*Article 3*

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

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

Done at Brussels, 6 January 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

(1) OJ L 84, 30. 3. 1990, p. 85.

(2) OJ L 89, 10. 4. 1996, p. 1.

(3) OJ L 101, 21. 4. 1990, p. 20.

(4) OJ L 351, 23. 12. 1997, p. 22.

**COMMISSION REGULATION (EC) No 163/98  
of 22 January 1998**

**on applications for import licences for rice originating in the ACP States and the overseas countries and territories submitted in the first five working days of January 1998 pursuant to Regulation (EC) No 2603/97**

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

Having regard to Commission Regulation (EC) No 2603/97 of 16 December 1997 laying down the detailed rules of application for the import of rice from the ACP States and for the import of rice from the overseas countries and territories (OCT) <sup>(1)</sup>, and in particular Article 9(2) thereof,

Whereas, pursuant to Article 9(2) of Regulation (EC) No 2603/97, the Commission must decide within 10 days of the final date for notification by the Member States the extent to which applications can be granted and must fix the available quantities for the following tranche and, where necessary, for the additional tranche for October;

Whereas an examination of the quantities covered by applications submitted during the first five working days of January 1998, as compared with the quantities available, has shown that licences can be issued subject to

application of percentage reductions to be laid down in this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. In response to applications for licences to import rice originating in the ACP States and the OCT in respect of the tranche for January 1998, licences shall be issued for the quantities applied for, reduced in accordance with the percentages set out in the Annex to this Regulation.
2. The quantities available under the tranche for May 1998 shall be as laid down in the Annex hereto.

*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, 22 January 1998.

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

---

<sup>(1)</sup> OJ L 351, 23. 12. 1997, p. 22.

ANNEX

Regulation (EC) No 2603/97

Reduction percentages to be applied to quantities applied for under the tranche for January 1998 and quantities available for the following tranche:

Origin	Reduction (%)	Quantity available for the tranche for May 1998 (tonnes)
OCT (Article 6) — CN code 1006	40,27	—
ACP (Article 2(1)) — CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30	0	41 666
ACP (Article 3) — CN code 1006 40 00	3,79	10 000
ACP + OCT (Article 7) — ACP: CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30 — OCT: CN code 1006	—	2 321



COMMISSION DECISION

of 4 February 1998

adopting special measures for the import of fruit and vegetables originating in or consigned from Uganda, Kenya, Tanzania, and Mozambique

(Text with EEA relevance)

(98/116/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs<sup>(1)</sup> and in particular Article 10 thereof,

This Decision applies to:

- fruits and vegetables covered by Council Regulation (EC) No 2200/96<sup>(2)</sup> and Council Regulation (EEC) No 827/68<sup>(3)</sup>,
- processed fruit and vegetables products covered by Council Regulation (EC) No 2201/96<sup>(4)</sup>,
- other fruit and vegetables falling within Chapters 7, 8 and 20 of the Combined Nomenclature and not covered by abovementioned Regulations,

Whereas cases of cholera have been reported in Eastern Africa and particularly Uganda, Kenya, Tanzania and Mozambique; whereas a mission of the responsible Commission services on the ground has identified a potential serious risk to health from foodstuffs from these countries;

originating in, or consigned from Uganda, Kenya, Tanzania and Mozambique.

Whereas the presence of cholera in these countries may constitute a serious risk to public health in the Community where the infectious agent *Vibrio cholerae* survives on foodstuffs imported from these countries; whereas it is necessary to adopt special measures at Community level concerning certain fruit and vegetables and their products likely to present a risk to health;

*Article 2*

This Decision shall not apply to:

Whereas the World Health Organisation advises that where the transport of fruits and vegetables from areas where cholera is present, is in excess of ten days, the risk to health from these products is low; whereas therefore these measures apply mainly to products transported into the European Community by air;

1. dried vegetables, dried leguminous vegetables, nuts and dried fruit falling within CN codes 0712, 0713, 0802 and 0813 respectively, and any fruit and vegetable dried to a water activity value below 0,85;
2. all uncut fruit and vegetables transported under normal conditions of temperature and moisture when the journey time is at least 10 days;
3. fruit and vegetables and juices or pulps of these in hermetically sealed tins, jars and bottles heated for preservation to more than 70° C throughout after sealing;
4. fruit and vegetables in tins, jars and bottles preserved in acid medium of pH below 4,5;
5. frozen fruit and vegetables previously heat-treated to more than 70° C throughout and packaged under hygienic conditions in Uganda, Kenya, Tanzania and Mozambique;
6. bananas.

Whereas it is necessary to impose special conditions on certain fruit and vegetables and their products consigned from or originating in Uganda, Kenya, Tanzania and Mozambique;

Whereas therefore as a preliminary precaution samples of these foodstuffs should be subject to microbiological controls;

Whereas the Standing Committee for Foodstuffs<sup>(5)</sup> has been consulted on 15 January, 1998,

<sup>(1)</sup> OJ L 175, 19. 7. 1993, p. 1.  
<sup>(2)</sup> SE 1969 II, p. 500.

<sup>(3)</sup> OJ L 297, 21. 11. 1996, p. 1.

<sup>(4)</sup> OJ L 151, 30. 6. 1968, p. 16.

<sup>(5)</sup> OJ L 297, 21. 11. 1996, p. 29.

*Article 3*

1. The competent authorities of the Member States shall sample at least ten per cent of consignments of fruit or vegetables or their products as defined in Article 1. These samples shall be subject to microbiological examination in order to ensure that the fruit and vegetables or their products do not present a risk to human health with respect to *Vibrio cholerae*.

2. The competent authorities shall record the destination(s) of each consignment sampled.

3. Member States shall inform the relevant service of the Commission of the results of these examinations on the first day of each month. Where *Vibrio cholerae* is found to be present the Member State shall immediately inform the Commission thereof.

*Article 4*

Member States shall take the measures necessary to comply with this Decision. They shall inform the Commission thereof.

---

*Article 5*

This Decision shall be reviewed where *Vibrio cholerae* is found to be present as a result of the sampling and microbiological examination in Article 3, and in any case before the 30 September 1998.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 4 February 1998.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

COMMISSION REGULATION (EC) No 1063/98

of 25 May 1998

on the issue of import licences for rice originating in the ACP States and the overseas countries and territories against applications submitted in the first five working days of May 1998 pursuant to Regulation (EC) No 2603/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2603/97 of 16 December 1997 laying down the detailed rules of application for the import of rice from the ACP States and for the import of rice from the overseas countries and territories (OCT) <sup>(1)</sup>, and in particular Article 9(2) thereof,

Whereas, pursuant to Article 9(2) of Regulation (EC) No 2603/97, the Commission must decide within 10 days of the final date for notification by the Member States the extent to which applications can be granted and must fix the available quantities for the following tranche and, where necessary, for the additional tranche for October;

Whereas examination of the quantities for which applications have been submitted shows that licences should be issued for the quantities applied for reduced, where

appropriate, by the percentages set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Import licences for rice against applications submitted during the first five working days of May 1998 pursuant to Regulation (EC) No 2603/97 and notified to the Commission shall be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto.
2. The quantities available under the following tranche shall be as set out in the Annex hereto.

*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, 25 May 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 351, 23. 12. 1997, p. 22.

ANNEX

Regulation (EC) No 2603/97

Reduction percentages to be applied to quantities applied for under the tranche for May 1998 and quantities available for the following tranche:

Origin	Reduction (%)	Quantity available for the tranche for September 1998 (tonnes)
ACP (Article 2(1)) — CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30	0 (*)	41 666
ACP (Article 3) — CN code 1006 40 00	84,4363	—
ACP + OCT (Article 7) — ACP: CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30 — OCT: CN code 1006	90,0737	8 683

(\*) Issue for the quantity applied for.

COMMISSION DECISION

of 25 June 1998

authorising Member States temporarily to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of plants of strawberry (*Fragaria L.*), intended for planting, other than seeds, originating in the Republic of South Africa

(notified under document number C(1998) 1751)

(98/432/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community<sup>(1)</sup>, as last amended by Commission Directive 98/2/EC<sup>(2)</sup>, and in particular Article 14(1) thereof,

Having regard to the request made by the United Kingdom,

Whereas, under the provisions of Directive 77/93/EEC, plants of strawberry (*Fragaria L.*) intended for planting, other than seeds, originating in non-European countries, other than Mediterranean countries, Australia, New Zealand, Canada and the continental States of the United States of America, may in principle not be introduced into the Community;

Whereas, there is interest in the growing, in the Republic of South Africa, of plants of *Fragaria L.*, intended for planting, other than seeds, from plants supplied by a Member State, in order to prolongate the growing season of the plants; whereas these plants could afterwards be re-exported to the Community in order to have them planted for the production of fruit;

Whereas, in respect of the said imports into the Community of the said plants, on the basis of the information supplied by the relevant Member State, it appeared that the said strawberry plants could be grown under adequate health conditions in the Elliot district of the North Eastern Cape region, Republic of South Africa and whereas, on the basis of the information supplied and under such circumstances there appeared to be no risk of spreading harmful organisms affecting plants of *Fragaria L.*, provided that certain special technical conditions were satisfied; whereas, therefore by Decision 97/488/EC<sup>(3)</sup> the Commission authorised derogations under special technical conditions in respect of plants of strawberry

(*Fragaria L.*) intended for planting, other than seeds, originating in the Republic of South Africa;

Whereas there have been no confirmed findings of harmful organisms in official examinations on the imports pursuant to the said Decision;

Whereas also the Commission shall ensure that the Republic of South Africa continues to make available all technical information necessary to assess the phytosanitary status of strawberry plant production in the Republic of South Africa;

Whereas the circumstances justifying the authorisation still obtain;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Member States are hereby authorised to provide, under the conditions laid down in paragraph 2, for a derogation from Article 4(1) of Directive 77/93/EEC, with regard to the requirements referred to in Annex III(A)(18) for plants of strawberry (*Fragaria L.*), intended for planting, other than seeds, originating in the Republic of South Africa.

2. In addition to the requirements laid down in Part A of the Annexes I, II and IV to Directive 77/93/EEC, in relation to plants of strawberry, the following specific conditions shall be satisfied:

- (a) the plants shall be intended for fruit production within the Community and shall have been:
  - (i) produced exclusively from mother plants, certified under an approved certification scheme of a Member State and those mother plants shall have been imported from a Member State;
  - (ii) grown on land which is:

— situated in the Elliot district of the North Eastern Cape Region,

<sup>(1)</sup> OJ L 26, 31. 1. 1977, p. 20.

<sup>(2)</sup> OJ L 15, 21. 1. 1998, p. 34.

<sup>(3)</sup> OJ L 208, 2. 8. 1997, p. 49.

- situated in an area isolated from commercial strawberry production,
  - situated at least one kilometre from the nearest crop of strawberry plants for fruit or runner production which do not satisfy the conditions of this Decision,
  - situated at least 200 metres from any other plants of the genus *Fragaria* which do not satisfy the conditions of this Decision, and
  - prior to planting and in the period after the previous crop was removed from the land, tested by appropriate methods or treated to ensure freedom from soil infesting harmful organisms, including *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens and;
- (iii) officially inspected by the Plant Protection Service of the Republic of South Africa, at least three times during the growing season and prior to export for the presence of both harmful organisms listed in Part A of Annexes I and II to Directive 77/93/EEC, in particular,
- *Aphelenchoides besseyi* Christie,
  - Arabis mosaic virus,
  - *Colletotrichum acutatum* Simmonds,
  - *Globodera pallida* (Stone) Behrens,
  - *Globodera rostochiensis* (Wollenweber) Behrens,
  - Strawberry crinkle virus,
  - Strawberry mild yellow edge virus,
  - *Xiphinema americanum* Cobb sensu lato (non-European populations),
- and the following harmful organisms which are not known to occur in the Community:
- *Eremnus setulosus* (Bohemian),
  - *Graphognathus leucoloma* (Bohemian),
  - *Heteronychus arator* (Fabricius);
- (iv) found free, in the inspections referred to in point (iii) of the harmful organisms referred to in point (iii);
- (v) prior to export:
- shaken free from soil or other growing medium,
  - cleaned (i. e. free from plant debris) and free from flowers and fruits;
- (b) the plants intended for the Community shall be accompanied by a phytosanitary certificate issued in the Republic of South Africa in accordance with Articles 7 and 12 of Directive 77/93/EEC, on the basis of the examination laid down therein, in particular freedom from the harmful organisms mentioned in point (a)(iii), as well as to the requirements specified in points (a)(f), (i), (iv) and (v).
- The certificate shall state:
- under the rubric 'Disinfestation and/or disinfection treatment', the specification of the last treatment(s) applied prior to export,
  - under 'Additional Declaration', the indication 'This consignment meets the conditions laid down in Decision 98/432/EC', as well as the name of the variety and the Member State certification scheme under which the mother plants had been certified;
- (c) the plants shall be introduced through points of entry situated within the territory of a Member State and designated for the purpose of this derogation by that Member State;
- (d) prior to introduction into the Community, the importer shall notify each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State, without delay, shall convey the details of the notification to the Commission, indicating:
- the type of material,
  - the quantity,
  - the declared date of introduction and confirmation of the point of entry,
  - the names and addresses of the premises referred to in point (f) where the plants will be planted.
- At the time of import the importer shall provide confirmation of the details of the aforementioned advance notification.
- The importer shall be officially informed, prior to the introduction, of the conditions laid down in points (a), (b), (c), (d), (e), (f) and (g);
- (e) the inspections including testing, as appropriate, required pursuant to Article 12 of Directive 77/93/EEC shall be made by the responsible official bodies, referred to in the said Directive, of the Member States making use of this derogation, and where appropriate, in cooperation with the said bodies of the Member State in which the plants will be planted. Without prejudice to the monitoring referred to in Article 19a(3), second indent, first possibility, the Commission shall determine to what extent the inspections referred to in Article 19a(3), second indent, second possibility of the said Directive, shall be integrated into the inspection programme in accordance with Article 19a(5)(c) of that Directive;

- (f) the plants shall be planted only at premises officially registered and approved for the purposes of this derogation and of which the name of the owner and address of the site have been notified in advance by the person who intends to plant the plants imported pursuant to this Decision, to the said responsible official bodies of the Member State in which the premises are situated; in those cases where the place of planting is situated in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State making use of this derogation, at the moment of receipt of the aforementioned advance notification from the importer, shall inform the said responsible official bodies of the Member State in which the plants will be planted giving the name and addresses of the premises where the plants will be planted;
- (g) the said responsible official bodies shall ensure that any plant not planted in accordance with point (f) shall be officially destroyed. Records shall be kept available to the Commission on the number of officially destroyed plants;
- (h) in the growing period following importation, a suitable proportion of the plants shall be inspected by the said responsible official bodies of the Member State in which the plants are planted, at appropriate times, at the premises referred to in point (f).

#### *Article 2*

Member States shall inform the other Member States and the Commission by means of the notification referred to in Article 1(2)(d), of any use made of the authorisation.

They shall provide the Commission and the other Member States, before 1 November 1998, with the information on amounts imported pursuant to this Decision and with a detailed technical report of the official examination referred to in Article 1(2)(e). Furthermore all Member States in which the plants are planted shall also provide the Commission and the other Member States, before 1 March after the year of importation, with a detailed technical report of the official examination referred to in Article 1(2)(h).

#### *Article 3*

The authorisation granted in Article 1 shall apply during the period between 1 July and 15 July 1998. It shall be revoked if it is established that the conditions laid down in Article 1(2) are not sufficient to prevent the introduction of harmful organisms or have not been complied with.

#### *Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 25 June 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

COUNCIL REGULATION (EC) No 1637/98

of 20 July 1998

amending Regulation (EEC) No 404/93 on the common organisation of the market in bananas

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee (3),

(1) Whereas a number of changes are required in the provisions on trade with third countries contained in Title IV of Regulation (EEC) No 404/93 (4);

(2) Whereas the Community's international commitments under the World Trade Organisation (WTO) and to the other signatories of the Fourth ACP-EC Convention should be met, whilst achieving at the same time the purposes of the common organisation of the market in bananas;

(3) Whereas a basic tariff quota of 2 200 000 tonnes at the reduced duty of ECU 75 per tonne is bound in the WTO;

(4) Whereas the increase in consumption resulting from enlargement of the Community warrants opening of an autonomous tariff quota of 353 000 tonnes; whereas this autonomous tariff quota should involve reduction to ECU 75 per tonne of the customs duty applicable beyond the above bound tariff quota; whereas this reduction is warranted by the need to guarantee adequate supply of the Community;

(5) Whereas for traditional ACP bananas retention of the total quantity of 857 700 tonnes that may be imported at nil duty preserves access to the Community market for the supplier States of the traditional quantities, in line with Protocol 5 annexed to the Fourth ACP-EC Convention and with WTO rules;

(6) Whereas in view of the obligations under the Fourth ACP-EC Convention, particularly Article 168 thereof, and of the need to guarantee proper conditions of competition for non-traditional ACP bananas, application to imports of these bananas of an ECU 200 preference will allow the trade flows in question to be maintained under the new import arrangements introduced by this Regulation;

(7) Whereas for the purpose of subdividing the tariff quotas and, if the situation arises, the traditional ACP quantity, a single criterion should be used for determining those producer States with a substantial interest in the supply of bananas; whereas should there be no reasonable possibility of reaching agreement with those States, the Commission, assisted by a committee of representatives of the Member States, must have the authority to carry out allocation using that criterion;

(8) Whereas provision should be made for the autonomous tariff quota to be modified to take account of any increased Community demand found when a supply balance is drawn up; whereas provision should also be made for suitable specific action to be taken in response to exceptional circumstances liable to affect supply of the Community market;

(9) Whereas operation of this Regulation should be reviewed at the end of an adequate trial period;

(10) Whereas appropriate amendments should therefore be made to Title IV of Regulation (EEC) No 404/93,

HAS ADOPTED THIS REGULATION:

*Article 1*

Council Regulation (EEC) No 404/93 is amended as follows:

1. Articles 16 to 20 of Title IV shall be replaced by the following:

*'Article 16*

Articles 16 to 20 of this Title shall apply only to fresh products of CN code ex 0803 00 19.

For the purposes of this Title:

(1) OJ C 75, 11. 3. 1998, p. 6.

(2) OJ C 210, 6. 7. 1998.

(3) OJ C 235, 27. 7. 1998.

(4) OJ L 47, 25. 2. 1993, p. 1. Regulation as last amended by Regulation (EEC) No 3250/94 (OJ L 349, 31. 12. 1994, p. 105).



1. "traditional imports from ACP States" means imports into the Community of bananas originating in the States listed in the Annex hereto up to a limit of 857 700 tonnes (net weight) per year; these are termed "traditional ACP bananas";
2. "non-traditional imports from ACP States" means imports into the Community of bananas originating in ACP States but not covered by definition 1; these are termed "non-traditional ACP bananas";
3. "imports from non-ACP third States" means bananas imported into the Community originating in third States other than the ACP States; these are termed "third State bananas".

#### Article 17

All importation of bananas into the Community shall be subject to submission of an import licence issued by Member States to any interested party irrespective of his place of establishment in the Community without prejudice to specific provisions adopted for the application of Articles 18 and 19.

Import licences shall be valid throughout the Community. Except where derogations are adopted under the procedure laid down in Article 27, the issue of such licences shall be subject to lodging of a security against a commitment to import on the terms of this Regulation during the period of the licence's validity. Except in cases of *force majeure* the security shall be wholly or partly forfeit if the operation is not or is only partly carried out within the time allowed.

#### Article 18

1. A tariff quota of 2 200 000 tonnes (net weight) shall be opened each year for imports of third State and non-traditional ACP bananas.

Imports of third State bananas under the tariff quota shall be subject to duty of ECU 75 per tonne, while imports of non-traditional ACP bananas shall be free of duty.

2. An additional tariff quota of 353 000 tonnes (net weight) shall be opened each year for imports of third State and of non-traditional ACP bananas.

Imports of third State bananas under this tariff quota shall be subject to duty of ECU 75 per tonne while imports of non-traditional ACP bananas shall be free of duty.

3. No duty shall be payable on imports of traditional ACP bananas.

4. Should there be no reasonable possibility of securing agreement of all WTO contracting parties with a substantial interest in the supply of bananas, the Commission may under the procedure set out in Article 27 allocate the tariff quotas provided for in paragraphs 1 and 2 and the traditional ACP quantity between those States with a substantial interest in the supply.

5. By way of derogation from Article 15 non-traditional ACP bananas imported outside the tariff quotas indicated in paragraphs 1 and 2 shall be subject to duty per tonne equal to the duty indicated in Article 15 less ECU 200.

6. The duty rates set in this Article shall be converted into national currency at the rates applicable for the products in question for the purposes of the common customs tariff.

7. The additional tariff quota provided for in paragraph 2 may be increased if demand in the Community increases as indicated by a balance sheet of production, consumption, imports and exports.

Determination of the elements of the balance sheet, its adoption and increase of the additional tariff quota shall be effected under the procedure set out in Article 27.

8. Should supply of the Community market be affected by exceptional circumstances affecting production or importation, the Commission shall adopt the specific measures necessary under the procedure set out in Article 27.

In such cases the additional tariff quota provided for in paragraph 2 may be adjusted on the basis of the balance sheet indicated in paragraph 7. The specific measures may derogate from the rules adopted under Article 19(1). They must not discriminate between supply origins.

9. Third State, traditional ACP and non-traditional ACP bananas re-exported from the Community shall not be counted against the corresponding tariff quotas.

#### Article 19

1. The tariff quotas indicated in Article 18(1) and (2) and imports of traditional ACP bananas shall be managed in accordance with the method based on taking account of traditional trade flows ("traditional/newcomers").

The Commission shall adopt the implementing arrangements required under the procedures set out in Article 27.

Where necessary, other suitable methods may be adopted.

2. The method adopted shall as appropriate take account of the supply requirements of the Community market and of the need to safeguard its equilibrium.

#### *Article 20*

The Commission shall adopt provisions to apply this Title under the procedure set out in Article 27. Their scope shall include:

- (a) guarantee of the nature, provenance and origin of the product;
- (b) recognition of the document serving to verify these guarantees;
- (c) terms of issue and period of validity of import licences;
- (d) any specific provisions needed to facilitate the switch from the import arrangements applying on and after 1 July 1993 to the present arrangements of this Title;

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

Done at Brussels, 20 July 1998.

(e) measures needed to ensure respect for obligations stemming from agreements concluded by the Community under Article 228 of the Treaty';

2. Article 32 shall be replaced by:

#### *Article 32*

1. At the latest by 31 December 2004, the Commission shall submit to the European Parliament and the Council a report, accompanied if appropriate by proposals, on the operation of this Regulation and of possible alternatives, in particular as regards the import arrangements.

2. The report shall in particular analyse the marketing trends for Community, ACP and third State bananas and assess how the import arrangements have worked. In this context, special attention shall be paid to the extent to which the most vulnerable ACP suppliers have been able to maintain their position on the Community market';

3. Article 15a shall be deleted;

4. the Annex shall be replaced by the Annex hereto.

#### *Article 2*

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

It shall apply from 1 January 1999.

*For the Council*  
*The President*  
W. MOLTERER

*ANNEX*

*ANNEX*

**Traditional imports from the ACP States**

Imports originating in the following supplying States, up to a limit of 857 700 tonnes (net weight) annually:

Côte d'Ivoire  
Cameroon  
Suriname  
Somalia  
Jamaica  
St Lucia  
St Vincent and the Grenadines  
Dominica  
Belize  
Cape Verde  
Grenada  
Madagascar.

---

**COUNCIL REGULATION (EC) No 1706/98**

of 20 July 1998

**on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

(1) Whereas the Fourth ACP-EC Convention signed at Lomé on 15 December 1989, hereinafter referred to as the 'Convention' was concluded for a 10-year period from 1 March 1990; whereas, however, provision was made for the possibility of amending the Convention in mid-term;

(2) Whereas in application of that provision, an agreement amending the said Convention was signed in Mauritius on 4 November 1995;

(3) Whereas transitional measures applicable until entry into force of the said agreement should be adopted in order to give effect in advance to some of these amendments to the Convention;

(4) Whereas Article 168(2)(a) of the Convention lays down that products originating in the ACP States and:

— listed in Annex II to the EC Treaty, where they come under a common organisation of the market within the meaning of Article 40 of the EC Treaty,

or

— subject, on import into the Community, to specific rules introduced as a result of the implementation of the common agricultural policy,

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

(i) those products, for which Community provisions in force at the time of import do not provide, apart from customs duties, for the application of any measure relating to their import, shall be imported free of customs duties;

(ii) for products other than those referred to under (i), the Community shall take the necessary measures to ensure more favourable treatment than that granted to third countries benefiting from the most-favoured-nation clause for the same products;

(5) Whereas Article 168(2)(d) of the Convention lays down that the arrangements referred to in subparagraph (a) of that paragraph shall enter into force at the same time as the Convention and shall remain applicable for its duration;

(6) Whereas it was agreed, following Council Decision 97/683/EC of 22 April 1997 approving the agreement in the form of an exchange of letters between the Community and the ACP States on Annex XL of the Fourth ACP-EC Convention concerning the joint declaration on agricultural products referred to in Article 168(2)(a)(ii) <sup>(3)</sup> and in accordance with Article 1(j) of Decision No 6/95 of the ACP-EC Council of Ministers of 20 December 1995 on transitional measures to be applied from 1 January 1996, that the arrangements provided for in Article 168(2)(a) concerning trade in agricultural and food products should apply to the ACP States which signed the agreement on the mid-term review of the Convention, from 1 January 1996, that is to say, before the date of entry into force of the amended Convention;

(7) Whereas the Regulations on the common organisation of the markets in the sectors concerned establish trade arrangements with third countries;

<sup>(1)</sup> OJ C 108, 7. 4. 1998, p. 17.

<sup>(2)</sup> Opinion delivered on 13 July 1998 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 287, 21. 10. 1997, p. 30.

- (8) Whereas, on the one hand, these trade arrangements only provide for the application of customs duties on import of a number of products; whereas, on the other hand, they involve the application of customs duties consisting in an *ad valorem* rate and a specific rate on certain kinds of meat and products processed from fruit and vegetables, and other measures in respect of imports of fishery products, certain fruit and vegetables, and oils and fats; whereas the obligations of the Community towards the ACP States under Article 168(2)(a) of the Convention may be fulfilled by granting total or partial exemption from customs duties for the products in question where they originate in the ACP States;
- (9) Whereas for the purposes of this Regulation, the term 'import duties' is to be defined in accordance with Article 20 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(1)</sup>;
- (10) Whereas it should be specified that the advantages resulting from Article 168(2)(a) of the Convention are accorded only to originating products within the meaning of Protocol 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, annexed to the Convention, the early application of which was approved in Regulation (EEC) No 714/90<sup>(2)</sup>;
- (11) Whereas, furthermore, these advantages should be subject to certain conditions and limited to certain annual and multiannual quantities on a case-by-case basis;
- (12) Whereas the tariff advantages resulting from Article 168(2)(a) of the Convention are calculated on the basis of rates laid down in the Common Customs Tariff, and in accordance with the rules governing it; whereas they should, however, be calculated on the basis of the autonomous duty where, for the products concerned, no conventional duty is indicated, or where the autonomous duty is lower than the conventional duty;
- (13) Whereas there have traditionally been trade flows from the ACP States to the French overseas departments; whereas measures should therefore be introduced to encourage the import of certain products originating in the ACP States into the French overseas departments to cover local consumption require-

ments, including consumption following processing; whereas provision should be made for altering the arrangements governing access to the markets in products originating in the ACP States referred to in Article 168(2) of the Convention, particularly in the light of the said departments' economic development requirements;

- (14) Whereas it should be stipulated that the safeguard clauses provided for in the Regulations on the common organisation of the agricultural markets and in specific rules introduced as a result of the implementation of the common agricultural policy are applicable;
- (15) Whereas it was agreed when negotiating the mid-term review of the Convention that the amendments to the arrangements should be applicable from 1 January 1996; whereas consequently provision should be made for this Regulation to apply and for 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> to be repealed from that date,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. This Regulation shall apply to products originating in the ACP States listed in the Annex.
2. The rules of origin applicable to products referred to in paragraph 1 imported from the ACP States shall be those in Protocol 1 annexed to the Fourth ACP-EC Convention.

#### TITLE I

#### Beef and veal

#### Article 2

The products referred to in Article 1 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal<sup>(4)</sup>, shall be imported free of *ad valorem* customs duties.

<sup>(1)</sup> OJ L 302, 19. 10. 1992, p. 1. Regulation as last amended by Regulation (EC) No 82/97 (OJ L 17, 21. 1. 1997, p. 1).

<sup>(2)</sup> OJ L 84, 30. 3. 1990, p. 1.

<sup>(3)</sup> OJ L 84, 30. 3. 1990, p. 85.

<sup>(4)</sup> OJ L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EC) No 2634/97 (OJ L 356, 31. 12. 1997, p. 13).

Where, in the course of a year, imports into the Community of products falling within CN codes 0201, 0202, 0206 10 95, 0206 29 91, 1602 50 10 or 1602 90 61, originating in an ACP State exceed, during a year, a quantity equivalent to the quantity of imports into the Community during whichever year between 1969 and 1974 Community imports of products of that origin were highest, plus an annual growth rate of 7 %, exemption from customs duties on the products of that origin shall be partially or totally suspended.

In that event the Commission shall report to the Council which, acting by a qualified majority on a proposal from the Commission, shall determine the arrangements to be applied to the imports in question. Customs duties applicable to the import of homogenised preparations of meat, liver or blood of bovine animals falling within CN codes ex 1602 10 00, ex 1602 20 90 and ex 1602 90 10 shall be reduced by 16 %.

#### Article 3

Within the country-by-country and overall limits referred to in Article 4, specific rates of import duties (import duties other than customs duties), applied to products originating in the ACP States and referred to in Article 1(a) of Regulation (EEC) No 805/68 shall be reduced by 92 % of the specific rates of import duties (import duties other than customs duties) applicable on the day of import.

#### Article 4

1. The reduction in specific rates of import duties (import duties other than customs duties) provided for in Article 3 shall apply on a country-by-country basis per calendar year to the following quantities of boneless meat:

Botswana:	18 916 tonnes,
Kenya:	142 tonnes,
Madagascar:	7 579 tonnes,
Swaziland:	3 363 tonnes,
Zimbabwe:	9 100 tonnes,
Namibia:	13 000 tonnes.

The reduction applies to 52 100 tonnes against which the quantities exported by the countries in question will be charged up to the limit of the annual quotas indicated above.

If deliveries do not exceed this amount, the procedure provided for under paragraph 2 shall apply.

2. If an ACP State is not able to supply its annual quota as set out in paragraph 1 or if, as a result of an actual or predicted contraction of exports due to a disaster such as drought, a cyclone or disease affecting livestock, it does not wish to benefit from the possibility of delivery in the current or following year, a decision may be taken at its request, submitted by 1 September of each year at the latest, in accordance with the procedure referred to in Article 30, to reallocate the quantities laid down in paragraph 1 among the other States concerned, up to the limit of 52 100 tonnes.

### TITLE II

#### Sheepmeat and goatmeat

#### Article 5

1. The products referred to in Article 1 of Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat<sup>(1)</sup> shall be imported free of *ad valorem* customs duties.

2. By way of derogation from paragraph 1,

(a) the specific amounts of customs duties fixed in the Common Customs Tariff applicable to imports of live sheep and goats, other than pure-bred breeding animals, falling within CN codes 0104 10 30, 0104 10 80 or 0104 20 90, and to meat of sheep and goats other than that of domestic sheep falling within CN codes 0204, 0210 90 11 or 0210 90 19, shall not be applied within the limits of an annual quota of 100 tonnes;

(b) the specific amounts of customs duties fixed in the Common Customs Tariff applicable to imports of meat from domestic sheep falling within CN codes 0204, 0210 90 11 or 0210 90 19 shall be reduced by 65 % within the limits of a quota of 500 tonnes per calendar year to be charged against the quantities fixed in Article 1 of Regulation (EEC) No 3013/89.

3. Customs duties applicable to the import of homogenised preparations of meat, liver or blood of sheep and goats falling within CN codes ex 1602 10 00, ex 1602 20 90 and ex 1602 90 10 shall be reduced by 16 %.

<sup>(1)</sup> OJ L 289, 7. 10. 1989, p. 1. Regulation as last amended by Regulation (EC) No 1589/96 (OJ L 206, 16. 8. 1996, p. 25).

TITLE III

**Poultry and poultrymeat**

*Article 6*

1. The specific rates of import duties applicable to imports of live poultry, poultry fat, and poultry offal falling within CN codes 0105, 0209 00 90, 0210 90 71, 0210 90 79 and 1501 00 90 shall be reduced by 16 %.
2. The customs duties applicable to imports of poultrymeat falling within CN code 0207 shall be reduced by 65 % within the limits of a quota of 400 tonnes per calendar year.
3. The customs duties applicable to imports of prepared or preserved meat or offal falling within CN codes 1602 31, 1602 32 11, 1602 32 19, 1602 32 30, 1602 32 90 or 1602 39 shall be reduced by 65 % within the limits of a quota of 500 tonnes per calendar year.

TITLE IV

**Milk and milk products**

*Article 7*

1. The customs duties applicable to imports of milk and cream, concentrated or containing added sugar or other sweetening matter, falling within CN code 0402 and to cheese and curd falling within CN code 0406 shall be reduced by 65 % within the limits of a quota of 1 000 tonnes per calendar year for all products in each of CN codes 0402 and 0406 respectively.
2. The customs duties applicable to imports of milk and milk products falling within CN codes 0401, 0403 10 11 to 0403 10 39, 0403 90 11 to 0403 90 69, 0404 10, 0404 90, 0405, 1702 11 00, 1702 19 00, 2106 90 51, 2309 10 15, 2309 10 19, 2309 10 39, 2309 10 59, 2309 10 70, 2309 90 35, 2309 90 39, 2309 90 49, 2309 90 59 and 2309 90 70 shall be reduced by 16 %.

TITLE V

**Eggs**

*Article 8*

The customs duties applicable to imports of eggs of poultry falling within CN codes 0407 00 11, 0407 00 19, 0407 00 30 and of birds' eggs and egg yolks falling within CN codes 0408 11 80, 0408 19 81, 0408 19 89, 0408 91 80, 0408 99 80 shall be reduced by 16 %.

TITLE VI

**Live pigs and pigmeat**

*Article 9*

1. The customs duties applicable to imports of domestic species of live swine other than pure-bred breeding animals falling within CN codes 0103 91 10, 0103 92 11 and 0103 92 19, of lard and other pig fat falling within CN codes 1501 00 11 and 1501 00 19, of prepared or preserved offal or blood of swine falling within CN codes 1602 10 00, 1602 20 90, 1602 41 10, 1602 42 10, 1602 49, ex 1602 90 10 and 1602 90 51, and of stuffed pasta falling within CN code 1902 20 30 shall be reduced by 16 %.
2. The customs duties applicable to imports of meat of swine, fresh or chilled, falling within CN codes 0203 11 10, 0203 12 11, 0203 12 19, 0203 19 11, 0203 19 13, 0203 19 15, ex 0203 19 55, with the exception of tenderloin presented alone, 0203 19 59, of frozen meat falling within CN codes 0203 21 10, 0203 22 11, 0203 22 19, 0203 29 11, 0203 29 13, 0203 29 15, ex 0203 29 55, with the exception of tenderloin presented alone, and 0203 29 59, of edible offal of domestic swine falling within CN codes 0206 30 21, 0206 30 31 and 0206 41 91, 0206 49 91, of pig fat falling within CN codes 0209 00 11, 0209 00 19, 0209 00 30, meat and edible meat offal, edible flours and meals of meat or meat offal of domestic swine falling within CN codes 0210 11 11 to 0210 11 39 and codes 0210 12 11, 0210 12 19 and codes 0210 19 10 to 0210 19 89 and 0210 90 39 shall be reduced by 50 % within the limits of an annual quota of 500 tonnes.

3. Customs duties applicable to imports of sausages and similar products of pigmeat, meat offal or blood falling within CN code 1601 00 shall be reduced by 65 % within the limits of a quota of 500 tonnes per calendar year.

TITLE VII

**Fisheries**

*Article 10*

The products specified in Article 1 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products<sup>(1)</sup>, shall be imported free of customs duties.

<sup>(1)</sup> OJ L 388, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EC) No 3318/94 (OJ L 350, 31. 12. 1994, p. 15).

TITLE VIII

Oils and fats

Article 11

The products referred to in Article 1(2)(a) and (b) of Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats<sup>(1)</sup>, shall be imported free of customs duties.

TITLE IX

Cereals

Article 12

1. The customs duties applicable to imports of maize falling within CN codes 0709 90 60, 0712 90 19, 1005 10 90 or 1005 90 00 shall be reduced by ECU 1,81 per tonne.

2. The customs duties applicable to imports of grain sorghum falling within CN code 1007 00 shall be reduced by 60 % up to a ceiling of 100 000 tonnes per calendar year.

3. No customs duties shall be charged on imports of millet falling within CN code 1008 20 00 up to a ceiling of 60 000 tonnes per calendar year.

4. If, in the course of a year, the ceilings fixed pursuant to paragraphs 2 and 3 are reached, the Commission may, by means of a Regulation, reintroduce the application of normal customs duties, reduced by 50 %, until the end of the period of validity.

5. The customs duties applicable to imports of wheat and rye flour falling within CN codes 1101 00 and 1102 10 00, groats and meal of wheat falling within CN code 1103 11 and pellets of wheat falling within CN code 1103 21 00 shall be reduced by 16 %.

6. The customs duties applicable to imports of wheat, rye, barley and oats falling within CN codes 1001 10 00, 1001 90 91, 1001 90 99, 1002 00 00, 1003 00 and 1004 00 00 and of buckwheat, canary seed, triticale and other cereals falling within CN code 1008 shall be reduced by 50 % within the limits of a quota of 15 000 tonnes per calendar year.

<sup>(1)</sup> OJ 172, 30. 9. 1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 1581/96 (OJ L 206, 16. 8. 1996, p. 11).

TITLE X

Rice

Article 13

1. Within the limits of the quantities laid down in Article 14, the customs duties applicable to imports of rice falling within CN code 1006 shall be equal, per tonne of product:

(a) in the case of paddy rice, other than that intended for sowing, falling within CN codes 1006 10 21 to 1006 10 98, to the customs duties fixed by the Common Customs Tariff reduced by 65 % and by ECU 4,34;

(b) in the case of husked rice falling within CN code 1006 20, to the duty fixed pursuant to Article 11(2) of Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice<sup>(2)</sup> and Regulation (EC) No 1503/96 on the detailed rules for the application of the said Regulation<sup>(3)</sup>, reduced by 65 % and by ECU 4,34;

(c) in the case of semi-milled or wholly milled rice falling within CN codes 1006 30, to the duty fixed pursuant to Article 11(2) of Regulation (EC) No 3072/95 and Regulation (EC) No 1503/96, reduced by ECU 16,78, then by 65 % and by ECU 6,52;

(d) in the case of broken rice falling within CN code 1006 40 00, to the duty fixed by the Common Customs Tariff reduced by 65 % and by ECU 3,62.

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

Article 14

1. The reduction in customs duties provided for in Article 13 shall be limited, per calendar year, to a quantity expressed as husked rice, of 125 000 tonnes of rice falling within CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30 and of 20 000 tonnes of broken rice falling within CN code 1006 40 00.

Quantities of rice at other stages of processing than husked rice shall be converted at the rates laid down in Article 1 of Commission Regulation No 467/67/EEC<sup>(4)</sup>.

<sup>(2)</sup> OJ L 329, 30. 12. 1995, p. 18. Regulation as amended by Regulation (EC) No 192/98 (OJ L 20, 27. 1. 1998, p. 16).

<sup>(3)</sup> OJ L 189, 30. 7. 1996, p. 71.

<sup>(4)</sup> OJ L 204, 24. 8. 1967, p. 1. Regulation as last amended by Regulation (EEC) No 2325/88 (OJ L 202, 27. 7. 1988, p. 41).



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

#### TITLE XI

#### Cereal substitutes and products processed from cereals and rice

##### Article 15

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

- products falling within CN code 0714 10 91,
- sweet potatoes falling within CN code 0714 20 10,
- products falling within CN code 0714 90 11 and arrowroot falling within CN code ex 0714 90 19,
- flour and meal of arrowroot falling within CN code ex 1106 20,
- starch of arrowroot falling within CN code ex 1108 19 90,
- dog or cat food falling within CN codes 2309 10 11, 2309 10 31.

2. The customs duties applicable to imports of the following products shall be reduced:

- by ECU 6,19 per tonne for products falling within CN codes 0714 10 99 and 0714 90 19, excluding arrowroot,
- by ECU 8,38 per tonne for products falling within CN code 0714 10 10,
- by ECU 7,98 per tonne for products falling within CN code ex 1106 20 10, excluding flour and meal of arrowroot,
- by 50 % for products falling within CN codes 1108 14 00 and 1108 19 90, excluding starch of arrowroot,
- by ECU 29,18 per tonne for products falling within CN code ex 1106 20 90, flour and meal of sago or of roots or tubers falling within CN code 0714 other than denatured, excluding flour and meal of arrowroot.

3. For other products listed in Annex A to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the

common organisation of the market in cereals<sup>(1)</sup> and in Article 1(1)(c) of Regulation (EC) No 3072/95 the customs duties fixed in the Common Customs Tariff shall be reduced as follows:

- by ECU 7,3 per tonne for products falling within CN codes 1102 20 10, 1102 90 10, 1102 90 30, 1103 12 00, 1103 13 10, 1103 19 10, 1103 19 30, 1103 21 00, 1103 29 10, 1103 29 20, 1103 29 30, 1103 29 40, 1104 11 90, 1104 12 90, 1104 19 10, 1104 19 30, 1104 19 50, 1104 19 91, 1104 19 99, 1104 21 50 and 1104 30,
- by ECU 3,6 per tonne for products falling within CN codes 1102 20 90, 1102 30 00, 1102 90 90, 1103 13 90, 1103 14 00, 1103 19 90, 1103 29 50, 1103 29 90, 1104 11 10, 1104 12 10, 1104 21 10, 1104 21 30, 1104 21 90, 1104 21 99, 1104 22, 1104 23 and 1104 29,
- by ECU 24,8 per tonne for products falling within CN codes 1108 11 00, 1108 12 00 and 1108 13 00, 1108 14 00, 1108 19 90,
- by ECU 37,2 per tonne for rice starch falling within CN code 1108 19 10,
- by ECU 219 per tonne for wheat gluten falling within CN code 1109 00 00 and residues from the manufacture of starch from maize falling within CN code 2303 10 11,
- by ECU 117 per tonne for products falling within CN codes 1702 30 51, 1702 30 91 and 1702 90 75,
- by ECU 81 per tonne for products falling within CN codes 1702 30 59, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 79 and 2106 90 55,
- by ECU 7,2 per tonne for products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40,
- by ECU 10,90 per tonne for products falling within CN codes 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 and 2309 90 53.

#### TITLE XII

#### Fruit and vegetables

##### Article 16

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

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21. Regulation as last amended by Regulation (EC) No 1249/96 (OJ L 161, 29. 6. 1996, p. 125).

CN code	Description
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled:
0706 90	- Other:
0706 90 30	- - Horseradish ( <i>Cochlearia armoracia</i> )
ex 0706 90 90	- - other: - salad beetroot - Radishes ( <i>Raphanus sativus</i> ) termed 'Mool' radishes
0707 00	- Cucumbers and gherkins, fresh or chilled - - cucumbers (*)
ex 0707 00 10	- Small winter cucumbers (!) (*)
ex 0707 00 15	
ex 0707 00 20	
ex 0707 00 35	
ex 0707 00 40	
0708	Leguminous vegetables, shelled or unshelled, fresh or chilled:
0709	Other vegetables, fresh or chilled:
0709 30 00	- Aubergines ( <i>egg plants</i> )
0709 40 00	- Celery, other than celeriac - Mushrooms and truffles:
0709 51	- - Mushrooms:
0709 51 90	- - - other
0709 60	- Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> :
0709 60 10	- - Sweet peppers
0709 90	- other: - - Courgettes (*)
0709 90 71	- - - from 1 to 31 January
0709 90 73	- - - from 1 February to 31 March
0709 90 75	- - - from 1 April to 31 May
0709 90 77	- - - from 1 June to 31 July
0709 90 79	- - - from 1 August to 31 December
0709 90 90	- - other
0802	Other nuts, fresh or dried, whether or not shelled or peeled:
0802 31 00	- walnuts: - - in shell
0802 32 00	- - shelled
0802 50 00	- Pistachios
0802 90	- Other
0802 90 10	- - Pecans
0802 90 50	- - Pine nuts
0802 90 60	- - Macadamia nuts
0802 90 85	- - other

CN code	Description
0804	Dates, figs, pineapples, avocados, guavas, mangoes and mangosteens, fresh or dried:
0804 30 00	– Pineapples
0804 40	– Avocados
0804 50 00	– Guavas, mangoes and mangosteens
0805	Citrus fruit, fresh or dried:
0805 30	– Lemons ( <i>Citrus limon</i> , <i>Citrus limonum</i> ) and limes ( <i>Citrus aurantifolia</i> )
0805 30 90	– – Limes ( <i>Citrus aurantifolia</i> )
0805 40	– Grapefruit
0805 90 00	– other
0807 11 00	Melons (including watermelons):
0807 19 00	
0807 20 00	– Pawpaws (papayas)
0809 40 90	– – Sloes
0810	Other fresh fruit:
0810 40	– Cranberries, bilberries and other fruits of the genus <i>Vaccinium</i>
0810 40 30	– – Fruit of the species <i>Vaccinium myrtillus</i>
0810 90	– other fresh fruit
0813	Fruit, dried, other than that of heading Nos 0801 to 0806; mixtures of nuts or dried fruits of this chapter:
0813 50	– mixtures of nuts or dried fruits of this chapter
	– – mixtures exclusively of dried nuts of heading Nos 0801 and 0802
0813 50 31	– – – Of tropical nuts
0813 50 39	– – – other

(<sup>1</sup>) The exemption applies only to the *ad valorem* component of customs duties.

(<sup>2</sup>) 'Small cucumbers' means cucumbers whose length does not exceed 15 cm.

2. Imports of the products listed below shall attract the customs duty indicated:

CN code	Description	Rate of duty (%)
0810 40	– Cranberries, bilberries and other fruits of the genus <i>Vaccinium</i> :	
0810 40 50	– – Fruits of the species <i>Vaccinium macrocarpon</i> and <i>Vaccinium corymbosum</i>	3
0810 40 90	– – other	5

Article 17

1. The customs duties applicable to imports into the Community of the products listed below shall be reduced within the limits indicated:

CN code	Description	Reduction %	Quota (TQ) Ceiling (TC) (tonnes) Reference quantity (RQ)
0702 00	Tomatoes, fresh or chilled: Cherry tomatoes		
ex 0702 00 45	— from 15 November to 30 April	100 (*)	TQ 2 000
0702 00 50			
0702 00 15	Tomatoes, other than cherry tomatoes	60 (*)	TQ 2 000
0702 00 20	— from 15 November to 30 April		
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled		
0703 10	— Onions, shallots		
	— — Onions		
0703 10 19	— Other		
	from 1 February to 15 May	100	
	from 16 May to 31 January	15	
0703 20 00	— Garlic:		
	from 1 February to 31 May	100	
	from 1 June to 31 January	15	
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled:		
0704 90	— other		
ex 0704 90 90	— — other		
	— Chinese cabbage,		
	from 1 November to 31 December	100	
	from 1 January to 30 October	15	
0705	Lettuce ( <i>Lactuca sativa</i> ) and chicory ( <i>Cichorium spp.</i> ), fresh or chilled		
	— Lettuce:		
0705 11	— — Cabbage lettuce:		
	— — — from 1 April to 30 November		
ex 0705 11 05			
ex 0705 11 10	— Iceberg lettuce, from 1 July to 31 October	100	
ex 0705 11 80	— from 1 November to 30 June	15	
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled:		
0706 10 00	— Carrots and turnips		
	— Carrots, from 1 January to 31 March	100	
	— from 1 April to 31 December	15	
0709	Other vegetables, fresh or chilled:		
0709 10	— Globe artichokes		
ex 0709 10 30	— from 1 October to 31 December	100	
0709 10 40			
0709 10 10			
0709 10 20	from 1 January to 30 September	15	
ex 0709 10 30			
0709 20 00	— Asparagus:		
	— from 15 August to 15 January	100	
	— from 16 January to 31 January	40	
	— from 1 February to 14 August	15	

CN code	Description	Reduction %	Quota (TQ) Ceiling (TC) Reference quantity (RQ)
0804 ex 0804 20 10	Dates, figs, pineapples, avocados, guavas, mangoes and mangosteens, fresh or dried: - - Figs, fresh: from 1 November to 30 April	100	TC 200
0805 ex 0805 10	Citrus fruit, fresh or dried: - Oranges, from 15 May to 30 September - from 1 October to 30 September	100 (?) 80 (?)	RQ 25 000
ex 0805 20	- Mandarins (including tangerines and satsumas), clementines, wilkings and similar citrus hybrids: - from 15 May to 30 September - from 1 October to 30 September	100 (?) 80 (?)	RQ 4 000
0806 0806 10 ex 0806 10 10	Grapes, fresh or dried: - Fresh: - - table grapes: - - - from 1 January to 14 July - - - - other: - seedless table grapes - from 1 January to 31 January - from 1 February to 31 March - - - from 21 November to 31 December - - - - other: - seedless table grapes: - from 1 December to 31 December	100 100 100	TQ 400 RQ 100
0808 0808 10 0808 20 ex 0808 20	Apples, pears and quinces, fresh: - Apples - Pears and quinces: - - Pears	50 (?) 65 (?)	TQ 1 000 TQ 2 000
0809 0809 10 ex 0809 10 50 ex 0809 10 10 ex 0809 10 10 0809 10 20 0809 10 30 0809 10 40 ex 0809 10 50 0809 20	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh: - Apricots: - from 1 September to 30 April - from 1 May to 31 August	100 15 (?)	
ex 0809 20 11 ex 0809 20 19 ex 0809 20 71 ex 0809 20 79 0809 30	- Cherries: - from 1 November to 31 March	100	
0809 40 10	- Peaches, including nectarines: - - from 1 December to 31 March - - from 1 April to 30 November (?) - - Plums - - - from 15 December to 31 March	100 15 (?) 100	

CN code	Description	Reduction %	Quota (TQ) Ceiling (TC) (tonnes) Reference quantity (RQ)
0809 40 20 0809 40 30 0809 40 40 0809 40 10 0809 40 20 0809 40 30 0809 40 40	--- from 1 April to 14 December (*)		
0810	Other fresh fruit:		
	— Strawberries:		
ex 0810 10 05	— from 1 August to 31 April:		
ex 0810 10 80	— from 1 November to end February	100	TQ 1 600

(\*) The exemption applies only to the *ad valorem* component of customs duties.

2. If imports of a product referred to in paragraph 1 exceed the reference quantity, a decision may be taken in accordance with the procedure provided for in Article 30 to make it subject to a ceiling equal to the reference quantity, having regard to the annual balance of trade in the product.

If a ceiling fixed in accordance with this paragraph is reached during the course of a year, the Commission may, by means of a Regulation, reintroduce until the end of the period of validity the customs duties applicable to third countries.

#### Article 18

The customs duties applicable to the products listed below shall be reduced by 16 %:

CN code	Description
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled:
0703 10	— Onions and shallots:
0703 10 90	— — Shallots
0703 90 00	— Leeks and other alliaceous vegetables
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled:
0704 10	— Cauliflowers and broccoli
0704 20	— Brussels sprouts
0704 90	— Other
0704 90 10	— — White cabbages and red cabbages
0704 90 90	— — other cabbages
0705	Lettuce ( <i>Lactuca sativa</i> ) and chicory ( <i>Cichorium</i> spp.), fresh or chilled:
ex 0705 11	— Cabbage lettuce, not including Iceberg lettuce
0705 19 00	— — other lettuce
	— Chicory
0705 21 00	— — Witloof chicory ( <i>Cichorium intybus</i> var. <i>Foliosum</i> )
0705 29 00	— — other chicory
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled:
ex 0706 10 00	— Turnips
0706 90	— Other:
	— — Celeriac (rooted celery or German celery)

CN code	Description
0706 90 05	— — — from 1 January to 30 April
0706 90 11	— — — from 1 May to 30 September
0706 90 17	— — — from 1 October to 31 December
0707 00	Cucumbers and gherkins, fresh or chilled:
	— Cucumbers, not including small cucumbers: (*)
ex 0707 00 10	— — from 1 January to end February
ex 0707 00 15	— — from 1 March to 30 April
ex 0707 00 20	— — from 1 May to 15 May
ex 0707 00 35	— — from 1 November to 10 November
ex 0707 00 40	— — from 11 November to 31 December
0707 00 90	— Gherkins
0709	Other vegetables, fresh or chilled:
	— Mushrooms and truffles:
0709 51	— — Mushrooms
0709 51 10	— — — of the genus <i>Agaricus</i>
0709 51 30	— — — Chanterelles
0709 51 50	— — — Flap mushrooms
0709 52 00	— — Truffles
0709 70 00	— Spinach, New Zealand spinach and orache spinach (garden spinach)
0709 90	— other:
0709 90 10	— — Salad vegetables, other than lettuce ( <i>Lactuca sativa</i> ) and chicory ( <i>Cichorium</i> spp.)
0709 90 20	— — Chard (or white beet) and cardoons
0709 90 40	— — Capers
0709 90 50	— — Fennel
0802	Other nuts, fresh or dried, whether or not shelled or peeled:
	— Almonds
0802 11	— — in shell:
0802 11 90	— — — other
0802 12	— — shelled:
0802 12 90	— — — other
	— Hazelnuts or filberts ( <i>Corylus</i> spp.):
0802 21 00	— — in shell
0802 22 00	— — shelled
0802 40 00	— Chestnuts ( <i>Castanea</i> spp.)
0808	Apples, pears and quinces, fresh:
0808 20	— Pears and quinces:
0808 20 90	— — Quinces
0810	Other fresh fruit:
0810 20 10	— — Raspberries
0810 20 90	— — Blackberries, mulberries and loganberries
0810 30	— Black-, white- or redcurrants and gooseberries
0810 30 10	— — Blackcurrants
0810 30 30	— — Redcurrants and whitecurrants
0810 30 90	— — Gooseberries

(\*) The exemption applies only to the *ad valorem* component of customs duties.

### TITLE XIII

#### Sugar

##### Article 19

1. The customs duties applicable to imports of molasses falling within CN code 1703 shall be reduced to zero within the limits of a quota of 600 000 tonnes per marketing year.
2. The customs duties applicable to imports of products falling within CN codes 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, 2106 90 30 and 2106 90 59 shall be reduced by 16 %.

However, this reduction shall not be applied when the Community, in accordance with its Uruguay Round commitments, applies additional duties.

### TITLE XIV

#### Products processed from fruit and vegetables

##### Article 20

1. The products listed in Article 1 of Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the market in products processed from fruit and vegetables (\*) shall be imported free of customs duties.
2. Moreover, the specific components of customs duties shall not be applicable for products falling within the following CN codes:  
2007 10 10, 2007 99 20, 2007 99 31, 2007 99 33, 2007 99 35, 2007 99 39, 2007 99 51, 2007 99 55, 2007 99 58, ex 2008 20, ex 2008 30, ex 2008 40, ex 2008 80, ex 2008 92, ex 2008 99, 2009 20 11, 2009 20 91, ex 2009 40, ex 2009 80 and ex 2009 90.

### TITLE XV

#### Wine

##### Article 21

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

CN code	Description
2009 60	- Grape juice (including grape must):
2204 30	Other grape must:
	- - other
	- - - Of a density of 1,33 g/cm <sup>3</sup> or less at 20 °C and of an actual alcoholic strength by volume not exceeding 1% vol:
2204 30 92	- - - - concentrated
2204 30 94	- - - - other
	- - - other
2204 30 96	- - - - concentrated
2204 30 98	- - - - other

### TITLE XVI

#### Raw tobacco

##### Article 22

The products listed in Article 1 of Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco (2), shall be imported free of customs duties.

(1) OJ L 297, 21. 11. 1996, p. 1. Regulation as last amended by Regulation (EC) No 2199/97 (OJ L 303, 6. 11. 1997, p. 1).

(2) OJ L 215, 30. 7. 1992, p. 70. Regulation as last amended by Regulation (EC) No 2595/97 (OJ L 351, 23. 12. 1997, p. 11).



*Article 23*

If serious disturbances occur as a result of a large increase in duty-free imports of products falling within CN code 2401, originating in the ACP States, or if these imports create difficulties which bring about a deterioration in the economic situation of a region of the Community, the Council may, without prejudice to Article 32, and acting by a qualified majority on a proposal from the Commission, take measures to counteract any deflection of trade.

TITLE XVII

**Prepared or preserved potatoes**

*Article 24*

The customs duties applicable to imports of prepared or preserved potatoes, not frozen, other than in the form of flour, meal or flakes, falling within CN codes 2005 20 20 and 2005 20 80 shall be reduced by 16 %.

TITLE XVIII

**Certain goods resulting from the processing of agricultural products**

*Article 25*

1. The products listed in Table 1 of Annex B to Council Regulation (EEC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products (\*) shall be imported free of the *ad valorem* component of customs duties.
2. Moreover, for the following products the agricultural component or the specific rate of customs duties shall be suspended:

1702 50 00	Chemically pure fructose
1704 90 30	White chocolate
	Chocolate and other food preparations containing cocoa:
ex 1806 20	- Preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg (except products falling within CN code 1806 20 70)
1806 31 00	- Other, in blocks, slabs or bars
1806 32	filled or not filled
1806 90 11	- Other chocolate and chocolate products, sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa
1806 90 19	
1806 90 31	
1806 90 39	
1806 90 50	
ex 1901	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: - Whether or not containing less than 1,5 % by weight of milk fat, with a starch or flour content of 50 % or over but of less than 75 % by weight.

(\*) OJ L 318, 20. 12. 1993, p. 18.

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, excluding ship's biscuit.
ex 1905 90	- Other: - Biscuits
2008 99 85	Maize (corn), otherwise prepared or preserved, without the addition of sugar or alcohol, other than sweetcorn ( <i>Zea mays var. saccharata</i> ).
2101 12 98	Preparations with a basis of coffee.

#### TITLE XIX

#### Other markets subject to common organization

##### Article 26

The products referred to in the following Regulations shall be admitted free of customs duties:

- Council Regulation (EEC) No 234/68 of 27 February 1968 on the establishment of a common organisation of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage (\*);
- Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organisation of the market in certain products listed in Annex II to the Treaty (\*);
- Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organisation of the market in flax and hemp (\*);
- Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organisation of the market in hops (\*);
- Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organisation of the market in seeds (\*);
- Council Regulation (EC) No 603/95 of 21 February 1995 on the common organisation of the market in dried fodder (\*).

#### TITLE XX

#### Provisions relating to the French overseas departments

##### Article 27

1. Subject to paragraphs 3, 4 and 5, customs duties shall not be applied to imports into the French overseas departments of the products listed below originating in the ACP States or in the overseas countries and territories:

- (\*) OJ L 55, 2. 3. 1968, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ L 349, 31. 12. 1994, p. 105).
- (\*) OJ L 151, 30. 6. 1968, p. 16. Regulation as last amended by Regulation (EC) No 195/96 (OJ L 26, 2. 2. 1996, p. 13).
- (\*) OJ L 146, 4. 7. 1970, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ L 349, 31. 12. 1994, p. 105).
- (\*) OJ L 175, 4. 8. 1971, p. 1. Regulation as last amended by Regulation (EC) No 1554/97 (OJ L 208, 2. 8. 1997, p. 1).
- (\*) OJ L 246, 5. 11. 1971, p. 1. Regulation as last amended by Regulation (EC) No 192/98 (OJ L 20, 27. 1. 1998, p. 16).
- (\*) OJ L 63, 21. 3. 1995, p. 1. Regulation as last amended by Regulation (EC) No 1347/95 (OJ L 131, 15. 6. 1995, p. 1).

CN code	Description	
0102	Live bovine animals, domestic species, other than pure-bred breeding animals:	
0102 90		
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		Meat of bovine animals fresh chilled or frozen
0202		
0206 10 95		
0206 29 91		
0709 90 60	Sweetcorn	
0712 10 90		
1005 90 00		
0714 10 91	- Manioc (cassava) including yams:	
0714 90 11		

2. Subject to paragraph 4, customs duty shall not be applied to direct imports into the overseas department of Réunion of rice falling within CN code 1006, excluding rice for sowing falling within CN code 1006 10 10.

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

Any Member State may, within three working days of notification of the measure taken by the Commission, refer that measure to the Council. The Council, acting by a qualified majority, may take a different decision within one month.

4. This Article shall apply to products which are intended for use in the overseas departments and are released on the market there. If necessary, measures to ensure this may be taken in accordance with the procedure laid down in Article 30.

5. The exemption from customs duty for products falling within CN codes 0714 10 91 and 0714 90 11 shall apply within the limits of an annual quota of 2 000 tonnes.

6. Within the limits of an annual quantity of 8 000 tonnes, the customs duty fixed pursuant to Article 10(1) of Regulation (EEC) No 1766/92 shall not be applied to imports into the overseas department of Réunion of wheat bran falling within CN code 2302 30, originating in the ACP States.

#### TITLE XXI

#### General and final provisions

##### Article 28

The reductions provided for by this Regulation shall be calculated on the basis of the rates of customs duties in the Common Customs Tariff.

##### Article 29

Insofar as the import arrangements set out in this Regulation provide for quantitative limits, imports of the products concerned which originate in the overseas countries and territories will be counted against these quantities. The using-up of these quantities will not however prevent placing in free circulation the products in question originating in the ACP States within the limits of the global quantities set out in this Regulation.

### Article 30

1. If necessary, detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 or in the corresponding Articles of the other Regulations on the common organisation of agricultural markets, as the case may be.

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

- (a) the basis for calculation and the reference period to be used for fixing the amount by which import duties are to be reduced;
- (b) the arrangements for fixing the corresponding amount to be collected by the exporting country;
- (c) the issue of import licences and/or the introduction of import licence arrangements;
- (d) the forms of proof acceptable and checking procedures.

3. Without prejudice to paragraphs 1 and 2, provisions for the application of the tariff quotas, tariff ceilings and reference quantities provided for in Article 17, and amendments and technical adaptations made necessary by amendments to the Combined Nomenclature and Taric codes or arising from the conclusion of agreements, protocols or exchanges of letters between the Community and the ACP States, shall be adopted by the Commission, assisted by the Customs Code Committee, in accordance with the procedure set out in paragraph 4 of this Article.

4. The Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event:

— the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication;

— the Council, acting by a qualified majority, may take a different decision within the period referred to in the first indent.

5. The Committee may examine any question concerning the application of tariff quotas, tariff ceilings and reference quantities, which is raised by its chairman either at the latter's initiative or at the request of a Member State.

6. As soon as a tariff ceiling is reached, the Commission may adopt a regulation re-establishing, until the end of the calendar year, the customs duties applicable to third countries in respect of imports of the products concerned.

### Article 31

In the light of the economic development requirements of the French overseas departments the Council, acting in accordance with the procedure laid down in Article 43 of the Treaty, may alter the arrangements governing access to those departments' markets for the products covered by this Regulation.

### Article 32

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

2. As regards relations with the ACP States, the provisions of Council Regulation (EEC) No 3705/90 of 18 December 1990 on the safeguard measures provided for in the Fourth ACP-EEC Convention (1) shall apply as complementary measures to the safeguard clauses pursuant to Chapter 1 of the third part of the Convention until 29 February 2000.

### Article 33

Regulation (EEC) No 715/90 is hereby repealed.

### Article 34

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 January 1996.

(1) OJ L 358, 21. 12. 1990, p. 4.

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

Done at Brussels, 20 July 1998.

*For the Council*  
*The President*  
W. MOLTERER

---

*ANNEX*

LIST OF THE ACP STATES REFERRED TO IN ARTICLE 1

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

---

CORRIGENDA

**Corrigendum to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) and repealing Regulation (EEC) No 715/90**

*(Official Journal of the European Communities L 215 of 1 August 1998)*

On page 22 in Article 17(1), table, last two entries, first and second columns:

<i>for:</i>	'ex 0810 10 05		--	from 1 August to 30 April:
	ex 0810 10 80		--	from 1 November to end February',
<i>read:</i>	'ex 0810 10 05		--	from 1 January to end February
	ex 0810 10 80		--	from 1 November to 31 December }',

---

COMMISSION REGULATION (EC) No 1575/98

of 22 July 1998

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,

charge was abolished on 1 July 1995, the transitional adjustment of those provisions should be extended;

Having regard to the Treaty establishing the European Community,

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;

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 1340/98<sup>(2)</sup>, and in particular Article 3(1) thereof,

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

HAS ADOPTED THIS REGULATION:

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;

*Article 1*

Regulation (EEC) No 865/90 is hereby amended as follows for the marketing year 1998/99:

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:

Whereas the period for the adoption of transitional measures was extended until 30 June 1999 by Regulation (EC) No 1340/98; 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 1247/97<sup>(4)</sup>, should be extended until 30 June 1999;

'(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.'

Whereas 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

*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 1998 to 30 June 1999.

(1) OJ L 349, 31. 12. 1994, p. 105.

(2) OJ L 184, 27. 6. 1998, p. 1.

(3) OJ L 90, 5. 4. 1990, p. 16.

(4) OJ L 173, 1. 7. 1997, p. 86.



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

Done at Brussels, 22 July 1998.

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

---

COMMISSION REGULATION (EC) No 1595/98  
of 23 July 1998

amending Regulation (EC) No 2603/97 laying down the detailed implementing rules for imports of rice originating in the ACP countries or the overseas countries and territories (OCT) and laying down specific detailed rules on the partial reimbursement of import duties levied on rice originating in the ACP countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Regulation of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States)<sup>(1)</sup>, and in particular Article 30(1) thereof,

Whereas Commission Regulation (EC) No 2603/97<sup>(2)</sup> lays down the detailed implementing rules for imports of rice originating in the ACP countries or in overseas countries and territories (OCT); whereas, following the Council's adoption of the Regulation, which implements the amendments to the arrangements governing imports from the ACP countries as a result of the mid-term review of the Fourth Lomé Convention, Regulation (EC) No 2603/97 should be amended accordingly;

Whereas Article 13 of the Regulation provides for a further reduction in the customs duty applicable to rice originating in the ACP countries; whereas that reduction is subject to the levying by the exporting ACP country of an export charge equal to the amount of the reduction in the customs duty; whereas, pursuant to Article 34 of that Regulation, the reduction is to apply from 1 January 1996;

Whereas the partial reimbursement of import duties resulting from the reduction in duties applicable from 1 January 1996 is to be carried out in accordance with Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(3)</sup>, as last amended by Regulation (EC) No 82/97<sup>(4)</sup>, and Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code<sup>(5)</sup>, as last amended by Regulation (EC) No 75/98<sup>(6)</sup>;

Whereas, in the interests of clarity and administrative convenience, the method for calculating the amount of the reimbursement should be specified; whereas the certificate to be presented to establish that the export charge of the country of origin has been levied, for the purpose of applying Article 880 of Regulation (EEC) No 2454/93, should also be specified;

Whereas experience shows that the intervals at which the Member States forward information on the quantities released for free circulation under these import arrangements should be adapted;

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 2603/97 is hereby amended as follows:

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

'1. As regards the quantity of 125 000 tonnes of rice, in husked rice equivalent, falling within CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30 laid down in Article 14(1) of the Council Regulation of 20 July 1998, 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. Article 3(1) is replaced by the following:

'1. As regards the quantity of 20 000 tonnes of broken rice falling within CN code 1006 40 00 laid down in Article 14(1) of the Council Regulation of 20 July 1998, 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: —;

<sup>(1)</sup> Not yet published in the Official Journal.

<sup>(2)</sup> OJ L 351, 23. 12. 1997, p. 22.

<sup>(3)</sup> OJ L 302, 19. 10. 1992, p. 1.

<sup>(4)</sup> OJ L 17, 21. 1. 1997, p. 1.

<sup>(5)</sup> OJ L 253, 11. 10. 1993, p. 1.

<sup>(6)</sup> OJ L 7, 13. 1. 1998, p. 3.

3. Article 4 is replaced by the following:

*Article 4*

For the purposes of applying Article 13(1) of the Council Regulation of 20 July 1998, the amounts of the customs duties shall be calculated each week but fixed every two weeks by the Commission.;

4. Article 5(5) is replaced by the following:

'5. The customs duty shall be that applying on the day the licence application is lodged.;

5. Article 7 is replaced by the following:

*Article 7*

1. 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 OCTs falling within CN code 1006.

2. Quantities as referred to in paragraph 1 that are not covered by import licences issued under a tranche shall be carried over to the following tranche.;

6. Article 12 is replaced by the following:

*Article 12*

The Member States shall notify the Commission by telex or fax in the form set out in Annex I:

— 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,

— not later than two months after expiry of the validity of each licence, 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 2*

1. Pursuant to Article 236 of Regulation (EEC) No 2913/92, for rice originating in the ACP countries and released for free circulation between 1 January 1996 and the entry into force of this Regulation, an amount per tonne shall be reimbursed equal:

— to 15 % of the full customs duty applicable to third countries on the date on which the import licence

application was lodged, in the case of broken rice falling within CN code 1006 40 00, paddy rice falling within CN codes 1006 10 21 to 1006 10 98 and husked rice falling within CN code 1006 20,

— to 15 % of the difference between the full customs duty applicable to third countries on the date on which the import licence application was lodged and the amount of ECU 16,78, in the case of wholly milled and semi-milled rice falling within CN code 1006 30.

2. Applications for reimbursement shall be presented in accordance with Article 236(2) of Regulation (EEC) No 2913/92 and Articles 878, 879 *et seq.* of Regulation (EEC) No 2454/93.

3. Applications for reimbursement shall be accompanied by:

- (a) the import licence or a certified copy thereof,
- (b) the declaration of release for free circulation, or a certified copy thereof, for the import consignment concerned;

and

- (c) a certificate drawn up by the Member State that issued the import licence, as provided for in Article 880 of Regulation (EEC) No 2454/93, presented in accordance with the specimen in the Annex.

Such certificates shall be issued only on presentation of proof that the customs authorities of the exporting ACP country have received payment of a complementary export charge equal to the amount determined in accordance with paragraph 1 for the quantities actually released for free circulation in the Community.

This proof shall be provided where the original of an EUR 1 movement certificate is presented, showing one of the following entries in Box 7:

Amount in national currency:

— Tasa complementaria percibida a la exportación del arroz;

Certificado utilizado para la importación: EUR 1 n°

— Særafgift, der opkræves ved eksport af ris;

Certificat, der anvendes ved import: EUR.1 nr.

— Bei der Ausfuhr von Reis erhobene ergänzende Abgabe;

Für die Einfuhr verwendete Bescheinigung: EUR 1

— Συμπληρωματικός φόρος που εισπράττεται κατά την εξαγωγή του ρυζιού.

Πιστοποιητικό που χρησιμοποιείται για την εισαγωγή: EUR 1 αριθ.

- Complementary charge collected on export of rice; Certificate used for the import: EUR 1 No
- Taxe complémentaire perçue à l'exportation du riz; Certificat utilisé pour l'importation: EUR 1 n°
- Tassa complementare riscossa all'esportazione del riso; Certificato usato per l'importazione: EUR 1 n.
- Bij uitvoer van de rijst opgelegde bijzondere heffing; Voor de invoer gebruikt certificaat: EUR 1 nr.
- Imposição complementar cobrada na exportação do arroz; Certificado utilizado para a importação: EUR 1 n°
- Riisin viennin yhteydessä perittävä täydentävä maksu. Tuonnissa käytettävä todistus: EUR-1 N:o
- Särskild avgift för risexport; Certifikat som använts för importen: EUR 1 nr

(Signature and official stamp).

- 4. If the complementary charge collected by the exporting country is less than the amount referred to in

paragraph 1, the amount reimbursed shall be that actually collected.

5. 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.

#### *Article 3*

The quantities for which import licence applications were lodged before the entry into force of this Regulation and which are released after that date shall benefit from customs duties determined pursuant to Article 4 of Regulation (EC) No 2603/97 provided importers present to the customs authorities of the Member State of release for free circulation the proof that the complementary export charge referred to in Article 2(3)(c) of this Regulation has been paid.

#### *Article 4*

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

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

Done at Brussels, 23 July 1998.

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

---

ANNEX

**Application for a certificate and certificate concerning the partial reimbursement of import duties levied on rice originating in the ACP countries — Council Regulation of 20 July 1998**

Body issuing the certificate (name and address):

Holder (name, full address and Member State):

Reference import licence number	Customs office of release for free circulation	Date of release for free circulation	Quantity released for free circulation (tonnes)	CN code	Amount reimbursed (ECU/t)

.....  
(date, signature and stamp)

\_\_\_\_\_

COMMISSION REGULATION (EC) No 1645/98

of 27 July 1998

increasing the volume of the tariff quota for imports of bananas provided for in Article 18 of Council Regulation (EEC) No 404/93 for 1998

(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 organisation of the market in bananas<sup>(1)</sup>, as last amended by Regulation (EC) No 3290/94<sup>(2)</sup>, and in particular Articles 18(1) and 30 thereof,

Whereas Article 18(1) of Regulation (EEC) No 404/93 provides that, where Community demand is determined on the basis of the supply balance referred to in Article 16 increases, the volume of the quota is to be increased in consequence;

Whereas, by Regulation (EC) No 1502/98<sup>(3)</sup>, the Commission established the forecast balance for production and consumption in the Community and for imports and exports; whereas that balance indicates an increase in Community demand in particular as a result of the accession to the Community of Austria, Finland and Sweden;

Whereas, in order to meet the demand on the Community market, the tariff quota for 1998 should be increased on the basis of the forecast balance;

Whereas the Court of Justice, in its ruling dated 26 November 1996 in case C 68/95, rightly stated that 'Article 30 of Regulation (EEC) No 404/93 authorizes and, depending on the circumstances, requires the Commission to lay down rules catering for cases of hardship arising from the fact that importers of third-country bananas or non-traditional ACP bananas meet difficulties threatening their existence when an exceptionally low quota has been allocated to them on the basis of the reference years to be taken into consideration under Article 19(2) of that Regulation, where those difficulties are inherent in the transition from the national arrangements existing before the entry into force of the Regula-

tion to the common organisation of the market and are not caused by a lack of care on the part of the traders concerned';

Whereas, as a result of that ruling, a number of traders submitted to the Commission applications for additional allocations claiming cases of hardship; whereas, in order to accede during 1998 to applications which appear justified in the light of the principles handed down by the Court of Justice, a special reserve should be created within the tariff quota;

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*

The tariff quota for imports of third-country and non-traditional ACP bananas provided for in Articles 18 and 19 of Regulation (EEC) No 404/93 shall be 2 553 000 tonnes for 1998.

Within that tariff quota, a maximum quantity of 16 500 tonnes shall be reserved to allow the adoption of special measures pursuant to Article 30 of that Regulation with a view to settling cases of hardship encountered by certain traders, following the entry into force of the common organisation of the market in bananas. That quantity shall not be taken into account for the allocation of import licences to operators in categories A, B and C pursuant to Article 19(1) and (2) of that Regulation.

*Article 2*

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

<sup>(1)</sup> OJ L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ L 349, 31. 12. 1994, p. 105.

<sup>(3)</sup> OJ L 198, 15. 7. 1998, p. 17.

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

Done at Brussels, 27 July 1998.

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

---

**COMMISSION REGULATION (EC) No 1646/98**  
of 27 July 1998  
fixing the quantities of banana imports for supply to the Community for the  
fourth quarter of 1998

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas this Regulation must enter into force immediately so that licence applications can be lodged in respect of the fourth quarter of 1998;

Having regard to the Treaty establishing the European Community,

Whereas the Management Committee for Bananas has not delivered an opinion within the time limit set by its chairman,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas (1), as last amended by Regulation (EC) No 3290/94 (2), and in particular Article 20 thereof,

HAS ADOPTED THIS REGULATION:

Whereas Article 9(1) of Commission Regulation (EEC) No 1442/93 (3), as last amended by Regulation (EC) No 1409/96 (4), 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 (5), as last amended by Regulation (EC) No 702/95 (6), 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 1998 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.

2. Applications for import licences in respect of the fourth quarter of 1998 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 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 1998 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 1645/98 (7);

*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 1998 shall be as set out in Annex II hereto.

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 3*

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

(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 49, 4. 3. 1995, p. 13.

(6) OJ L 71, 31. 3. 1995, p. 84.

(7) See page 53 of this Official Journal.



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

Done at Brussels, 27 July 1998.

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

---

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 1998

TABLE 1

*(tonnes net weight)*

Country	Quantity
Colombia	116 298,190
Costa Rica	135 490,207
Nicaragua	48 536,916
Venezuela	27 338,679

TABLE 2

*(tonnes net weight)*

Country	Quantity
Non-traditional imports from ACP States:	
Dominican Republic	9 228,302
Belize	7 950,000
Côte d'Ivoire	1 105,513
Cameroon	4 950,000
Other ACP States	853,664

TABLE 3

*(tonnes net weight)*

Country	Quantity
Other	272 517,342

ANNEX II

Quantities available for traditional imports of bananas from the ACP States in respect of the fourth quarter of 1998

(tonnes net weight)

Country	Quantity
Traditional imports from ACP States:	
Côte d'Ivoire	26 750
Cameroon	38 206
Suriname	14 915
Somalia	52 724
Jamaica	54 619
Windward Islands	189 309
Belize	8 272
Cape Verde	4 800
Madagascar	5 900

COMMISSION REGULATION (EC) No 1980/98

of 17 September 1998

opening and providing for the administration of Community tariff quotas and tariff ceilings and establishing a Community surveillance in the framework of reference quantities for certain agricultural products originating in the African, Caribbean and Pacific (ACP) States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90<sup>(1)</sup>, and in particular Article 30 thereof,

Whereas the fourth ACP-EC Convention<sup>(2)</sup>, hereinafter referred to as 'the Convention', provides for customs duties on imports into the Community of certain products originating in the ACP States to be waived or reduced within the framework of tariff quotas, tariff ceilings or reference quantities; whereas the tariff quotas, tariff ceilings or reference quantities provided for in the Convention are to be opened annually until the Convention expires;

Whereas it falls to the Commission to adopt implementing measures relating to the opening and administration of Community tariff quotas, tariff ceilings and reference quantities;

Whereas Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code<sup>(3)</sup>, as last amended by Regulation (EC) No 1677/98<sup>(4)</sup>, has consolidated the provisions for the management of tariff quotas to be used according to the chronological order of dates of acceptance of declarations for release for free circulation and the provisions governing the surveillance of preferential imports;

Whereas it was agreed at the negotiations for the mid-term revision of the Lomé Convention that changes to the arrangements should take effect from 1 January 1996; whereas provision should therefore be made for the application of this Regulation and the repeal of Commission Regulations (EC) No 1280/94<sup>(5)</sup>, as amended by

Regulation (EC) No 896/95<sup>(6)</sup>, (EC) No 2763/94<sup>(7)</sup>, as last amended by Regulation (EC) No 2411/96<sup>(8)</sup>, and (EC) No 2942/95<sup>(9)</sup>, as amended by Regulation (EC) No 982/96<sup>(10)</sup>, to take effect from that date;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Customs duties on products listed in Annex A originating in the ACP States, released for free circulation in the Community and accompanied by proof of origin in accordance with the Origin Protocol to the Convention may be waived or reduced within the limits of the tariff quotas specified in that Annex.

2. The tariff quotas referred to in this Article shall be managed by the Commission in accordance with Article 308a to 308c of Regulation (EEC) No 2454/93.

3. Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

*Article 2*

1. Duties on products listed in Annex B originating in the ACP States, released for free circulation in the Community and accompanied by proof of origin in accordance with the Origin Protocol to the Convention may be waived within the limits of the tariff ceiling specified in that Annex.

2. The tariff ceiling referred to in this Article shall be subject to Community surveillance by the Commission, in close cooperation with the Member States, in accordance with Article 308d of Regulation (EEC) No 2454/93.

<sup>(1)</sup> OJ L 215, 1. 8. 1998, p. 12.

<sup>(2)</sup> OJ L 229, 17. 8. 1991, p. 3.

<sup>(3)</sup> OJ L 253, 11. 10. 1993, p. 1.

<sup>(4)</sup> OJ L 212, 30. 7. 1998, p. 18.

<sup>(5)</sup> OJ L 140, 3. 6. 1994, p. 10.

<sup>(6)</sup> OJ L 92, 25. 4. 1995, p. 12.

<sup>(7)</sup> OJ L 294, 15. 11. 1994, p. 6.

<sup>(8)</sup> OJ L 329, 19. 12. 1996, p. 8.

<sup>(9)</sup> OJ L 308, 21. 12. 1995, p. 9.

<sup>(10)</sup> OJ L 131, 1. 6. 1996, p. 43.

*Article 3*

1. Duties on products listed in Annex C originating in the ACP States, released for free circulation in the Community and accompanied by proof of origin in accordance with the Origin Protocol to the Convention may be waived within the limits of the reference quantities specified in that Annex, such products being subject to Community surveillance.

2. The take up of reference quantities shall be recorded at Community level using data sent to the Commission by the Member States in accordance with Article 308d of Regulation (EEC) No 2454/93.

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

Done at Brussels, 17 September 1998.

*Article 4*

The Commission, in close cooperation with the Member States, shall take whatever steps are necessary for the application of this Regulation.

*Article 5*

Regulations (EC) No 1280/94, (EC) No 2763/94 and (EC) No 2942/95 are hereby repealed.

*Article 6*

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

It shall apply with effect from 1 January 1996.

*For the Commission*

Mario MONTI

*Member of the Commission*

---

ANNEX A

concerning products referred to in Article 1

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	Taric sub-heading (*)	Description	Quota volume per year or indicated period (in tonnes)	Quota duty (% reduction)
09.1613	ex 0702 00 00	01 02 03 04 05 06 15 16 17 18 19 20 60 61 62 63 64 65 80 81 82 83 84 85	Cherry tomatoes, fresh or chilled, from 15 November to 30 April	2 000	100 (*)
09.1601	ex 0702 00 00	08 09 10 11 12 13 22 23 24 25 26 27 68 69 70 71 72 73 88 89 90 91 92 93	Tomatoes, other than cherry tomatoes, fresh or chilled, from 15 November to 30 April	2 000	60 (*)
09.1615	ex 0806 10 10	15	Table grapes, seedless, fresh, from 1 to 31 January	400	100

Order No	CN code	Taric sub-heading (*)	Description	Quota volume per year or indicated period (in tonnes)	Quota duty (% reduction)
09.1616	ex 0806 10 10	85	Table grapes, seedless, fresh, from 1 to 31 December	400	100
09.1610	0808 10		Apples, fresh	1 000	50 (*)
09.1612	0808 20 10 0808 20 50		Pears, fresh	2 000	65 (*)
09.1603	ex 0810 10 05		Strawberries, fresh, from 1 January to end February	1 600	100
	ex 0810 10 80		Strawberries, fresh, from 1 November to 31 December		

(\*) The reduction applies only to *ad valorem* rates of customs duties.

(†) The TARIC codes are only valid from 1 January to 31 December 1998.

*ANNEX B*

**concerning products referred to in Article 2**

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	Taric sub-heading (*)	Description	Reference quantity per indicated period (in tonnes)
26.0010	ex 0804 20 10		Figs, fresh, from 1 November to 30 April	200

(\*) The TARIC codes are only valid from 1 January to 31 December 1998.

*ANNEX C*

**concerning products referred to in Article 3**

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN code	Taric sub-heading (*)	Description	Reference quantity per indicated period (in tonnes)
12.0105	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50 ex 0805 10 84		Oranges, fresh or dried, from 15 May to 30 September	25 000
12.0115	ex 0805 20 10 ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90		Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids, fresh or dried, from 15 May to 30 September	4 000
12.0120	ex 0806 10 10	20	Table grapes, seedless, fresh, from 1 February to 31 March	100

(\*) The TARIC codes are only valid from 1 January to 31 December 1998.



**COMMISSION REGULATION (EC) No 1996/98  
of 18 September 1998**

**on the issue of import licences for rice originating in the ACP States and the overseas countries and territories against applications submitted in the first five working days of September 1998 pursuant to Regulation (EC) No 2603/97**

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

Having regard to Commission Regulation (EC) No 2603/97 of 16 December 1997 laying down the detailed rules of application for the import of rice from the ACP States and for the import of rice from the overseas countries and territories (OCT) <sup>(1)</sup>, as amended by Regulation (EC) No 1595/98 <sup>(2)</sup>, and in particular Article 9(2) thereof,

Whereas, pursuant to Article 9(2) of Regulation (EC) No 2603/97, the Commission must decide within 10 days of the final date for notification by the Member States the extent to which applications can be granted and must fix the available quantities for the following tranche and, where necessary, for the additional tranche for October;

Whereas examination of the quantities for which applications have been submitted shows that licences should be issued for the quantities applied for reduced, where

appropriate, by the percentages set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

Import licences for rice against applications submitted during the first five working days of September 1998 pursuant to Regulation (EC) No 2603/97 and notified to the Commission shall be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 19 September 1998.

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

Done at Brussels, 18 September 1998.

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

<sup>(1)</sup> OJ L 351, 23. 12. 1997, p. 22.  
<sup>(2)</sup> OJ L 208, 24. 7. 1998, p. 21.

ANNEX

Regulation (EC) No 2603/97

Reduction percentages to be applied to quantities applied for under the tranche for September 1998:

Origin	Reduction (%)
ACP (Article 2(1)) — CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30	32,4212 (*)
ACP + OCT (Article 7) — ACP: CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30 — OCT: CN code 1006	84,3306

(\*) Issue for the quantity applied for.

**Corrigendum to Commission Regulation (EC) No 1996/98 of 18 September 1998 on the issue of import licences for rice originating in the ACP States and the overseas countries and territories against applications submitted in the first five working days of September 1998 pursuant to Regulation (EC) No 2603/97**

*(Official Journal of the European Communities L 257 of 19 September 1998)*

On page 4, in the table in the Annex, second column 'Reduction' against 'ACP (Article 2(1))':

*for:* '32,4212 (1)',

*read:* '32,4212',

and at the foot of the table delete the footnote.

---

## COMMISSION DECISION

of 19 November 1998

authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of potatoes, other than potatoes intended for planting, originating in South Africa

(notified under document number C(1998) 3540)

(98/688/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (1), as last amended by Commission Directive 98/2/EC (2), and in particular Article 14(1) thereof,

Having regard to the request made by the United Kingdom,

Whereas, under the provisions of Directive 77/93/EEC, potatoes, other than potatoes intended for planting, originating in South Africa may in principle not be introduced into the Community because of the risk of introducing exotic potato diseases unknown in the Community;

Whereas by Decisions 93/159/EEC (3), 95/95/EC (4) and 96/112/EC (5) the Commission authorised certain Member States to provide for derogations in respect of potatoes for human consumption originating in South Africa, under specified conditions in the 1993, 1995 and 1996 seasons respectively;

Whereas there were no confirmed findings of diseases and pests on samples drawn from potatoes imported pursuant to Decisions 93/159/EEC and 96/112/EC and whereas due to technical reasons there were no imports made under Decision 95/95/EC;

Whereas it is expected that South Africa makes available all technical information necessary to assess in the future, the phytosanitary status of potato production in South Africa, in particular details on the regular monitoring of seed and ware potatoes imported into, and marketed within, South Africa by means of examination and testing of representative samples by scientifically recognised methods for *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sapedonicus* (Spieckermann et Kotthoff) Davis et al., *Ralstonia solanacearum* (Smith) Smith and potato

spindle tuber viroid, as well as the results of the said examination and testing;

Whereas the circumstances justifying the authorisation still obtain;

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

HAS ADOPTED THIS DECISION:

### Article 1

1. The Member States are hereby authorised to provide, under the conditions laid down in paragraph 2, for exceptions from Article 4(1) of Directive 77/93/EEC, with regard to the prohibitions referred to in part A, point 12 of Annex III thereto for potatoes, other than potatoes intended for planting, originating in South Africa.
2. In addition to the requirements laid down in Annexes I, II and IV to Directive 77/93/EEC in relation to potatoes other than potatoes intended for planting, the following specific conditions shall be satisfied:
  - (a) the potatoes shall be potatoes other than potatoes intended for planting;
  - (b) they shall have been grown in South Africa directly from seed potatoes certified in the South African seed potato certification scheme or from seed potatoes certified in one of the Member States and imported into South Africa exclusively from the Member States, or from seed potatoes certified in any other country for which the entry into the Community of potatoes intended for planting is not prohibited pursuant to Annex III of Directive 77/93/EEC;
  - (c) they shall have been grown in areas where *Ralstonia solanacearum* (Smith) Yabuuchi et al. is known not to occur;
  - (d) they shall have been handled by machinery which is reserved for them or which has been disinfected in an appropriate manner after each use for other purposes;

(1) OJ L 26, 31. 1. 1977, p. 20.

(2) OJ L 15, 21. 1. 1998, p. 34.

(3) OJ L 67, 19. 3. 1993, p. 24.

(4) OJ L 79, 4. 4. 1995, p. 19.

(5) OJ L 27, 3. 2. 1996, p. 26.

- (e) they shall be packed either in new bags or in containers which have been disinfected in an appropriate manner, and an official label shall be applied to each bag or container, bearing the information specified in the Annex;
- (f) prior to export the potatoes shall have been cleaned free from soil, leaves and other plant debris;
- (g) the potatoes intended for the Community shall be accompanied by a phytosanitary certificate issued in South Africa in accordance with Articles 7 and 12 of Directive 77/93/EEC, on the basis of the examination laid down therein, in particular freedom from the harmful organism mentioned in (c).

The certificate shall state:

- under 'Additional declaration', the indication 'This consignment meets the conditions laid down in Decision 98/688/EC';
- (h) the potatoes shall be introduced through points of entry situated within the territory of a Member State and designated for the purpose of this derogation by that Member State; these points of entry and the name and address of the responsible official body referred to in Directive 77/93/EEC in charge of each point shall be notified sufficiently in advance by the Member States to the Commission and shall be held available on request to other Member States. In those cases where the introduction into the Community takes place in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State of introduction shall inform and cooperate with the said responsible official bodies of the Member States making use of this derogation to ensure that the provisions of this Decision are complied with;
- (i) prior to introduction into the Community, the importer shall be officially informed of the conditions laid down in (a) to (l); the said importer shall notify details of each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State, without delay, shall convey the details of the notification to the Commission, indicating:

- the type of material,
- the quantity,
- the declared date of introduction and confirmation of the point of entry.

The importer shall provide details of any changes to the aforementioned advance notification, to the responsible official bodies of their own Member State, preferably as soon as they are known and in any case prior to the time of import, and that Member State,

without delay, shall convey the details of the changes to the Commission;

- (j) the inspections including testing, as appropriate, required pursuant to Article 12 of Directive 77/93/EEC and in accordance with provisions laid down in the present Decision shall be made by the responsible official bodies, referred to in the said Directive; of these inspections, the plant health checks shall be carried out by the Member State making use of this derogation. Furthermore during the said plant health check that Member State shall also inspect for all other harmful organisms. Without prejudice to the monitoring referred to in Article 19a(3), second indent, first possibility of the said Directive, the Commission shall determine to which extent the inspections referred to in Article 19a(3), second indent, second possibility of the said Directive shall be integrated into the inspection programme in accordance with Article 19a(5)(c) of that Directive;
- (k) the potatoes shall be packed and repacked only at premises which have been authorised and registered by the said responsible official bodies;
- (l) the potatoes shall be packed or repacked in closed packages that are ready for direct delivery to retailers or to final consumers, and that do not exceed a weight common in the Member State of introduction for that purpose, up to a maximum of 25 kilogrammes; the packaging shall bear the number of the registered premises referred to in (k), as well as the South African origin;
- (m) Member States making use of this derogation shall, where appropriate, in cooperation with the Member State of introduction ensure that at least two samples of 200 tubers shall be drawn from each consignment of 50 tonnes or part thereof, of imported potatoes pursuant to this Decision, for official examination in respect of *Ralstonia solanacearum* in accordance with the Community interim test scheme as laid down in Decision 97/647/EC<sup>(1)</sup>, and in the case of *Clavibacter michiganensis* ssp. *sepedonicus*, in accordance with the Community established method for the detection and diagnosis of *Clavibacter michiganensis* ssp. *sepedonicus*; in the case of suspicion the lots shall remain separate under official control and may not be marketed or used until it has been established that the presence of *Clavibacter michiganensis* ssp. *sepedonicus* or *Ralstonia solanacearum* was not confirmed in those examinations.

## Article 2

Member States shall inform the other Member States and the Commission by means of the notification referred to in Article 1(2)(i) of any use made of the authorisation. They shall provide the Commission and the other Member States, before 1 September 1999, with the information on amounts imported pursuant to this Decision

<sup>(1)</sup> OJ L 273, 6. 10. 1997, p. 1.

and with a detailed technical report of the official examination referred to in Article 1(2)(m); copies of each phytosanitary certificate shall be transmitted to the Commission.

*Article 3*

1. Article 1 shall apply during the period between 15 January 1999 and 30 June 1999.
2. The present Decision shall be revoked if it is established that the conditions laid down in Article 1(2) have been insufficient to prevent the introduction of harmful organisms or have not been complied with.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 19 November 1998.

*For the Commission*  
FRANZ FISCHLER  
*Member of the Commission*

---

*ANNEX*

**Information required on the label**

*(referred to in Article 1(2)(e))*

1. Name of the authority issuing the label
  2. Name of the exporters' organisation
  3. Indication 'South African potatoes other than potatoes intended for planting'
  4. Variety
  5. Area and/or place of production
  6. Size
  7. Declared net weight
  8. Indication 'In accordance with EC conditions laid down in Decision 98/688/EC'
  9. A mark printed or stamped on behalf of the South African plant protection organisation.
-

COMMISSION REGULATION (EC) No 2631/98  
of 8 December 1998

laying down for 1999 the quantities for which the annual allocations for 'new-comer' operators are granted under the tariff quotas for traditional ACP bananas

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 organisation of the market in bananas (<sup>1</sup>), as last amended by Regulation (EC) No 1637/98 (<sup>2</sup>),

Having regard to Commission Regulation (EC) No 2362/98 of 28 October 1998 laying down detailed rules for the implementation of Council Regulation (EEC) No 404/93 regarding imports of bananas into the Community (<sup>3</sup>), and in particular Articles 9(3) and 28(3) thereof,

Whereas Article 9(3) of Regulation (EC) No 2362/98 lays down the method for calculating the annual allocation for each 'newcomer' operator; whereas, in accordance with that method and a ranking of the individual applications in increasing order of the quantities applied for, the Commission calculates the quantities for which the annual allocations shall be granted;

Whereas, the notifications received in accordance with Article 28(2) of Regulation (EC) No 2362/98 have led the Commission to adopt this Regulation, based on which the competent national authorities will establish the individual allocations for the operators in question and notify them accordingly; whereas the final date for these notifications should be specified so that the provisions of Article 30 of Regulation (EC) No 2362/98 on the introduction of the licence applications can be complied with for the first quarter of 1999;

Whereas, however, the changes to the arrangements for the importation of bananas into the Community introduced by Regulations (EC) No 1637/98 and (EC) No

2362/98, in particular as regards the definition of 'new-comers', require the national authorities, in cooperation with the Commission, to carry out verifications and checks that cannot be completed before the start of 1999; whereas these operations may result in a further correction of this Regulation and corrections of the annual allocations for the 'newcomer' operators; whereas, in particular, the annual allocations calculated by the national authorities pursuant to Regulation (EC) No 2362/98 and this Regulation will not constitute vested rights or be invoked by the operators as legitimate expectations;

Whereas this Regulation must enter into force immediately, given the time limits laid down in Regulation (EC) No 2362/98,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the case of the tariff quotas and traditional ACP bananas referred to in Articles 18 and 19 of Regulation (EEC) No 404/93, the national authorities shall establish, for 1999, the annual allocations for the 'newcomer' operators referred to in Articles 7 *et seq.* of Regulation (EC) No 2362/98, in accordance with the Annex hereto and shall notify the newcomers accordingly no later than 10 December 1998.

*Article 2*

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

(<sup>1</sup>) OJ L 47, 25. 2. 1993, p. 1.

(<sup>2</sup>) OJ L 210, 28. 7. 1998, p. 28.

(<sup>3</sup>) OJ L 293, 31. 10. 1998, p. 32.



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

Done at Brussels, 8 December 1998.

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

---

*ANNEX*

**Application of Article 9(3) of Regulation (EC) No 2362/98**

I	II
Classification of the requests for an allocation (in ascending order of quantity)	Method for determining the allocation
1. Requests relating to less than 275,537 tonnes	— Allocation granted for the quantity requested
2. Requests relating to 275,537 tonnes, or more	— Allocation granted for 275,537 tonnes

---

COMMISSION REGULATION (EC) No 2632/98  
of 8 December 1998

laying down for 1999 the single adjustment coefficient to be applied to each traditional operator's provisional reference quantity under the tariff quotas for traditional ACP bananas

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 organisation of the market in bananas <sup>(1)</sup>, as last amended by Regulation (EC) No 1637/98 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 2362/98 of 28 October 1998 laying down detailed rules for the implementation of Council Regulation (EEC) No 404/93 regarding imports of bananas into the Community <sup>(3)</sup>, and in particular Articles 6(3) and 28(3) thereof,

Whereas Articles 6(3) and 28(3) of Regulation (EC) No 2362/98 stipulate that, in the light of the total volume of tariff quotas and traditional ACP bananas and the traditional operators' total provisional reference quantities established pursuant to Article 4 and subsequent Articles of that Regulation, the Commission must set, where appropriate, a single adjustment coefficient to be applied to each operator's provisional reference quantity;

Whereas, on the basis of the notifications received in accordance with Article 28(2)(a) of Regulation (EC) No 2362/98 regarding the traditional operators' total provisional reference quantities, the Commission is required to set a single adjustment coefficient to be applied to each traditional operator's provisional reference quantity for 1999;

Whereas, however, the changes to the arrangements for the importation of bananas into the Community introduced by Regulations (EC) No 1637/98 and (EC) No 2362/98, in particular as regards the definition of tradi-

tional operators and the calculation of the individual reference quantities, require the national authorities, in cooperation with the Commission, to carry out verifications and checks that cannot be completed before the start of 1999; whereas these operations may result in a further correction of the adjustment coefficient set by this Regulation and to corrections of the traditional operators' reference quantities; whereas, in particular, the reference quantities calculated by the national authorities pursuant to Regulation (EC) No 2362/98 and this Regulation will not constitute vested rights or be invoked by the operators as legitimate expectations;

Whereas this Regulation must enter into force immediately, given the time limits laid down in Regulation (EC) No 2362/98,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the case of the tariff quotas and traditional ACP bananas referred to in Articles 18 and 19 of Regulation (EEC) No 404/93, the reference quantity to be allocated to each traditional operator within the meaning of Article 3 of Regulation (EC) No 2362/98 for 1999 shall be obtained by applying to the operator's provisional reference quantity, as calculated pursuant to Articles 4 *et seq.* of Regulation (EC) No 2362/98, a single adjustment coefficient of 0,939837.

*Article 2*

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

<sup>(1)</sup> OJ L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ L 210, 28. 7. 1998, p. 28.

<sup>(3)</sup> OJ L 293, 31. 10. 1998, p. 32.

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

Done at Brussels, 8 December 1998.

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

---

COMMISSION DECISION

of 8 December 1998

repealing Decision 98/116/EC imposing special measures for the import of fruit and vegetables originating in or consigned from Uganda, Kenya, Tanzania, and Mozambique

(notified under document number C(1998) 3632)

(Text with EEA relevance)

(98/719/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs<sup>(1)</sup>, and in particular Article 10 thereof,

After consultation with the Member States,

Whereas Commission Decision 98/116/EC of 4 February 1998 adopting special measures for the import of fruit and vegetables originating in or consigned from Uganda, Kenya, Tanzania, and Mozambique<sup>(2)</sup> was adopted following the reporting of cholera at epidemic status in these countries;

Whereas the Scientific Committee for Food expressed an opinion in June 1998 that the risk of human illness in non-cholera regions from exposure to *Vibrio cholerae* from imported fruit and vegetables from areas where cholera is at endemic or epidemic levels is low;

Whereas no cases of illness with cholera have been reported associated with the consumption of fruit and vegetables imported into the Community from Uganda, Kenya, Tanzania, and Mozambique or any other countries where cholera is at epidemic or endemic levels;

Whereas sampling at the point of importation into the Community of 10% of consignments of fruit and vegetables originating in or consigned from Uganda, Kenya, Tanzania, and Mozambique by the competent authorities of the Member States has revealed very low incidence of contamination with *Vibrio cholerae*;

Whereas, therefore, Decision 98/116/EC should be repealed,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 98/116/EC is hereby repealed with effect from 1 November 1998.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 8 December 1998.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

<sup>(1)</sup> OJ L 175, 19. 7. 1993, p. 1.

<sup>(2)</sup> OJ L 31, 6. 2. 1998, p. 28.

COMMISSION REGULATION (EC) No 2806/98

of 23 December 1998

on the issuing of import licences for bananas under the tariff quotas and for traditional ACP bananas for the first quarter of 1999 and on the submission of new applications

(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 organisation of the market in bananas <sup>(1)</sup>, as last amended by Regulation (EC) No 1637/98 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 2362/98 of 28 October 1998 laying down detailed rules for the implementation of Council Regulation (EEC) No 404/93 regarding imports of bananas into the Community <sup>(3)</sup>, and in particular Articles 18 and 29 thereof,

Whereas Article 29 of Regulation (EC) No 2362/98 lays down that if the quantities covered by applications for licences in respect of the first quarter of 1999 covering imports from one or more of the origins listed in Annex I exceed 26 % of the quantities set out in that Annex, the Commission is to fix a percentage reduction to be applied to all applications in respect of the origin(s) concerned;

Whereas in the case of the quantities covered by licence applications that are either less than or equal to the ceiling laid down in Article 29 of Regulation (EC) No 2362/98, licences are issued for the quantities applied for; whereas, however, for certain origins, the quantities applied for exceed that ceiling; whereas, therefore, a reduction percentage should be set to be applied to each licence application for the origin(s) involved;

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

Done at Brussels, 23 December 1998.

Whereas the maximum quantity for which such licence applications may still be submitted should be set taking account of the available quantities resulting from the application of Article 29 of Regulation (EC) No 2362/98 and the applications accepted at the end of the application period;

Whereas this Regulation should apply immediately to permit licences to be issued as quickly as possible,

HAS ADOPTED THIS REGULATION:

*Article 1*

Import licences shall be issued under the arrangements for the importation of bananas, tariff quota arrangements and arrangements for traditional ACP bananas for the first quarter of 1999 for the quantity indicated in the licence application, multiplied by reduction coefficients of 0,5793, 0,6740 and 0,7080 for applications indicating the origins 'Colombia', 'Costa Rica' and 'Ecuador' respectively.

*Article 2*

The quantities for which licence applications may still be lodged in respect of the first quarter of 1999 are laid down in the Annex hereto.

*Article 3*

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*

<sup>(1)</sup> OJ L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ L 210, 28. 7. 1998, p. 28.

<sup>(3)</sup> OJ L 293, 31. 10. 1998, p. 32.

ANNEX

*(tonnes)*

	Quantities available for new applications
Panama	77 536,711
Others	41 473,846
Traditional ACP bananas	148 129,046



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

### **A. Trade**

#### **c) Cereals**





COMMISSION REGULATION (EC) No 507/98  
of 3 March 1998

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 except Ceuta, Melilla and certain ACP States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

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

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';

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

'2. The invitation to tender shall cover common wheat for export to all third countries.';

3. 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';

4. Annex III is deleted.

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 2052/97<sup>(4)</sup>, and in particular Article 4 thereof,

*Article 2*

Whereas Commission Regulation (EC) No 1883/97<sup>(5)</sup>, as amended by Regulation (EC) No 2545/97<sup>(6)</sup>, opens an invitation to tender relating to the export of common wheat to Ceuta, Melilla and certain ACP States to close on 26 February 1998; whereas provision must be made for the possibility of exporting common wheat to Ceuta, Melilla and certain ACP States; whereas the destinations laid down in Commission Regulation (EC) No 1339/97<sup>(7)</sup>, as amended by Regulation (EC) No 1884/97<sup>(8)</sup>, should therefore be amended;

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

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

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

Done at Brussels, 3 March 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<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 287, 21. 10. 1997, p. 14.  
<sup>(5)</sup> OJ L 265, 27. 9. 1997, p. 69.  
<sup>(6)</sup> OJ L 347, 18. 12. 1997, p. 33.  
<sup>(7)</sup> OJ L 184, 12. 7. 1997, p. 7.  
<sup>(8)</sup> OJ L 265, 27. 9. 1997, p. 73.

COMMISSION REGULATION (EC) No 2004/98

of 21 September 1998

opening an invitation to tender for the refund or the tax for the export of  
common wheat to 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 organisation 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 2052/97<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, significant quantities of common wheat are required for the 1998/99 marketing year, 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 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 1044/98<sup>(6)</sup>, provision should be made for the release for consumption in 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 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 25 February 1999. 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 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 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

<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 287, 21. 10. 1997, p. 14.

<sup>(5)</sup> OJ L 331, 2. 12. 1988, p. 1.

<sup>(6)</sup> OJ L 149, 20. 5. 1998, p. 11.

of the groups of ACP states listed in Annex I. That contract may cover only those deliveries to be made during 1998/99 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.

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 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 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 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<sup>(1)</sup>.

#### 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<sup>(2)</sup> 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 sixth 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*.

<sup>(1)</sup> OJ L 351, 14. 12. 1987, p. 1.

<sup>(2)</sup> 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, 21 September 1998.

*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
Gambia	Equatorial Guinea	Angola
Guinea-Bissau	São Tomé and Príncipe	Zambia
Guinea	Gabon	Malawi
Cape Verde	Congo	Mozambique
Sierra Leone	Democratic Republic of Congo	Namibia
Liberia	Rwanda	Botswana
Côte-d'Ivoire	Burundi	Zimbabwe
Ghana	Burkina Faso	Lesotho
Togo		Swaziland
		Djibouti
		Ethiopia
		Eritrea

*ANNEX II*

**Weekly tender for the refund or the tax for the export of common wheat to certain ACP-States**

(Regulation (EC) No 2004/98)

Closing date for the submission of tenders (date/time)

1	2	3	
		A	B
Number of tenderer	Quantity in tonnes	Amount of export tax in ECU per tonne	Amount of export refund in ECU per tonne
1			
2			
3			
etc.			

*ANNEX III*

The only numbers to use to call Brussels (DG VI-C-1) are:

- fax: 295 25 15,  
296 49 56,
  - telex: 22037 AGREC B,  
22070 AGREC B (Greek characters).
-

COMMISSION REGULATION (EC) No 2390/98  
of 5 November 1998

laying down detailed rules for the application of Council Regulation (EC) No 1706/98 as regards the arrangements for importing certain cereal substitute products and processed cereal and rice products originating in the African, Caribbean and Pacific States or in the overseas countries and territories and repealing Regulation (EEC) No 2245/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 <sup>(1)</sup>, and in particular Article 30(1) thereof,

Whereas pursuant to Article 15 of Regulation (EC) No 1706/98 certain products listed in Annex A to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(2)</sup>, as last amended by Commission Regulation (EC) No 923/96 <sup>(3)</sup>, are imported into the Community free of customs duties; whereas the other products listed in the above Annex and in Article 1(1)(c) of Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(4)</sup>, as last amended by Regulation (EC) No 2072/98 <sup>(5)</sup>, are imported into the Community at a reduced rate of duty provided they originate in the ACP States;

Whereas the detailed rules for the application of such arrangements to products falling within CN codes 0714 10 91 and 0714 90 11 should be limited to imposing an obligation to import the product at zero duty or at the reduced rate from the ACP State indicated in the import licence, and to setting up a regular notification system;

Whereas, pursuant to Article 27(5) of Regulation (EC) No 1706/98, customs duties are not applied to direct imports into the French overseas departments of products falling

within CN codes 0714 10 91 and 0714 90 11 and originating in the ACP States and overseas countries and territories within the limit of an annual quota of 2 000 tonnes; whereas the detailed rules for the application of such arrangements should relate to the lodging of applications for import licences and the issue of such licences and guarantee direct importation into the French overseas departments and observance of the maximum quantity laid down; whereas, in order to comply with the objective of the measure and ensure the management and supervision of the tariff quota, the use of licences for release for free circulation into the above departments should be strictly limited;

Whereas these detailed rules either supplement or derogate from, as the case may be, 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 1044/98 <sup>(7)</sup>, or Commission Regulation (EC) No 1162/95 of 23 May 1995 on special detailed rules for the application of the system of import and export licences for cereals and rice <sup>(8)</sup>, as last amended by Regulation (EC) No 444/98 <sup>(9)</sup>;

Whereas, so that the actual use made of licences can be monitored better, the provision in Regulation (EEC) No 3719/88 on early submission of proof of release for free circulation should apply;

Whereas the partial reimbursement of import duties resulting from the reduction in duties applicable from 1 January 1996 is to be carried out in accordance with Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(10)</sup>, as last amended by Regulation (EC) No 82/97 <sup>(11)</sup>, and Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(12)</sup>, as last amended by Regulation (EC) No 1677/98 <sup>(13)</sup>;

<sup>(1)</sup> OJ L 215, 1. 8. 1998, p. 12.  
<sup>(2)</sup> OJ L 181, 1. 7. 1992, p. 21.  
<sup>(3)</sup> OJ L 126, 24. 5. 1996, p. 37.  
<sup>(4)</sup> OJ L 329, 30. 12. 1995, p. 18.  
<sup>(5)</sup> OJ L 265, 30. 9. 1998, p. 4.

<sup>(6)</sup> OJ L 331, 2. 12. 1988, p. 1.  
<sup>(7)</sup> OJ L 149, 20. 5. 1998, p. 11.  
<sup>(8)</sup> OJ L 117, 24. 5. 1995, p. 2.  
<sup>(9)</sup> OJ L 56, 26. 2. 1998, p. 12.  
<sup>(10)</sup> OJ L 302, 19. 10. 1992, p. 1.  
<sup>(11)</sup> OJ L 17, 21. 1. 1997, p. 1.  
<sup>(12)</sup> OJ L 253, 11. 10. 1993, p. 1.  
<sup>(13)</sup> OJ L 212, 30. 7. 1998, p. 18.

Whereas Commission Regulation (EEC) No 2245/90 of 31 July 1990 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 ACP States or in the overseas countries and territories<sup>(1)</sup>, as last amended by Regulation (EC) No 1431/97<sup>(2)</sup>, should be repealed;

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*

This Regulation lays down the detailed rules for importing:

- 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 codes 0714 10 91 and 0714 90 11 originating in the ACP States and the overseas countries and territories and imported into the French overseas departments (Title II).

#### TITLE I

#### *Article 2*

1. With a view to the release for free circulation in the Community pursuant to Article 15(1) of Regulation (EC) No 1706/98 of products falling within CN codes 0714 10 91 and 0714 90 11, Section 8 of licence applications and import licences shall contain the name of the ACP State in which the product originates. Licences shall carry with them an obligation to import from that country.

2. Section 24 of import licences shall contain one of the following entries:

- **Producto ACP:**
  - exención del derecho de aduana
  - apartado 1 del artículo 15 del Reglamento (CE) n° 1706/98
- **AVS-produkt:**
  - toldfritagelse
  - forordning (EF) nr. 1706/98: artikel 15, stk. 1
- **Erzeugnis AKP:**
  - Zollfrei
  - Verordnung (EG) Nr. 1706/98, Artikel 15, Absatz 1

— Προϊόν ΑΚΕ:

- Απαλλαγή από δασμούς
- Κανονισμός (ΕΚ) αριθ. 1706/98, άρθρο 15 παράγραφος 1

— **ACP product:**

- exemption from customs duty
- Regulation (EC) No 1706/98, Article 15(1)

— **produit ACP:**

- exemption du droit de douane
- Règlement (CE) n° 1706/98, article 15 paragraphe 1

— **prodotto ACP:**

- esenzione dal dazio doganale
- regolamento (CE) n. 1706/98, articolo 15, paragrafo 1

— **Product ACS:**

- vrijgesteld van douanerecht
- Verordening (EG) nr. 1706/98: artikel 15, lid 1

— **produto ACP:**

- isenção do direito aduaneiro
- Regulamento (CE) n° 1706/98, n° 1 do artigo 15°

— **AKT-maista:**

- Tullivapaa
- asetuksen (EY) N:o 1706/98 15 artiklan 1 kohta

— **AVS-produkt:**

- Tullfri
- Förordning (EG) nr 1706/98 artikel 15.1.

#### *Article 3*

Member States shall notify the Commission before the end of each month of the quantities for which import licences for products originating in the ACP States as referred to in Article 1 have been applied for during the preceding four weeks, broken down by Combined Nomenclature code and country of origin.

#### TITLE II

#### *Article 4*

The following special provisions shall apply to the release for free circulation in the French overseas departments pursuant to Article 27(5) of Regulation (EC) No 1706/98 of products falling within CN codes 0714 10 91 and 0714 90 11:

1. Licence applications shall be for a quantity not exceeding 500 tonnes per individual applicant acting on his own account.
2. Section 8 of licence applications and import licences shall contain the name of the ACP State or the overseas country or territory in which the product originates. The licence shall constitute an obligation to import from that country or territory.

<sup>(1)</sup> OJ L 203, 1. 8. 1990, p. 47.

<sup>(2)</sup> OJ L 196, 24. 7. 1997, p. 43.



3. Section 24 of import licences shall contain one of the following entries:

- **Producto ACP/PTU:**
  - exención del derecho de aduana
  - apartado 5 del artículo 27 del Reglamento (CE) nº 1706/98
  - exclusivamente válido para el despacho a libre práctica en los departamentos de Ultramar
- **AVS/OLT-produkt:**
  - toldfritagelse
  - forordning (EF) nr. 1706/98: artikel 27, stk. 5
  - gælder udelukkende for overgang til fri omsætning I de overøiske departementer
- **Erzeugnis AKP/ÜLG:**
  - Zollfrei
  - Verordnung (EG) Nr. 1706/98, Artikel 27, Absatz 5
  - gilt ausschließlich für die Abfertigung zum freien Verkehr in den französischen überseeischen Departements
- **Προϊόν ΑΚΕ/ΥΧΕ:**
  - Απαλλαγή από δασμούς
  - Κανονισμός (ΕΚ) αριθ. 1706/98, άρθρο 27 παράγραφος 5
  - Ισχύει αποκλειστικά για μία θέση σε ελεύθερη κυκλοφορία στα Υπερπόντια Διαμερίσματα
- **ACP/OCT product:**
  - exemption from customs duty
  - Regulation (EC) No 1706/98, Article 27(5)
  - valid exclusively for release for free circulation in the overseas departments
- **produit ACP/PTOM:**
  - exemption du droit de douane
  - Règlement (CE) nº 1706/98, article 27 paragraphe 5
  - exclusivement valable pour une mise en libre pratique dans les départements d'outre-mer
- **prodotto ACP/PTOM:**
  - esenzione dal dazio doganale
  - regolamento (CE) n. 1706/98, articolo 27, paragrafo 5
  - valido esclusivamente per l'immissione in libera pratica nei DOM
- **Product ACS/LGO:**
  - vrijgesteld van douanerecht
  - Verordening (EG) nr. 1706/98: artikel 27, lid 5
  - geldt uitsluitend voor het in het vrije verkeer brengen in de Franse overzeese departementen
- **produto ACP/PTU:**
  - isenção do direito aduaneiro
  - Regulamento (CE) nº 1706/98, nº 5 do artigo 27º

- válido exclusivamente para uma introdução em livre prática nos departamentos ultramarinos
- **AKT-maista/Merentakaisista maista ja merentakaisilta alueilta peräisin oleva tuote:**
  - Tullivapaa
  - asetuksen (EY) N:o 1706/98 27 artiklan 5 kohta
  - voimassa ainoastaan merentakaisilla alueilla vapaaseen liikkeeseen laskemiseksi
- **AVS/ULT-produkt:**
  - Tullfri
  - Förordning (EG) nr 1706/98 artikel 27.5
  - Uteslutande avsedd för övergång till fri omsättning I de utomeuropeiska länderna och territorierna.

*Article 5*

1. Licence applications shall be lodged with the competent authorities of the Member States every Monday before 1 p.m. (Brussels time) or, if that day is not a working day, on the first working day following.

2. Member States shall, by telex or fax not later than 1 p.m. on the working day following the day on which the application is lodged, notify the Commission of the origin of the product, the quantity applied for and the name of the applicant.

3. Not later than the fourth working day following the day on which the applications are lodged, the Commission shall determine and inform the Member States by telex or fax to what extent the licence applications are accepted.

4. Subject to paragraph 3, licences shall be issued on the fifth working day following the day on which the applications were lodged, in the case of applications notified in accordance with paragraph 2.

5. The licences issued shall be valid exclusively for release for free circulation in the French overseas departments from the day of effective issue until the end of the second month following that date. However, they shall not be valid beyond 31 December of the year in which they are issued.

*Article 6*

Notwithstanding Article 8(4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not exceed that set out in Sections 17 and 18 of the import licence. The figure 0 shall be entered for this purpose in Section 19 of the licence.

**TITLE III**

**General provisions**

*Article 7*

1. Notwithstanding Article 10 of Regulation (EC) No 1162/95, the amount of the security in respect of the import licence shall be ECU 0,5 per tonne.

2. In cases where, as a result of the application of Article 5(3), the quantity for which the licence is issued is less than that for which it was applied for, the amount of the security corresponding to the difference shall be released.

3. The fourth indent of Article 5(1) of Regulation (EEC) No 3719/88 shall not apply.

*Article 8*

Regulation (EEC) No 2245/90 is hereby repealed.

*Article 9*

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

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

Done at Brussels, 5 November 1998.

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

---

**COMMISSION REGULATION (EC) No 2809/98**  
**of 22 December 1998**

**laying down detailed rules for the application in the cereals sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90<sup>(1)</sup>, and in particular Article 30 thereof,

Whereas pursuant to Article 12 of Regulation (EC) No 1706/98 certain products in the cereals sector originating in ACP countries are to be imported into the Community with total or partial exemption from common customs tariff duties within the limit of certain annual ceilings;

Whereas detailed rules for the application of those arrangements should be laid down;

Whereas the detailed rules should be either in addition to or replace the provisions of 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>(2)</sup>, as last amended by Regulation (EC) No 1044/98<sup>(3)</sup>, or the provisions of Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice<sup>(4)</sup>, as last amended by Regulation (EC) No 444/98<sup>(5)</sup>;

Whereas it should be laid down that import licences for the products in question within the quantities set are to be issued after a period for reflection and subject, where applicable, to the fixing of a single percentage reduction in the quantities applied for, whereas where a single percentage reduction is applied, operators may withdraw their applications;

Whereas the details to be included in applications and licences notwithstanding Articles 8 and 21 of Regulation (EEC) No 3719/88 should be specified;

Whereas to ensure effective management of the arrangements, the security relating to import licences, notwithstanding Article 10 of Regulation (EC) No 1162/95 should be ECU 25 per tonne; whereas, in order to avoid speculation, rights arising from import licences should not be transferable;

Whereas it should be pointed out that the partial reimbursement of import duties resulting from the reduction in duties applicable from 1 January 1996 is to be in accordance with Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(6)</sup>, as last amended by Regulation (EC) No 82/97<sup>(7)</sup>, and Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/93 establishing the Community Customs Code<sup>(8)</sup>, as last amended by Regulation (EC) No 1677/98<sup>(9)</sup>;

Whereas Commission Regulation (EEC) No 865/90 of 4 April 1990 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)<sup>(10)</sup>, as last amended by Regulation (EC) No 1575/98<sup>(11)</sup>, should be repealed;

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. Imports into the Community of the products referred to in Article 12 of Regulation (EC) No 1706/98 shall be subject, where appropriate within quantitative limits, to reductions in or exemptions from the customs duties fixed in that Article, as set out in the Annex hereto, on presentation of an import licence issued in accordance with the conditions laid down in this Regulation.

<sup>(1)</sup> OJ L 215, 1. 8. 1998, p. 12.

<sup>(2)</sup> OJ L 331, 2. 12. 1988, p. 1.

<sup>(3)</sup> OJ L 149, 20. 5. 1998, p. 11.

<sup>(4)</sup> OJ L 117, 24. 5. 1995, p. 2.

<sup>(5)</sup> OJ L 56, 26. 2. 1998, p. 12.

<sup>(6)</sup> OJ L 302, 19. 10. 1992, p. 1.

<sup>(7)</sup> OJ L 17, 21. 1. 1997, p. 1.

<sup>(8)</sup> OJ L 253, 11. 10. 1993, p. 1.

<sup>(9)</sup> OJ L 212, 30. 7. 1998, p. 18.

<sup>(10)</sup> OJ L 90, 5. 4. 1990, p. 16.

<sup>(11)</sup> OJ L 206, 23. 7. 1998, p. 13.

2. Such products shall qualify for reductions or exemptions on presentation, at the time they are put into free circulation, of the EUR 1 certificate issued by the competent authorities of the exporting country in accordance with Protocol 1 to the ACP-EC Convention.

#### *Article 2*

1. Import licence applications shall be lodged with the competent authorities in any Member State on the second Monday of each month not later than 1 p.m. (Brussels time).

For products subject to quantitative restrictions, licence applications may not relate to a quantity exceeding the quantity available for import of the product in question for the calendar year concerned. All applications exceeding such quantity shall be inadmissible.

2. Member States shall forward import licence applications to the Commission by telex or by fax not later than 6 p.m. (Brussels time) on the day they are submitted.

That information must be communicated separately from that regarding other import licence applications for cereals.

3. If import licence applications exceed the quantities set in the Annex for the product concerned, the Commission shall fix a single reduction coefficient applicable to each application not later than the third working day following the date of submission of the applications.

The licence application may be withdrawn within one working day of the date on which the reduction coefficient is fixed.

4. Licences shall be issued on the fifth working day following the date of submission of the application.

5. Notwithstanding Article 21(1) of Regulation (EEC) No 3719/88, the period of validity of the licence shall be calculated from its actual date of issue.

#### *Article 3*

Notwithstanding Article 9 of Regulation (EEC) No 3719/88, rights arising from import licences shall not be transferable.

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

Done at Brussels, 22 December 1998.

#### *Article 4*

Import licence applications shall contain the following details:

- (a) in box 8, the name of the country of origin of the product;
- (b) in box 20, one of the following entries:
  - Reglamento (CE) n° 2809/98
  - Forordning (EF) nr. 2809/98
  - Verordnung (EG) Nr. 2809/98
  - Κανονισμός (ΕΚ) αριθ. 2809/98
  - Regulation (EC) No 2809/98
  - Règlement (CE) n° 2809/98
  - Regolamento (CE) n. 2809/98
  - Verordening (EG) nr. 2809/98
  - Regulamento (CE) n° 2809/98
  - Asetus (EY) N:o 2809/98
  - Förordning (EG) nr 2809/98.

Licences shall entail an obligation to import from the said country.

Import licences shall also contain, in box 24, the rate of reduction in the import duty applicable or, where appropriate, the amount of reduction applicable to the import duty.

#### *Article 5*

Notwithstanding Article 10(a) and (b) of Regulation (EC) No 1162/95, the security relating to import licences provided for in this Regulation shall be ECU 25 per tonne.

#### *Article 6*

Regulation (EEC) No 865/90 is hereby repealed.

#### *Article 7*

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

*For the Commission*

Franz FISCHLER

*Member of the Commission*

ANNEX

Serial No	CN code	Description	Annual quantity (tonnes)	Rate of reduction applicable to import duty (%)	Amount of reduction applicable to the import duty (ECU/t)
	0709 90 60 0712 90 19 1005 10 90 1005 90 00	} Sweet corn Maize seed Other maize	Unlimited	—	1,81
09.3904	1007 00	Grain sorghum	100 000	60	—
09.3905	1008 20 00	Millet	60 000	Exemption	—
	1101 00 1102 10 00 1103 11 1103 21 00	Wheat or meslin flour Rye flour Groats and meal (wheat) Pellets (wheat)	Unlimited	16	—
09.4098	1001 10 00	Durum wheat	15 000	50	—
09.4098	1001 90 91	Common wheat and meslin seed			
09.4098	1001 90 99	Other wheat			
09.4098	1002 00 00	Rye			
09.4098	1003 00	Barley			
09.4098	1004 00 00	Oats			
09.4098	1008	Buckwheat, millet and canary seed; other cereals			

For products falling within CN codes 1001, 1002, 1003, 1005 and 1007 the reduction applies to the import duty obtained by applying Regulation (EC) No 1249/96.

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

### **A. Trade**

#### **d) Beef and Veal**



COMMISSION DECISION  
of 20 January 1998

on import licences in respect of beef and veal products originating in Botswana,  
Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(98/96/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 (\*\*), 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 January 1998, 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 on 1 February 1998, 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 Directive 96/91/EC (\*\*),

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 January 1998 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:*

- 290,000 tonnes originating in Botswana,
- 3,000 tonnes originating in Namibia.

*United Kingdom:*

- 540,000 tonnes originating in Botswana,
- 250,000 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 1998 for the following quantities of boned beef and veal:

- Botswana: 18 086,000 tonnes,
- Kenya: 142,000 tonnes,
- Madagascar: 7 579,000 tonnes,
- Swaziland: 3 363,000 tonnes,
- Zimbabwe: 9 100,000 tonnes,
- Namibia: 12 747,000 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 20 January 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

(\*) OJ L 84, 30. 3. 1990, p. 85.

(\*\*) OJ L 89, 10. 4. 1996, p. 1.

(\*\*) OJ L 84, 3. 4. 1996, p. 22.

(\*) OJ L 302, 31. 12. 1972, p. 28.

(\*\*) OJ L 13, 16. 1. 1997, p. 26.



## COMMISSION DECISION

of 19 February 1998

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(98/178/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>, as amended by Regulation (EC) No 260/98 <sup>(4)</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 February 1998, 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 1998, 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>(5)</sup>, as last amended by Directive 97/79/EC <sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

### Article 1

The following Member States shall issue on 21 February 1998 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:

— 325,000 tonnes originating in Botswana,  
— 150,000 tonnes originating in Namibia,

#### United Kingdom:

— 260,000 tonnes originating in Botswana,  
— 15,000 tonnes originating in Swaziland,  
— 275,000 tonnes originating in Zimbabwe,  
— 200,000 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 March 1998 for the following quantities of boned beef and veal:

— Botswana:	17 501,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 564,000 tonnes,
— Swaziland:	3 348,000 tonnes,
— Zimbabwe:	8 825,000 tonnes,
— Namibia:	12 397,000 tonnes.

<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 25, 31. 1. 1998, p. 42.

<sup>(5)</sup> OJ L 302, 31. 12. 1972, p. 28.

<sup>(6)</sup> OJ L 24, 30. 1. 1998, p. 31.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 February 1998.

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

---

## II

*(Acts whose publication is not obligatory)*

# COMMISSION

## COMMISSION DECISION

of 19 March 1998

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(98/239/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>, as amended by Regulation (EC) No 260/98 <sup>(4)</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 March 1998, 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 1998, 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>(5)</sup>, as last amended by Directive 97/79/EC <sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

### *Article 1*

The following Member States shall issue on 21 March 1998 import licences for beef and veal products, expressed as boned meat, originating in certain African,

<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 25, 31. 1. 1998, p. 42.

<sup>(5)</sup> OJ L 302, 31. 12. 1972, p. 28.

<sup>(6)</sup> OJ L 24, 30. 1. 1998, p. 31.

Caribbean and Pacific States, in respect of the following quantities and countries of origin:

*Germany:*

— 550,000 tonnes originating in Botswana,

*United Kingdom:*

— 380,000 tonnes originating in Botswana,

— 10,000 tonnes originating in Swaziland,

— 645,000 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 April 1998 for the following quantities of boned beef and veal:

— Botswana:	16 571,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 564,000 tonnes,
— Swaziland:	3 338,000 tonnes,
— Zimbabwe:	8 180,000 tonnes,
— Namibia:	11 947,000 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 March 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

## II

*(Acts whose publication is not obligatory)*

# COMMISSION

## COMMISSION DECISION

of 20 April 1998

**on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

(98/290/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>, as amended by Regulation (EC) No 260/98 <sup>(4)</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 April 1998, 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 1998, 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>(5)</sup>, as last amended by Directive 97/79/EC <sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

### *Article 1*

The following Member States shall issue on 21 April 1998 import licences for beef and veal products, expressed as boned meat, originating in certain African,

<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 25, 31. 1. 1998, p. 42.

<sup>(5)</sup> OJ L 302, 31. 12. 1972, p. 28.

<sup>(6)</sup> OJ L 24, 30. 1. 1998, p. 31.

Caribbean and Pacific States, in respect of the following quantities and countries of origin:

*Germany:*

- 990,000 tonnes originating in Botswana,
- 230,000 tonnes originating in Namibia,

*United Kingdom:*

- 1 360,000 tonnes originating in Botswana,
- 15,000 tonnes originating in Swaziland,
- 625,000 tonnes originating in Zimbabwe,
- 650,000 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 May 1998 for the following quantities of boned beef and veal:

— Botswana:	14 221,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 564,000 tonnes,
— Swaziland:	3 323,000 tonnes,
— Zimbabwe:	7 555,000 tonnes,
— Namibia:	11 067,000 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 20 April 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

## COMMISSION

### COMMISSION DECISION

of 18 May 1998

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(notified under document number C(1998) 1205)

(98/356/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), as amended by Regulation (EC) No 260/98 (4), 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 1998, 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 1998, 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 (5), as last amended by Directive 97/79/EC (6),

HAS ADOPTED THIS DECISION:

#### Article 1

The following Member States shall issue on 21 May 1998 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:

- 590,000 tonnes originating in Botswana,
- 20,000 tonnes originating in Namibia.

#### United Kingdom:

- 880,000 tonnes originating in Botswana,
- 30,000 tonnes originating in Swaziland,

(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 25, 31. 1. 1998, p. 42.

(5) OJ L 302, 31. 12. 1972, p. 28.

(6) OJ L 24, 30. 1. 1998, p. 31.

- 759,000 tonnes originating in Zimbabwe,
- 715,000 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 1998 for the following quantities of boned beef and veal:

- Botswana: 12 751,000 tonnes,
- Kenya: 142,000 tonnes,
- Madagascar: 7 564,000 tonnes,
- Swaziland: 3 293,000 tonnes,

- Zimbabwe: 6 796,000 tonnes,
- Namibia: 10 332,000 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 May 1998.

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

---



## II

*(Acts whose publication is not obligatory)*

# COMMISSION

## COMMISSION DECISION

of 18 June 1998

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

*(notified under document number C(1998) 1584)*

(98/408/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>, as amended by Regulation (EC) No 260/98 <sup>(4)</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 1998, 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 1998, 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>(5)</sup>, as last amended by Directive 97/79/EC <sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

### *Article 1*

The following Member States shall issue on 21 June 1998 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and

<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 25, 31. 1. 1998, p. 42.

<sup>(5)</sup> OJ L 302, 31. 12. 1972, p. 28.

<sup>(6)</sup> OJ L 24, 30. 1. 1998, p. 31.

Pacific States, in respect of the following quantities and countries of origin:

*Germany:*

- 800,000 tonnes originating in Botswana,
- 400,000 tonnes originating in Namibia.

*United Kingdom:*

- 730,000 tonnes originating in Botswana,
- 10,000 tonnes originating in Swaziland,
- 930,000 tonnes originating in Zimbabwe,
- 335,000 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 1998 for the following quantities of boned beef and veal:

- Botswana: 11 221,000 tonnes,
- Kenya: 142,000 tonnes,
- Madagascar: 7 564,000 tonnes,
- Swaziland: 3 283,000 tonnes,
- Zimbabwe: 5 866,000 tonnes,
- Namibia: 9 597,000 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 June 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

COMMISSION DECISION

of 16 July 1998

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(notified under document number C(1998) 2246)

(98/474/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), as amended by Regulation (EC) No 260/98 (4), 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 1998, 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 1998, 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 (5), as last amended by Directive 97/79/EC (6),

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 July 1998 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:*

- 550,000 tonnes originating in Botswana,
- 150,000 tonnes originating in Namibia.

*United Kingdom:*

- 700,000 tonnes originating in Botswana,
- 14,000 tonnes originating in Swaziland,
- 370,000 tonnes originating in Zimbabwe,
- 1 000,000 tonnes originating in Namibia.

(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 25, 31. 1. 1998, p. 42.

(5) OJ L 302, 31. 12. 1972, p. 28.

(6) OJ L 24, 30. 1. 1998, p. 31.

*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 1998 for the following quantities of boned beef and veal:

— Botswana:	9 971,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 564,000 tonnes,
— Swaziland:	3 269,000 tonnes,
— Zimbabwe:	5 496,000 tonnes,
— Namibia:	8 447,000 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 16 July 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

## COMMISSION

### COMMISSION DECISION

of 19 August 1998

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(notified under document number C(1998) 2497)

(98/530/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90<sup>(1)</sup>, and in particular Article 30 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>(2)</sup>, as amended by Regulation (EC) No 260/98<sup>(3)</sup>, and in particular Article 4 thereof,

Whereas Regulation (EC) No 1706/98 consolidates the Community's concessions *vis-à-vis* the ACP States covered by the fourth ACP-EC Convention and its mid-term review; whereas, however, those concessions do not alter the concessions governed by Decision No 6/95 of the ACP-EC Council of Ministers of 20 December 1995 on the transitional measures to be applied from 1 January 1996<sup>(4)</sup>; whereas Regulation (EC) No 589/96 therefore continues to apply;

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 1998, expressed in terms of deboned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States; whereas it is therefore possible to issue import licences in respect of the quantities applied for;

Whereas the quantities in respect of which licences may be applied for from 1 September 1998 should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas 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>(5)</sup>, as last amended by Directive 97/79/EC<sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

#### Article 1

The following Member States shall issue on 21 August 1998 import licences for beef and veal products, expressed as deboned meat, originating in certain African,

<sup>(1)</sup> OJ L 215, 1. 8. 1998, p. 12.

<sup>(2)</sup> OJ L 84, 3. 4. 1996, p. 22.

<sup>(3)</sup> OJ L 25, 31. 1. 1998, p. 42.

<sup>(4)</sup> OJ L 327, 30. 12. 1995, p. 32.

<sup>(5)</sup> OJ L 302, 31. 12. 1972, p. 28.

<sup>(6)</sup> OJ L 24, 30. 1. 1998, p. 31.

Caribbean and Pacific States, in respect of the following quantities and countries of origin:

*Germany*

— 497,000 tonnes originating in Namibia,

*United Kingdom*

- 400,000 tonnes originating in Botswana,
- 25,000 tonnes originating in Swaziland,
- 820,000 tonnes originating in Zimbabwe,
- 500,000 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 1998 for the following quantities of deboned beef and veal:

— Botswana:	9 571,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 564,000 tonnes,
— Swaziland:	3 244,000 tonnes,
— Zimbabwe:	4 676,000 tonnes,
— Namibia:	7 450,000 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 August 1998.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

---

COMMISSION REGULATION (EC) No 1918/98

of 9 September 1998

laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 589/96

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90<sup>(1)</sup>, and in particular Article 30 thereof,

Whereas Articles 2, 3 and 4 of Regulation (EC) No 1706/98 fix the concessions applying to imports of certain beef and veal products originating in the ACP States;

Whereas the detailed rules for implementing these concessions must be laid down;

Whereas the scheme in question should be managed using import licences; whereas to this end rules should be set on the submission of applications and the information to be given on applications and licences, by way of derogation, if necessary, from certain provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for application of the system of import and export licences and advance fixing certificates for agricultural products<sup>(2)</sup>, as last amended by Regulation (EC) No 1044/98<sup>(3)</sup>, and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80<sup>(4)</sup>, as last amended by Regulation (EC) No 759/98<sup>(5)</sup>;

Whereas 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>(6)</sup>, as amended by Regulation (EC) No 260/98<sup>(7)</sup>, should be repealed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Import licences shall be issued for the products listed in the Annex to this Regulation originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia under the conditions laid down in this Regulation and within the limits of the quantities, expressed in tonnes of boneless meat, fixed in Article 4(1) of Regulation (EC) No 1706/98.

The annual quantities from the various countries referred to above shall bear the following serial numbers: the quota for Botswana: 09.4052; for Kenya: 09.4054; for Madagascar: 09.4051; for Swaziland: 09.4053; for Zimbabwe: 09.4055 and for Namibia: 09.4056.

2. For the purpose of calculating the quantities referred to in Article 4(1) of Regulation (EC) No 1706/98, 100 kilograms of boneless beef shall be equal to:

- 130 kilograms of bone-in beef,
- 260 kilograms of live bovine animals,
- 100 kilograms of products falling within CN codes 0206, 0210 and 1602.

*Article 2*

1. The specific amounts of customs duty fixed in the common customs tariff shall be reduced by 92 % for products referred to in the Annex and being imported pursuant to the present Regulation.

2. Notwithstanding Article 8(4) of Regulation (EEC) No 3719/88, the reduction referred to in paragraph 1 shall not apply on quantities exceeding those indicated in the import licence.

<sup>(1)</sup> OJ L 215, 1. 8. 1998, p. 12.

<sup>(2)</sup> OJ L 331, 2. 12. 1988, p. 1.

<sup>(3)</sup> OJ L 149, 20. 5. 1998, p. 11.

<sup>(4)</sup> OJ L 143, 27. 6. 1995, p. 35.

<sup>(5)</sup> OJ L 105, 4. 4. 1998, p. 7.

<sup>(6)</sup> OJ L 84, 3. 4. 1996, p. 22.

<sup>(7)</sup> OJ L 25, 31. 1. 1998, p. 42.

### Article 3

1. Applications for import licences and the licences for products qualifying for a reduction of the specific rate of customs duties fixed in the common customs tariff in accordance with Article 3 of Regulation (EC) No 1706/98 shall contain:

(a) under the heading 'notes' and in Section 20 respectively, one of the following:

- Producto ACP — Reglamentos (CE) n° 1706/98 y (CE) n° 1918/98
- AVS-produkt — forordninger (EF) nr. 1706/98 og (EF) nr. 1918/98
- AKP-Erzeugnis — Verordnungen (EG) Nr. 1706/98 und (EG) Nr. 1918/98
- Προϊόν ΑΚΕ — Κανονισμοί (ΕΚ) αριθ. 1706/98 και (ΕΚ) αριθ. 1918/98
- ACP product — Regulations (EC) No 1706/98 and (EC) No 1918/98
- Produit ACP — règlements (CE) n° 1706/98 et (CE) n° 1918/98
- Prodotto ACP — regolamenti (CE) n. 1706/98 e (CE) n. 1918/98
- ACS-product — Verordeningen (EG) nr. 1706/98 en (EG) nr. 1918/98
- Produto ACP — Regulamentos (CE) n° 1706/98 e (CE) n° 1918/98
- AKT-tuote — asetukset (EY) N:o 1706/98 ja (EY) N:o 1918/98
- AVS-produkt — förordningarna (EG) nr 1706/98 och (EG) nr 1918/98;

(b) in Section 8, the name of the State in which the product originates; the licence shall carry with it an obligation to import from the State in question;

(c) in Section 17, in addition to the number of animals, their live weight.

2. Applications for licences may be lodged only during the first 10 days of each month.

3. Member States shall send the applications to the Commission no later than the second working day following the end of the period for the submission of applications.

Such communications shall include the quantities applied for in respect of each third country concerned, broken down by CN code or group of CN codes, as necessary.

4. Where no valid applications have been lodged, Member States shall so notify the Commission by telex or fax within the deadline referred to in paragraph 3.

### Article 4

1. The Commission shall decide for each third country concerned to what extent applications can be accepted. If the quantities of products originating in a third country for which licences are requested exceed the quantity available for that country, the Commission shall reduce the quantities requested by a fixed percentage.

If the total quantity requested in applications relating to a given third country is lower than is available for that country, the Commission shall calculate the remaining balance.

2. Subject to the Commission's decision to accept applications, licences shall be issued on the 21st day of each month.

### Article 5

Importation under the arrangements for a reduction in import duties provided for in this Regulation may take place only if the origin of the products concerned is certified by the competent authorities of the exporting countries in accordance with the rules of origin applicable to the products in question pursuant to Protocol 1 to the Fourth ACP-EEC Convention signed at Lomé on 15 December 1989.

### Article 6

1. Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply, subject to the provisions of this Regulation.

2. The import licences issued in accordance with this Regulation shall be valid for 90 days from their actual date of issue within the meaning of Article 21(2) of Regulation (EEC) No 3719/88. However, no licence shall be valid beyond 31 December following the date of its issue.

3. The licences shall be valid throughout the Community.

### Article 7

Regulation (EC) No 589/96 is hereby repealed.

### Article 8

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

Articles 1 and 2 shall apply with effect from 1 January 1996.



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

Done at Brussels, 9 September 1998.

*For the Commission*  
FRANZ FISCHLER  
*Member of the Commission*

---

ANNEX

Products referred to in Article 3 of Regulation (EC) No 1706/98

---

Código NC KN-kode KN-Code Καθιστός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nummer
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 10 00
0201 20 20
0201 20 30
0201 20 50
0201 20 90
0201 30 00
0202 10 00
0202 20 10
0202 20 30
0202 20 50
0202 20 90
0202 30 10
0202 30 50
0202 30 90
0206 10 95
0206 29 91
0210 20 10
0210 20 90
0210 90 41
0210 90 90
1602 50 10
1602 90 61

---

*NB:* Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) n° 2658/87 del Consejo, modificado (DO L 256 de 7.9.1987, p. 1).

*NB:* KN-koderne, herunder henvisninger til fodnoter, er fastsat i Rådets ændrede forordning (EØF) nr. 2658/87 (EFT L 256 af 7.9.1987, s. 1).

*NB:* Die KN-Codes sowie die Verweisungen und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 des Rates bestimmt (ABl. L 256 vom 7.9.1987, S. 1).

*NB:* Οι κωδικοί της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87 του Συμβουλίου (ΕΕ L 256 της 7.9.1987, σ. 1).

*NB:* The CN codes and the footnotes are defined in amended Council Regulation (EEC) No 2658/87 (OJ L 256, 7.9.1987, p. 1).

*NB:* Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) n° 2658/87 du Conseil, modifié (JO L 256 du 7.9.1987, p. 1).

*NB:* I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n. 2658/87 del Consiglio modificato (GU L 256 del 7.9.1987, pag. 1).

*NB:* GN-codes en voetnoten: zie de gewijzigde Verordening (EEG) nr. 2658/87 van de Raad (PB L 256 van 7.9.1987, blz. 1).

*NB:* Os códigos NC, incluindo as remissões em pé-de-página, são definidos no Regulamento (CEE) n° 2658/87 do Conselho, alterado (JO L 256 de 7.9.1987, p. 1).

*HUOM:* Tuotekoodit ja niihin liittyvät alaviitteet määritellään neuvoston asetuksessa (ETY) N:o 2658/87 (EYVL L 256, 7.9.1987, s. 1).

*Ann:* KN-numren och fotnoterna definieras i rådets ändrade förordning (EEG) nr 2658/87 (EGT L 256, 7.9.1987, s. 1).

COMMISSION DECISION

of 17 September 1998

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(notified under document number C(1998) 2801)

(98/550/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90<sup>(1)</sup>, and in particular Article 30 thereof,

Having regard to Commission Regulation (EC) No 1918/98 of 9 September 1998 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and repealing Regulation (EC) No 589/96<sup>(2)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 1918/98 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 1998, expressed in terms of deboned meat, in accordance with Regulation (EC) No 1918/98, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States; whereas it is therefore possible to issue import licences in respect of the quantities applied for;

Whereas the quantities in respect of which licences may be applied for from 1 October 1998 should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection protection upon importation of

bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(3)</sup>, as last amended by Directive 97/79/EC<sup>(4)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 September 1998 import licences for beef and veal products, expressed as deboned 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,
- 450,000 tonnes originating in Namibia;

*United Kingdom*

- 950,000 tonnes originating in Botswana,
- 30,000 tonnes originating in Swaziland,
- 570,000 tonnes originating in Zimbabwe,
- 1 020,000 tonnes originating in Namibia.

*Article 2*

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 1918/98, during the first 10 days of October 1998 for the following quantities of deboned beef and veal:

- |               |                   |
|---------------|-------------------|
| — Botswana:   | 8 361,000 tonnes, |
| — Kenya:      | 142,000 tonnes,   |
| — Madagascar: | 7 564,000 tonnes, |
| — Swaziland:  | 3 214,000 tonnes, |
| — Zimbabwe:   | 4 106,000 tonnes, |
| — Namibia:    | 5 980,000 tonnes. |

<sup>(1)</sup> OJ L 215, 1. 8. 1998, p. 12.  
<sup>(2)</sup> OJ L 250, 10. 9. 1998, p. 16.

<sup>(3)</sup> OJ L 302, 31. 12. 1972, p. 28.  
<sup>(4)</sup> OJ L 24, 30. 1. 1998, p. 31.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 17 September 1998.

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

---

## II

*(Acts whose publication is not obligatory)*

# COMMISSION

## COMMISSION DECISION

of 19 October 1998

**on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

*(notified under document number C(1998) 3184)*

(98/609/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 <sup>(1)</sup>, and in particular Article 30 thereof,

Having regard to Commission Regulation (EC) No 1918/98 of 9 September 1998 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and repealing Regulation (EC) No 589/96 <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 1918/98 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 1998, expressed in terms of deboned meat, in accordance with Regulation (EC) No 1918/98, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States; whereas it is therefore possible to issue import licences in respect of the quantities applied for,

Whereas the quantities in respect of which licences may be applied for from 1 November 1998 should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas 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>(3)</sup>, as last amended by Directive 97/79/EC <sup>(4)</sup>,

HAS ADOPTED THIS DECISION:

### *Article 1*

The following Member States shall issue on 21 October 1998 import licences for beef and veal products, expressed as deboned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

<sup>(1)</sup> OJ L 215, 1. 8. 1998, p. 12.

<sup>(2)</sup> OJ L 250, 10. 9. 1998, p. 16.

<sup>(3)</sup> OJ L 302, 31. 12. 1972, p. 28.

<sup>(4)</sup> OJ L 24, 30. 1. 1998, p. 31.

*Germany*

— 560,000 tonnes originating in Botswana;

*United Kingdom*

- 140,000 tonnes originating in Botswana,
- 650,000 tonnes originating in Zimbabwe,
- 310,000 tonnes originating in Namibia.

*Article 2*

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 1918/98, during the first 10 days of November 1998 for the following quantities of deboned beef and veal:

- Botswana: 7 661,000 tonnes,
- Kenya: 142,000 tonnes,
- Madagascar: 7 564,000 tonnes,

- Swaziland: 3 214,000 tonnes,
- Zimbabwe: 3 456,000 tonnes,
- Namibia: 5 670,000 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 October 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

COMMISSION DECISION

of 27 October 1998

concerning the importation of certain live animals and animal products from Zimbabwe and the Falkland Islands and amending Council Decision 79/542/EEC

(notified under document number C(1998) 3239)

(Text with EEA relevance)

(98/622/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(1)</sup>, as last amended by Directive 97/79/EC<sup>(2)</sup>, and in particular Article 3 thereof,

Whereas Council Decision 79/542/EEC<sup>(3)</sup>, as last amended by Commission Decision 98/594/EC<sup>(4)</sup>, draws up a list of third countries from which the Member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products;

Whereas, following Community veterinary missions, it appears that both Zimbabwe and the Falkland Islands are covered by sufficiently well-structured and organised veterinary services;

Whereas Zimbabwe and the Falkland Islands should be added to the list of third countries from which Member States authorise imports of meat of wild animals;

Whereas the Falkland Islands should be added to the list of third countries from which Member States authorise imports of live animals and meat of bovine and ovine species;

Whereas Decision 79/542/EEC should be amended accordingly;

Whereas the specific animal health conditions and veterinary certification for importation of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products will be laid down in other Decisions according to the animal health situation of the third country concerned;

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*

Part 1 of the Annex to Decision 79/542/EEC is replaced by the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 27 October 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ L 24, 30. 1. 1998, p. 31.

<sup>(3)</sup> OJ L 146, 14. 6. 1979, p. 15.

<sup>(4)</sup> OJ L 286, 23. 10. 1998, p. 53.

ANNEX

*\*Imports shall fulfil the appropriate animal and public health requirements.*

PART 1

LIVE ANIMALS, FRESH MEAT AND MEAT PRODUCTS

ISO country code	Country	Fresh meat and meat products "Domestic animals"			Fresh meat "Wild animals"			Live animals				Animal health			Public health	
		B	S/G	P	E	CH	E	B	S/G	P	E	Fresh meat	Meat products	Live animals	Residues	
AL	Albania	0	x	x	x	0	x	0	0	0	0				0	
AR	Argentina	x	x	0	x	x	x	x	x	x	x	( <sup>1</sup> )			XR	
AU	Australia	x	x	x	x	x	x	x	x	x	x				XR	
BA	Bosnia-Herzegovina	x	x	x	x	x	x	x	0	x	( <sup>1</sup> )				0	
BG	Bulgaria	x	x	x	x	x	x	x	x	x	( <sup>1</sup> )				XR	
BH	Bahrain	0	0	0	0	0	0	0	0	0	( <sup>1</sup> )( <sup>2</sup> )				0	
BR	Brazil	x	x	0	x	0	x	0	0	x	( <sup>1</sup> )			( <sup>1</sup> )	XR	
BW	Botswana	x	x	0	x	x	x	0	0	0	( <sup>1</sup> )( <sup>2</sup> )				XR	
BY	Belarus	x	x	x	x	x	x	x	x	x	( <sup>1</sup> )				(c)	
BZ	Belize	x	0	0	x	0	x	0	0	0					0	
CA	Canada	x	x	x	x	x	x	x	x	x					XR (e)	
CH	Switzerland	x	x	x	x	x	x	x	x	x					XR	
CL	Chile	x	x	0	x	x	x	0	x	0	( <sup>1</sup> )				XR	
CN	People's Republic of China	0	0	x	x	x	x	0	0	0	( <sup>1</sup> )				0	
CO	Colombia	x	0	0	x	0	x	0	0	0	( <sup>1</sup> )				0	
CR	Costa Rica	x	0	0	x	0	x	0	0	0					0	



		B	S/G	P	E	CH	E	B	S/G	P	E	Fresh meat	Meat products	Live animals	Residues
CU	Cuba	x	o	o	x	o	x	o	o	o	o				o
CY	Cyprus	x	x	x	x	x	x	o	o	x	x				XR
CZ	Czech Republic	x	x	x	x	x	x	x	x	x	x				XR
DZ	Algeria	o	o	o	o	o	o	o	o	o	x				o
EE	Estonia	x	x	x	x	x	x	x	x	x	x	( <sup>1</sup> )			(c)
ET	Ethiopia	o	o	o	o	o	o	o	o	o	o		( <sup>1</sup> )		o
FK	Falkland Islands	x	x	o	x	x	x	x	x	x	x				o
GL	Greenland	x	x	o	x	x	x	o	x	o	x	( <sup>1</sup> )			XR
GT	Guatemala	x	o	o	x	o	x	o	o	o	o				o
HK	Hong Kong	o	o	o	o	o	o	o	o	o	o		( <sup>1</sup> )		o
HN	Honduras	x	o	o	x	o	x	o	o	o	o				o
HR	Croatia	x	x	x	x	x	x	x	x	x	x	( <sup>1</sup> )			XR
HU	Hungary	x	x	x	x	x	x	x	x	x	x				XR
IL	Israel	o	o	o	x	o	x	o	o	o	x		( <sup>1</sup> )		o
IN	India	o	o	o	o	o	o	o	o	o	o		( <sup>1</sup> )		o
IS	Iceland	x	x	x	x	x	x	x	x	x	x				XR
KE	Kenya	o	o	o	o	o	o	o	o	o	o		( <sup>1</sup> )		o
LI	Lithuania	x	x	x	x	x	x	x	x	x	x	( <sup>1</sup> )			(c)
LV	Latvia	x	x	x	x	x	x	x	x	x	x	( <sup>1</sup> )			o
MA	Morocco	o	o	o	x	o	x	o	o	o	x		( <sup>1</sup> )		XR
MG	Madagascar	x	x	o	x	o	x	o	o	o	o		( <sup>1</sup> )		XR
807	Former Yugoslav Republic of Macedonia	o	x	o	x	o	x	o	o	o	x				XR
MT	Malta	x	o	x	x	o	x	x	x	x	x		( <sup>1</sup> )		XR
MU	Mauritius	o	o	o	o	o	o	o	o	o	x		( <sup>1</sup> )		o

		B	S/G	P	E	CH	E	B	S/G	P	E	Fresh meat	Meat products	Live animals	Residues
MX	Mexico	x	o	o	x	o	x	o	o	o	x				XR
NA	Namibia	x	x	o	x	x	x	o	o	o	o	(1)(f)	(1)		XR
NI	Nicaragua	x	o	o	x	o	x	o	o	o	o				o
NO	Norway		x						x						XR
NZ	New Zealand	x	x	x	x	x	x	x	x	x	x				XR
PA	Panama	x	o	o	x	o	x	o	o	o	o				o
PL	Poland	x	x	x	x	x	x	x	x	x	x	(1)			XR
PY	Paraguay	x	x	o	x	o	x	o	o	o	x		(1)		XR
RO	Romania	x	x	x	x	x	x	x	x	x	x	(1)			XR
RU	Russia	x	x	x	x	x	x	x	x	x	x	(1)(f)		(1)	(c)
SG	Singapore	o	o	o	o	o	o	o	o	o	o		(1)		o
SI	Slovenia	x	x	x	x	x	x	x	x	x	x	(1)			XR
SK	Slovak Republic	x	x	x	x	x	x	x	x	x	x	(1)			XR
SV	El Salvador	x	x	o	x	o	x	o	o	o	o				o
SZ	Swaziland	x	o	o	x	x	x	o	o	o	o	(1)(f)	(1)		XR
TH	Thailand	o	o	o	o	o	o	o	o	o	o		(1)		o
TN	Tunisia	o	o	o	o	o	o	o	o	o	x		(1)(f)		(c)
TR	Turkey	o	o	o	x	o	x	o	o	o	o				o
UA	Ukraine	o	o	o	o	o	o	o	o	o	x				(c)
US	United States of America	x	x	x	x	x	x	x	x	x	x				XR (b)
UY	Uruguay	x	x	o	x	x	x	o	x	o	x		(1)		XR
YU	Federal Republic of Yugoslavia	x	x	x	x	x	x	x	x	o	x	(1)			XR
ZA	South Africa	x	x	x	x	x	x	o	o	o	x	(1)(f)	(1)		XR
ZW	Zimbabwe	x	o	o	o	x	x	o	o	o	o		(1)		XR

- B = bovine animals, (including buffalo and bison)
- S/G = sheep/goats
- P = pigs
- E = equidae
- CH = cloven-hoofed animals
- x = authorised
- o = unauthorised

*Special remarks*

- (1) Excluding meat of wild swine.
- (2) Excluding bone-in meat and offal.
- (3) Notwithstanding the restrictions in the above list, meat products which have undergone heat treatment in a hermetically sealed container to a  $F_0$  value of 3 or more are authorised.

(\*)

(†) Member States shall only import equidae in accordance with Commission Decision 92/160/EEC establishing regionalisation.

*Additional notes*

Commission.

Equidae other than equidae for slaughter shall be imported without the third country concerned being obliged to submit a plan.

s other than those having an hormonal effect has been approved by the

(b) Imports of beef and veal for human consumption are restricted to:

(i) meat from cows which have been used exclusively for dairy production, or

(ii) meat:

— complying with the conditions agreed between the United States of America and the European Community, and

from the Commission to the Member States.

establishments are the subject of a specific communication

(c) As regards imports of live horses for slaughter sufficient guarantees have been received to allow importation.<sup>7</sup>

## II

*(Acts whose publication is not obligatory)*

# COMMISSION

## COMMISSION DECISION

of 19 November 1998

**on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

*(notified under document number C(1998) 3590)*

(98/689/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90<sup>(1)</sup>, and in particular Article 30 thereof,

Having regard to Commission Regulation (EC) No 1918/98 of 9 September 1998 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and repealing Regulation (EC) No 589/96<sup>(2)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 1918/98 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 1998, expressed in terms of deboned meat, in accordance with Regulation (EC) No 1918/98, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States; whereas it is therefore possible to issue import licences in respect of the quantities applied for;

Whereas the quantities in respect of which licences may be applied for from 1 December 1998 should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas 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>(3)</sup>, as last amended by Directive 97/79/EC<sup>(4)</sup>,

HAS ADOPTED THIS DECISION:

### *Article 1*

The following Member States shall issue on 21 November 1998 import licences for beef and veal products, expressed as deboned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

<sup>(1)</sup> OJ L 215, 1. 8. 1998, p. 12.

<sup>(2)</sup> OJ L 250, 10. 9. 1998, p. 16.

<sup>(3)</sup> OJ L 302, 31. 12. 1972, p. 28.

<sup>(4)</sup> OJ L 24, 30. 1. 1998, p. 31.

*Germany*

— 323,600 tonnes originating in Botswana;

*United Kingdom*

— 253,000 tonnes originating in Botswana,  
— 300,000 tonnes originating in Zimbabwe,  
— 620,000 tonnes originating in Namibia.

*Article 2*

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 1918/98, during the first 10 days of December 1998 for the following quantities of deboned beef and veal:

— Botswana:	7 084,400 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 564,000 tonnes,
— Swaziland:	3 214,000 tonnes,
— Zimbabwe:	3 156,000 tonnes,
— Namibia:	5 050,000 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 November 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## II

*(Acts whose publication is not obligatory)*

# COMMISSION

## COMMISSION DECISION

of 18 December 1998

**on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

*(notified under document number C(1998) 4529)*

(1999/4/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90<sup>(1)</sup>, and in particular Article 30 thereof,

Having regard to Commission Regulation (EC) No 1918/98 of 9 September 1998 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 1706/98 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States and repealing Regulation (EC) No 589/96<sup>(2)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 1918/98 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 1998, expressed in terms of deboned meat, in accordance with Regulation (EC) No 1918/98, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States; whereas it is therefore possible to issue import licences in respect of the quantities applied for;

Whereas the quantities in respect of which licences may be applied for from 1 January 1999 should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas 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>(3)</sup>, as last amended by Directive 97/79/EC<sup>(4)</sup>,

HAS ADOPTED THIS DECISION:

### *Article 1*

The following Member States shall issue on 21 December 1998 import licences for beef and veal products, expressed as deboned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

<sup>(1)</sup> OJ L 215, 1. 8. 1998, p. 12.

<sup>(2)</sup> OJ L 250, 10. 9. 1998, p. 16.

<sup>(3)</sup> OJ L 302, 31. 12. 1972, p. 28.

<sup>(4)</sup> OJ L 24, 30. 1. 1998, p. 31.

*Germany*

— 124,600 tonnes originating in Namibia;

*United Kingdom*

— 27,700 tonnes originating in Botswana,

— 42,000 tonnes originating in Zimbabwe,

— 217,800 tonnes originating in Namibia.

*Article 2*

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 1918/98, during the first 10 days of January 1999 for the following quantities of deboned 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.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 December 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

### **A. Trade**

e) Pigeat





COMMISSION REGULATION (EC) No 1369/98  
of 29 June 1998

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 1340/98<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;

Whereas Commission Regulation (EEC) No 904/90<sup>(3)</sup>, as last amended by Regulation (EEC) No 1207/97<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;

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

Done at Brussels, 29 June 1998.

Whereas the period for the adoption of transitional measures was extended until 30 June 1999 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 1998 to 30 June 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 349, 31. 12. 1994, p. 105.

<sup>(2)</sup> OJ L 184, 27. 6. 1998, p. 1.

<sup>(3)</sup> OJ L 93, 10. 4. 1990, p. 23.

<sup>(4)</sup> OJ L 170, 28. 6. 1997, p. 33.

**COMMISSION REGULATION (EC) No 2562/98**

**of 27 November 1998**

**laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States and repealing Regulation (EEC) No 904/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 concerning the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90<sup>(1)</sup>, and in particular Article 30 thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat<sup>(2)</sup>, as last amended by Regulation (EC) No 3290/94<sup>(3)</sup>, and in particular Article 22 thereof,

Whereas Regulation (EC) No 1706/98 implements the amendments to the arrangements for imports from the ACP States made as a result of the mid-term review of the Fourth Lomé Convention; whereas Article 9 in Regulation (EC) No 1706/98 in particular introduces arrangements for reducing import duties on certain products in the pigmeat sectors within the limit of quotas; whereas in comparison to the provisions in Regulation (EEC) No 715/90 Article 9 of Regulation (EC) No 1706/98 provides for an increase in the tariff quotas and for an additional reduction in the customs duties applicable for products listed in Article 9(2) and (3) of the said Regulation; whereas there is also a provision for a reduction in the customs duties without a quota applicable to certain pigmeat products listed in Article 9(1) of Regulation (EC) No 1706/98;

Whereas detailed rules for the application of that Regulation should be adopted as regards the pigmeat products concerned with a view to administering the quotas concerned; whereas those detailed rules are either supplementary to or derogate from 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>(4)</sup>, as last amended by Regulation (EC) No 1044/98<sup>(5)</sup>;

Whereas, in order to ensure proper administration of the quotas, a security should be required for applications for import licences and certain conditions be laid down as regards applicants themselves; whereas the quotas should be staggered over the year and the term of validity of licences should be specified;

Whereas taking into account the quantities that have already been available under the arrangements laid down in Regulation (EEC) No 715/90, the new quantities for 1998 should be made available with regard to the quotas fixed in Regulation (EC) No 1706/98;

Whereas the groups ACP1, ACP2 and ACP3 in this Regulation refer to the products listed in Article 9(1), (2) and (3) of Regulation (EC) No 1706/98, respectively;

Whereas Commission Regulation (EEC) No 904/90 of 9 April 1990 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States or in the overseas countries and territories (OCT)<sup>(6)</sup>, as last amended by Regulation (EC) 1369/98<sup>(7)</sup>, should be repealed;

Whereas detailed rules for the issue of import licences for certain pigmeat products qualifying for reduced duties should be laid down;

Whereas this Regulation should apply from 1 December 1998 to enable proper management of the 1998 quotas;

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*

All imports into the Community under Article 9 of Regulation (EC) No 1706/98 of products covered by CN codes listed in Annex I to this Regulation shall be subject to the presentation of an import licence.

<sup>(1)</sup> OJ L 215, 1. 8. 1998, p. 12.

<sup>(2)</sup> OJ L 282, 1. 11. 1975, p. 1.

<sup>(3)</sup> OJ L 349, 31. 12. 1994, p. 105.

<sup>(4)</sup> OJ L 331, 2. 12. 1988, p. 1.

<sup>(5)</sup> OJ L 149, 20. 5. 1998, p. 11.

<sup>(6)</sup> OJ L 93, 10. 4. 1990, p. 23.

<sup>(7)</sup> OJ L 185, 30. 6. 1998, p. 14.

Licences shall be issued under the conditions laid down in this Regulation and within the limit of the quotas fixed by Regulation (EC) No 1706/98.

The annual quantities from the ACP countries referred to in this Regulation shall bear the following order numbers: the quota for group ACP2: 09.4029 and group ACP3: 09.4028.

#### Article 2

The overall annual quota of 500 tonnes referred to in Article 9(2) and annual quota of 500 tonnes referred to in Article 9(3) of Regulation (EC) No 1706/98 shall be staggered over the year as follows:

- 25 % in the period 1 January to 31 March,
- 25 % in the period 1 April to 30 June,
- 25 % in the period 1 July to 30 September,
- 25 % in the period 1 October to 31 December.

However, for the year 1998, the quantity available for group ACP2 shall amount to 500 tonnes and the quantity available for group ACP3 shall amount to 250 tonnes.

#### Article 3

1. Applicants for the import licences for products referred to in the third subparagraph of Article 1 shall be natural or legal persons who, at the time when applications are submitted, can prove to the satisfaction of the competent authorities of the Member States that they have been active in trade with third countries in the pigmeat sector for at least the preceding 12 months; however, retail establishments or restaurants selling their products to final consumers shall be excluded from this system.

2. The licence application may mention only one of the group numbers defined in Annex I hereto; it may involve several products covered by different CN codes. In such cases, all the CN codes shall be indicated in Section 16 and their description in Section 15 of the licences application.

The application must be for a minimum of one tonne and a maximum of 100 % of the quantity available for the group concerned and the period as specified in Article 2.

3. Section 8 of the licence application and the licence shall indicate the country of origin; licences shall entail an obligation to import from the country indicated.

4. Section 20 of the licence application and the licence shall carry one of the following entries:

- Producto ACP — Reglamentos (CE) n° 1706/98 y (CE) n° 2562/98

- AVS-produkt — forordning (EF) nr. 1706/98 og (EF) nr. 2562/98
- AKP-Erzeugnis — Verordnungen (EG) Nr. 1706/98 und (EG) Nr. 2562/98
- Προϊόν ΑΚΕ — Κανονισμοί (ΕΚ) αριθ. 1706/98 και (ΕΚ) αριθ. 2562/98
- ACP product — Regulations (EC) No 1706/98 and (EC) No 2562/98
- Produit ACP — règlements (CE) n° 1706/98 et (CE) n° 2562/98
- Prodotto ACP — regolamenti (CE) n. 1706/98 e (CE) n. 2562/98
- ACS-product — Verordeningen (EG) nr. 1706/98 en (EG) nr. 2562/98
- Produto ACP — Regulamentos (CE) n° 1706/98 e (CE) n° 2562/98
- AKT-tuote — asetukset (EY) N:o 1706/98 ja (EY) N:o 2562/98
- AVS-produkt — förordningarna (EG) nr 1706/98 och (EG) nr 2562/98.

5. Section 24 of the licence shall carry one of the following entries:

- Reducción del derecho de aduana en virtud del Reglamento (CE) n° 2562/98
- Nedsættelse af importafgiften jf. forordning (EF) nr. 2562/98
- Ermäßigung des Zollsatzes nach dem GZT gemäß Verordnung (EG) Nr. 2562/98
- Μείωση του δασμού όπως προβλέπεται στον κανονισμό (ΕΚ) αριθ. 2562/98
- Customs duty reduction as provided for in Regulation (EC) No 2562/98
- Réduction du droit de douane comme prévu au règlement (CE) n° 2562/98
- Riduzione del dazio doganale a norma del regolamento (CE) n. 2562/98
- Douanerecht verlaagd overeenkomstig Verordening (EG) nr. 2562/98
- Redução do direito aduaneiro conforme previsto no Regulamento (CE) n° 2562/98
- Tullialennus, josta on säädetty asetuksessa (EY) N:o 2562/98
- Nedsättning av tullavgiften enligt förordning (EG) nr 2562/98.

#### Article 4

1. Licence applications referred to in Article 3 may only be lodged during the first 10 days of each period specified in Article 2. However, licence applications for 1998 must be lodged during the period 1 to 10 December 1998.

2. Applications shall be invalid if the applicant does not declare in writing that he has not lodged and will not lodge, for the period in question, other applications for products of the same group in the Member State of lodgement or another Member State. If an applicant lodges more than one application for products of one group none of the applications shall be valid.

3. The Member States shall notify the Commission on the third working day following the end of the application submission period, of applications lodged for each of the products of the group in question. Such notification shall comprise a list of applicants, the product code and quantities applied for by group and the countries of origin.

All notifications, including notifications of nil applications, shall be made by telex or fax on the working day stipulated, using the model shown in Annex II in cases where no applications have been made, and the models shown in Annexes II and III in cases where applications have been made.

4. Subject to a decision on acceptance of applications by the Commission, licences shall be issued as quickly as possible.

5. The Commission shall decide to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reducing the quantities applied for.

If the overall quantity covered by applications is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following period for the same year.

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

Done at Brussels, 27 November 1998.

#### *Article 5*

Pursuant to Article 21(2) of Regulation (EEC) No 3719/88, import licences for the products referred to in the third subparagraph of Article 1 shall be valid for 150 days from the date of actual issue.

Import licences, issued pursuant to this Regulation shall not be transferable.

#### *Article 6*

A security of ECU 30 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

#### *Article 7*

Importation under the arrangements for a reduction in import duties provided for in this Regulation may take place only if the origin of the products concerned is certified by the competent authorities of the exporting countries in accordance with the rules of origin applicable to the products in question pursuant to Protocol 1 to the Fourth ACP-EEC Convention signed at Lomé on 15 December 1989.

#### *Article 8*

Regulation (EEC) No 3719/88 shall apply subject to the provisions of this Regulation.

#### *Article 9*

Regulation (EEC) No 904/90 is hereby repealed.

#### *Article 10*

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 December 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

ANNEX I

Products referred to in Article 9(1) of Regulation (EC) No 1706/98

Order No	Group No	CN code	Customs duty reduction (%)
	ACP1	0103 91 10 0103 92 11 0103 92 19 1501 00 11 1501 00 19 1602 10 00 1602 20 90 1602 41 10 1602 42 10 1602 49 ex 1602 90 10 1602 90 51 1902 20 30	16

Products referred to in Article 9(2) of Regulation (EC) No 1706/98

Order No	Group No	CN code	Customs duty reduction (%)	Annual quantity (tonnes)
09.4029	ACP2	0203 11 10 0203 12 11 0203 12 19 0203 19 11 0203 19 13 0203 19 15 ex 0203 19 55 (*) 0203 19 59 0203 21 10 0203 22 11 0203 22 19 0203 29 11 0203 29 13 0203 29 15 ex 0203 29 55 (*) 0203 29 59 0206 30 21 0206 30 31 0206 41 91 0206 49 91 0209 00 11 0209 00 19 0209 00 30 0210 11 11 to 0210 11 39 0210 12 11 0210 12 19 0210 19 10 to 0210 19 89 0210 90 39	50	500

(\*) With the exception of tenderloin presented alone

Products referred to in Article 9(3) of Regulation (EC) No 1706/98

Order No	Group No	CN code	Customs duty reduction (%)	Annual quantity (tonnes)
09.4028	ACP3	1601 00	65	500

*ANNEX II*

**Regulation (EC) No 2562/98 — ACP imports**

COMMISSION OF THE EUROPEAN COMMUNITIES		DG VI/D/3 — Pigmeat
Application for import licences	Date	Period
Member State: Sender: Contact: Telephone No: Fax No:		
To: DG VI/D/3 — Fax No: (32 2) 296 62 79; 296 12 27		
Group No	Quantity applied for	
ACP2		
ACP3		

ANNEX III

Regulation (EC) No 2562/98 — ACP imports

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/3 — Pigmeat

Application for import licences	Date	Period
Member State:		

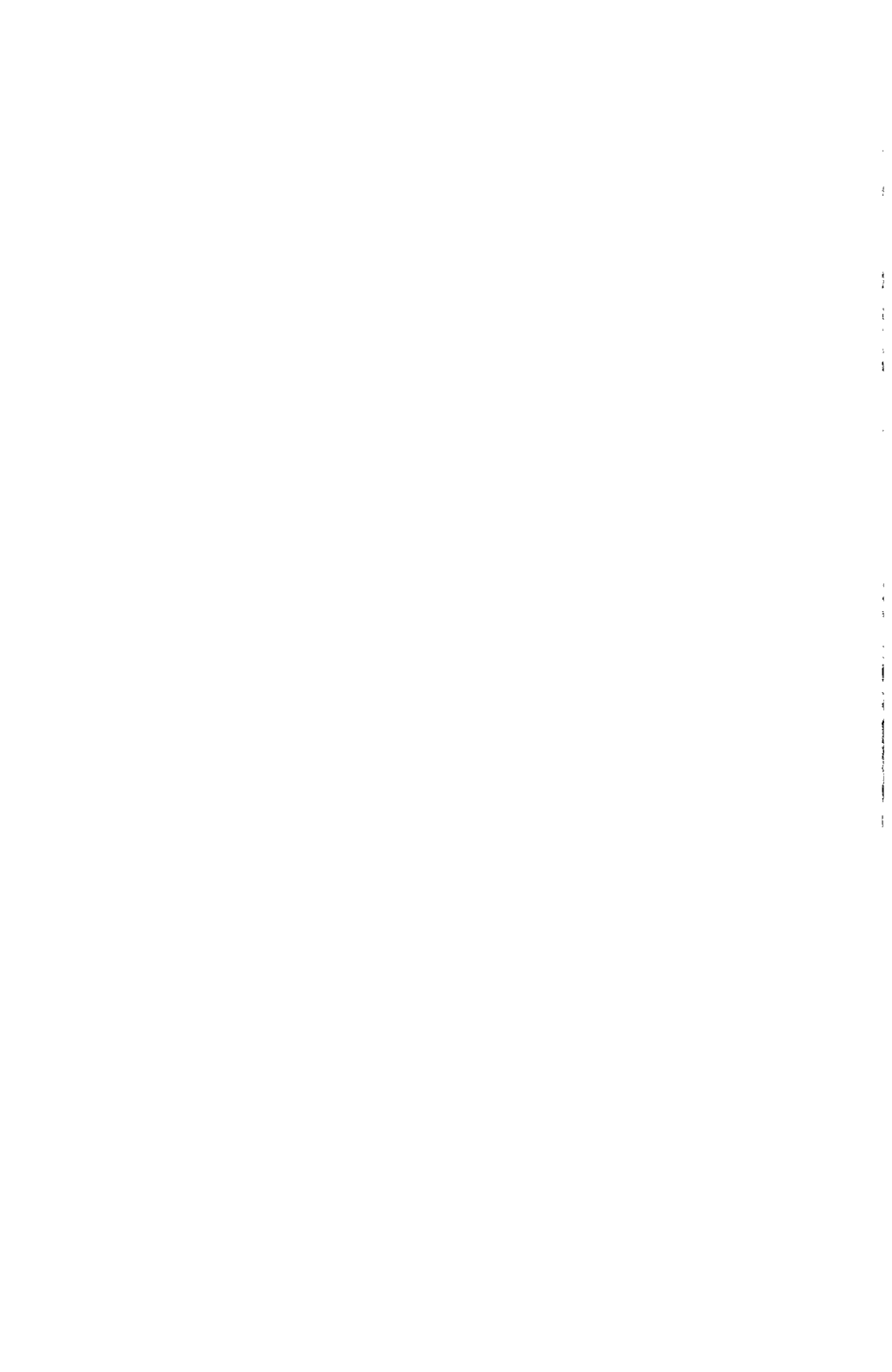
(tonnes)

Group No	CN code	Applicant (name and address)	Quantity	Country of origin
ACP2				
		Total		

(tonnes)

Group No	CN code	Applicant (name and address)	Quantity	Country of origin
ACP3				
		Total		

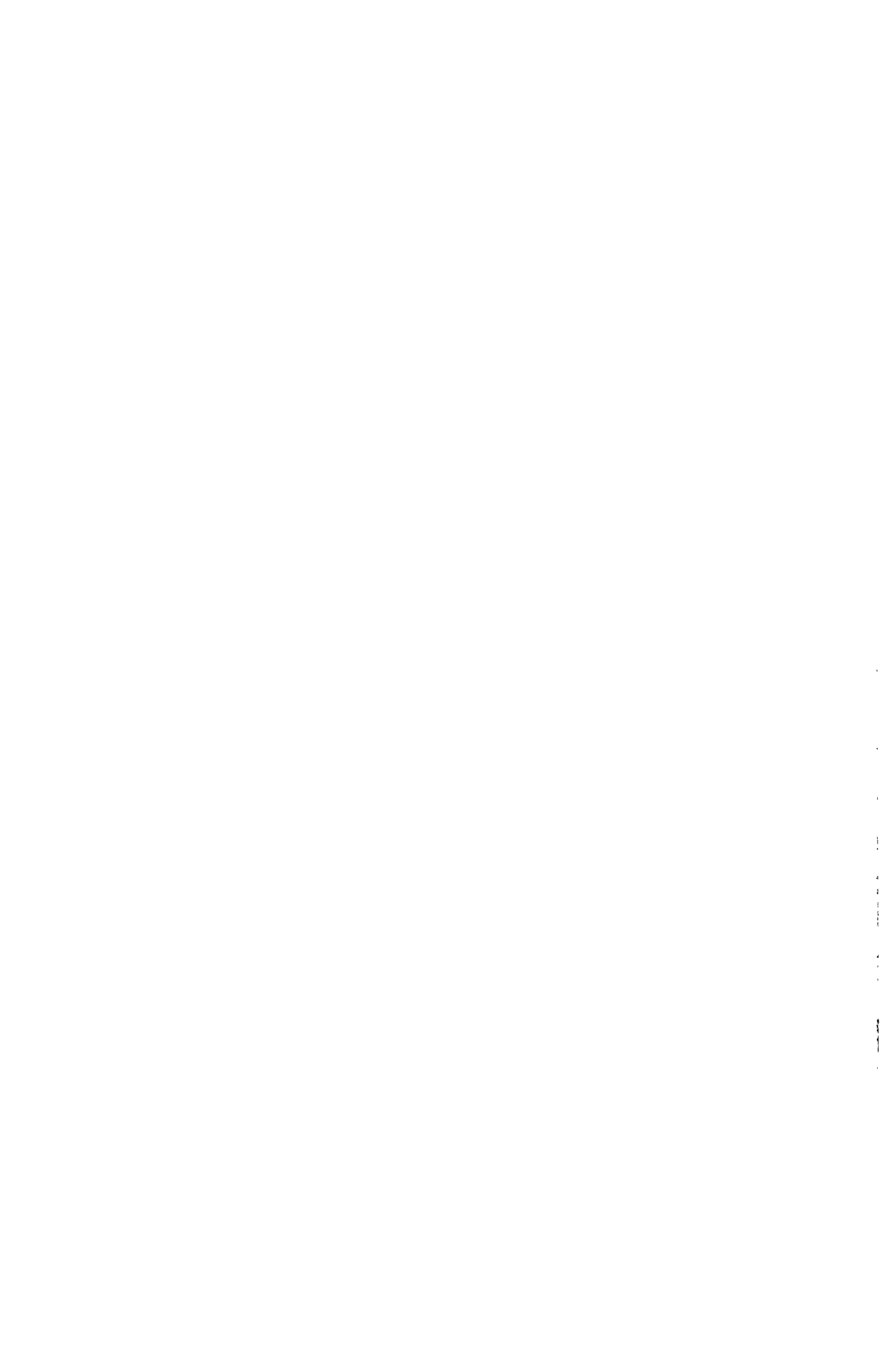




## **II. Community Acts relating to the application of the Lomé Convention**

### **A. Trade**

f) Poultrymeat



COMMISSION REGULATION (EC) No 1388/98  
of 30 June 1998

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 1340/98<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;

Whereas Commission Regulation (EEC) No 903/90<sup>(3)</sup>, as last amended by Regulation (EC) No 1514/97<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 1999 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 1998 to 30 June 1999.

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

Done at Brussels, 30 June 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 349, 31. 12. 1994, p. 105.

<sup>(2)</sup> OJ L 184, 27. 6. 1998, p. 1.

<sup>(3)</sup> OJ L 93, 10. 4. 1990, p. 20.

<sup>(4)</sup> OJ L 204, 31. 7. 1997, p. 16.



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

### **A. Trade**

g) Milk products



COMMISSION REGULATION (EC) No 1314/98

of 25 June 1998

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 1246/97 <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 1998 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 1998 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 June 1998.

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

Done at Brussels, 25 June 1998.

*For the Commission*

Franz FISCHLER

*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 114, 5. 5. 1990, p. 21.

<sup>(4)</sup> OJ L 173, 1. 7. 1997, p. 84.



COMMISSION REGULATION (EC) No 1480/98

of 10 July 1998

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 1340/98<sup>(2)</sup>, and in particular Article 3(1) thereof,

Whereas Commission Regulation (EC) No 1246/97<sup>(3)</sup> lays down transitional measures until 30 June 1998 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 1246/97, 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 1999 by Regulation (EC) No 1340/98; whereas, pending the adoption by the Council of definitive measures, the measures provided for by Regulation (EC) No 1246/97 should be extended until 30 June 1999;

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:

<sup>(1)</sup> OJ L 349, 31. 12. 1994, p. 105.

<sup>(2)</sup> OJ L 184, 27. 6. 1998, p. 1.

<sup>(3)</sup> OJ L 173, 1. 7. 1997, p. 84.

<sup>(4)</sup> OJ L 114, 5. 5. 1990, p. 21.

(d) the heading "notes" and Section 24 of licence applications and licences shall show respectively one of the following:

- Derecho de aduana reducido en un 50 %, Producto ACP  
Reglamento (CEE) n° 715/90
- Told nedsat med 50 %, AVS-varer  
Förordning (EØF) nr. 715/90
- Zoll, ermäßigt um 50 %, AKP-Erzeugnis  
Verordnung (EWG) Nr. 715/90
- Δασμός μειωμένος κατά 50 %, προϊόν ΑΚΕ  
Κανονισμός (ΕΟΚ) αριθ. 715/90
- Customs duty reduced by 50 %, ACP-Product  
Regulation (EEC) No 715/90
- Droit de douane réduit de 50 %, produit ACP  
Règlement (CEE) n° 715/90
- Dazio doganale ridotto del 50 %, prodotto ACP  
Reglamento (CEE) n. 715/90
- Douanerecht verminderd met 50 %, ACS-product  
Verordening (EEG) nr. 715/90
- Direito aduaneiro reduzido de 50 %, produto ACP  
Reglamento (CEE) n° 715/90
- Tullia alennettu viidelläkymmenellä prosentilla, AKT-tuote  
Asetus (ETY) N:o 715/90
- Nedsättning med 50 % av tullsatsen, produkt AVS  
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 1998 to 30 June 1999.

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

Done at Brussels, 10 July 1998.

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

---

## II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL DECISION

of 29 July 1998

concerning the approval of a Memorandum of Understanding between the European Community and the Dominican Republic on import protection for milk powder in the Dominican Republic

(98/486/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 in conjunction with Article 228(2) first sentence thereof,

Having regard to the proposal from the Commission,

Whereas the Dominican Republic has requested a rectification of its schedule under the Marrakech Agreement establishing the World Trade Organisation for eight tariff items;

Whereas only one of these items, milk powder, is of economic interest to the Community;

Whereas the Dominican Republic has offered a tariff quota of 32 000 tonnes of which 70 % would be reserved for the Community;

Whereas the Community will manage its share of the tariff quota according to a mechanism of export licences as established by Community regulations,

HAS DECIDED AS FOLLOWS:

### *Article 1*

The Memorandum of Understanding between the European Community and the Dominican Republic on import protection for milk powder in the Dominican Republic is hereby approved on behalf of the Community.

The text of the Memorandum of Understanding is attached to this Decision.

### *Article 2*

The President of the Council is hereby authorised to designate the person empowered to sign the Memorandum of Understanding in order to bind the Community.

### *Article 3*

The Commission shall, in accordance with the procedure laid down in Article 30 of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products<sup>(1)</sup>, adopt detailed rules for the implementation of paragraph 3 of the Memorandum of Understanding as referred to in Article 1.

### *Article 4*

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

Done at Brussels, 29 July 1998.

*For the Council*

*The President*

W. SCHUSSEL

<sup>(1)</sup> OJ L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EC) No 1587/96. (OJ L 206, 16. 8. 1996, p. 21).

**COMMISSION REGULATION (EC) No 2414/98  
of 9 November 1998**

**laying down detailed rules for the application of the arrangements applicable to imports of milk products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 1150/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1706/98 of 20 July 1998 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No 715/90 (1), and in particular Article 30(1) thereof,

Whereas Regulation (EC) No 1706/98 implements the amendments to the arrangements for imports from the ACP States made as a result of the mid-term review of the fourth Lomé Convention; whereas Article 7 of the said Regulation provides, as regards milk and milk products, for an increase in the tariff quotas for products falling within CN codes 0402 and 0406 and for an additional reduction in the customs duties applicable; whereas there is also provision for a further reduction in the customs duties applicable to certain milk products;

Whereas Commission Regulation (EEC) No 1150/90 (2), as last amended by Regulation (EC) No 1480/98 (3), laid down detailed rules for the application of the arrangements applicable to imports of certain milk products originating in the ACP States or in the overseas countries and territories (OCT); whereas those detailed rules should be adapted in the light of the new provisions referred to in Regulation (EC) No 1706/98; whereas, for the sake of clarity and efficiency, a new Regulation should be adopted and Regulation (EEC) No 1150/90 repealed;

Whereas rules of application are necessary to enable the tariff quotas concerned to be managed; whereas such rules should be either additions or exceptions to the provisions of 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 (4), as last amended by Regulation (EC) No 1044/98 (5);

Whereas, in order to ensure proper management of the quota, a security should be required for applications for import licences and certain conditions should be laid down as regards applicants themselves; whereas the quota and the period during which licences are valid should be staggered over the year;

Whereas for 1998, licences have already been issued under the arrangements laid down in Regulation (EEC) No 715/90; whereas, therefore, the quantities available for the year should be indicated with regard to the quotas fixed by Regulation (EC) No 1706/98;

Whereas the detailed rules for the issue of import licences for certain milk products qualifying for reduced duties should be laid down;

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*

Imports into the Community of milk products originating in the ACP States under the conditions laid down in Article 7(1) and (2) of Regulation (EC) No 1706/98, shall be subject to the detailed rules laid down in this Regulation.

CHAPTER 1

**Tariff quotas**

*Article 2*

Licences for imports under Article 7(1) of Regulation (EC) No 1706/98 shall be applied for and issued in accordance with the conditions laid down in this Chapter.

(1) OJ L 215, 1. 8. 1998, p. 12.

(2) OJ L 114, 5. 5. 1990, p. 21.

(3) OJ L 195, 11. 7. 1998, p. 11.

(4) OJ L 331, 2. 12. 1988, p. 1.

(5) OJ L 149, 20. 5. 1998, p. 11.

### Article 3

The volume of quotas referred to in Article 7(1) of Regulation (EC) No 1706/98, as set out in Annex I, shall be staggered over the year as follows:

- 50 % in the period 1 January to 30 June,
- 50 % in the period 1 July to 31 December.

However, for 1998, the available quantity shall be 500 tonnes for all products falling within each of the CN codes 0402 and 0406.

### Article 4

1. At the time applications are submitted, applicants for import licences must prove to the satisfaction of the competent authorities of the Member State concerned that they have been regularly importing and/or exporting milk or milk products into and/or out of the Community for the last 12 months. However, retail establishments or restaurants selling their products to final consumers shall not qualify for the scheme.

2. Licence applications may relate to only one of the quotas referred to in Article 7(1) of Regulation (EC) No 1706/98. They may relate to more than one of the products falling within CN codes 0402 or 0406 from a single African, Caribbean or Pacific (ACP) State. In such cases, all the CN codes shall be indicated in section 16 and their description in section 15. However, a separate licence shall be issued for each different product code.

3. Licence applications and licences shall include the following:

- (a) in section 8, the country of origin; licences shall carry with them an obligation to import from the country indicated;
- (b) in section 15, a detailed description of the product, and in particular:
  - the raw material used,
  - the fat content by weight (%) of the dry matter,
  - the water content by weight (%) of the non-fat matter,
  - the fat content by weight (%);
- (c) under the heading 'notes' and in section 24 respectively, the serial number of the quota and one of the following entries:
  - Reducción del derecho de aduana en un 65 %, Producto ACP — Apartado 1 del artículo 7 del Reglamento (CE) n° 1706/98, número de contingente 09...

— Nedsættelse af importafgiften med 65 %, AV\$-varer — artikel 7, stk. 1: forordning (EF) nr. 1706/98, kontingent nr. 09...

— Zollermäßigung um 65 %, AKP-Erzeugnis — Artikel 7 Absatz 1 der Verordnung (EG) Nr. 1706/98, Kontingent Nr. 09...

— Μειωμένος τελωνειακός δασμός κατά 65 %, προϊόν ΑΚΕ — άρθρο 7 παράγραφος 1 του κανονισμού (ΕΚ) αριθ. 1706/98, αριθμός ποσόστωσης 09...

— Duty rate reduced by 65 %, ACP-Product — Article 7 (1) Regulation (EC) No 1706/98, quota No 09...

— Réduction du taux de droit de douane de 65 %, produit ACP — article 7 paragraphe 1 du règlement (CE) n° 1706/98, numéro de contingent 09...

— Riduzione del dazio doganale del 65 %, prodotto ACP — Articolo 7, paragrafo 1 del regolamento (CE) n. 1706/98, numero di contingente 09...

— Douanerecht verlaagd met 65 %, ACS-product, artikel 7, lid 1, van Verordening (EG) nr. 1706/98, contingentnummer 09...

— Redução da taxa de direito aduaneiro de 65 %, Produto ACP — n° 1 do artigo 7º do Regulamento (CE) n° 1706/98, número de contingente 09...

— Tullinalennus 65 %, asetuksen (EY) N:o 1706/98 7 artiklan 1 kohdan mukainen AKT-tuote, kiintiön numero 09...

— Nedsättning med 65 % av tullsatsen enligt produkt AVS — artikel 7.1 i förordning (EG) nr 1706/98, kvotens löpnummer 9...

4. Licence applications may be lodged only during the first 10 days of each period referred to in Article 3. However, licence applications for 1998 must be lodged during the period from 15 to 25 November 1998.

5. Licence applications shall be admissible only where applicants declare in writing that, for the current period, they undertake not to submit applications in respect of the same quota for total quantities exceeding the quantity available. In the event of non-compliance with the undertaking, all the applications of the applicant concerned shall be inadmissible.

6. Member States shall notify the Commission, on the fifth working day following the end of the application period, of applications lodged for each of the quotas. Such notifications shall comprise the list of applicants, the product codes and the quantities applied for per quota, the countries of origin and a summary table showing the country of origin, the CN code and the total quantity applied for per CN code. All notifications, including

notifications of nil applications, shall be made by telex or fax on the working day stipulated, in accordance with the model set out in Annex III where no applications have been made and with the models set out in Annexes III and IV where applications have been made.

7. The Commission shall decide as soon as possible to what extent quantities may be awarded in respect of applications as referred to in this Article. If the quantities for which licence applications have been submitted exceed the quantities available, the Commission shall fix a single allocation coefficient for the quantities applied for per CN code. If the allocation coefficient is less than 0,80, applicants may decline the issuing of licences for one or more of the CN codes referred to in their applications. In such cases they shall notify the competent authority of their decision within three working days following publication of the decision referred to in the previous subparagraph. The competent authority shall inform the Commission forthwith of the details of this notification. Where the overall quantity for which applications have been submitted is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available for the following period in the same calendar year.

8. Licences shall be issued to those applicants whose applications have been notified in accordance with paragraph 6 as soon as possible after the Commission has taken its decision.

#### Article 5

Under Article 21(2) of Regulation (EEC) No 3719/88, import licences are valid for 150 days from the date of actual issue.

However, licences shall not be valid after 31 December of the year for which they are issued, with the exception of licences issued in 1998, which shall be valid until 31 May 1999.

Import licences issued under this Regulation shall not be transferable.

#### CHAPTER II

#### Reduction of customs duty

#### Article 6

Licences for imports under Article 7(2) of Regulation (EC) No 1706/98 of products listed in Annex II shall be applied for and issued in accordance with the conditions laid down in this Chapter.

#### Article 7

1. Licence applications and licences shall include the following:

(a) in section 8, the country of origin; licences shall carry with them an obligation to import from the country indicated;

(b) in section 15, a detailed description of the product and in particular:

- the raw material used,
- the fat content by weight (%) of the dry matter,
- the water content by weight (%) of the non-fat matter,
- the fat content by weight (%);

(c) in section 16, the CN code of the product;

(d) under the heading 'notes' and in section 24 respectively, one of the following entries:

- Reducción del derecho de aduana en un 16 %, Producto ACP — Apartado 2 del artículo 7 del Reglamento (CE) nº 1706/98
- Nedsættelse af importafgiften med 16 %, AVS-varer — artikel 7, stk. 2: forordning (EF) nr. 1706/98
- Zollermäßigung um 16 %, AKP-Erzeugnis — Artikel 7 Absatz 2 der Verordnung (EG) Nr. 1706/98
- Μειωμένος τελωνειακός δασμός κατά 16 %, προϊόν ΑΚΕ — άρθρο 7 παράγραφος 2 του κανονισμού (ΕΚ) αριθ. 1706/98
- Duty rate reduced by 16 %, ACP-Product — Article 7 (2) Regulation (EC) No 1706/98
- Réduction du taux de droit de douane de 16 %, produit ACP — article 7 paragraphe 2 du règlement (CE) nº 1706/98
- Riduzione del dazio doganale del 16 %, prodotto ACP — Articolo 7, paragrafo 2 del regolamento (CE) n. 1706/98
- Douanerecht verlaagd met 16 %, ACS-product, artikel 7, lid 2, van Verordening (EG) nr. 1706/98
- Redução da taxa de direito aduaneiro de 16 %, Produto ACP — nº 2 do artigo 7º do Regulamento (CE) nº 1706/98
- Vähennyttä tullimaksu 16 prosentilla, AKT-tuote — Asetus (EY) N:o 1706/98 7 artiklan 2 kohdan
- Nedsättning med 16 % av tullsatsen enligt produkt AVS — artikel 7.2 i förordning (EG) nr 1706/98.

2. The provisions of Article 2(3), (4) and (5) of Regulation (EEC) No 1374/88 shall apply.

### CHAPTER III

#### General provisions

##### *Article 8*

A security of ECU 35 per 100 kilograms shall be lodged with import licence applications for all products referred to in Article 1.

##### *Article 9*

Importation under the arrangements for reducing import duties laid down in this Regulation may take place only if the origin of the products concerned is certified by the competent authorities of the exporting countries in accordance with the rules of origin applicable to the products in question under Protocol 1 to the fourth ACP-EC Convention signed at Lomé on 15 December 1989.

##### *Article 10*

Without prejudice to this Regulation, the provisions of Regulation (EEC) No 3719/88 shall apply.

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

Done at Brussels, 9 November 1998.

##### *Article 11*

Member States shall notify the Commission by fax in accordance with Annex V before the end of January and July, for the preceding half year:

- (a) with regard to the products referred to in Article 7(1) of Regulation (EC) No 1706/98:
    - of the quantities imported;
  - (b) with regard to the products referred to in Article 7(2) of Regulation (EC) No 1706/98:
    - of the quantities for which licences have been issued and
    - of the quantities imported
- broken down by CN code and by country of origin.

##### *Article 12*

Regulation (EEC) No 1150/90 is hereby repealed. It shall continue to apply to import licences issued thereunder.

##### *Article 13*

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

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

*ANNEX I*

**Tariff quotas referred to in Article 7(1) of Regulation (EC) No 1706/98**

Quota No	CN code	Description	Quota (quantity in tonnes)		Customs duty reduction
			annual	half-year	
09.4026	0402	Milk and cream, concentrated or containing added sugar or other sweetening matter	1 000	500	65 %
09.4027	0406	Cheese and curd	1 000	500	65 %

*ANNEX II*

**Tariff quotas referred to in Article 7(2) of Regulation (EC) No 1706/98**

CN code	Customs duty reduction (%)
0401	16
0403 10 11 to 0403 10 39	16
0403 90 11 to 0403 90 69	16
0404	16
0405 10	16
0405 20 90	16
0405 90	16
1702 11 00	16
1702 19 00	16
2106 90 51	16
2309 10 15	16
2309 10 19	16
2309 10 39	16
2309 10 59	16
2309 10 70	16
2309 90 35	16
2309 90 39	16
2309 90 49	16
2309 90 59	16
2309 90 70	16





*ANNEX IV* ,

Application of Article 4(3)

---

COMMISSION OF THE EUROPEAN COMMUNITIES

---

DG VI.D.1 — MILK AND MILK PRODUCTS

---

APPLICATION FOR IMPORT LICENCES WITH CUSTOMS DUTY REDUCTION, ... HALF 199 ...

(Page / )

---

Member State

---

CN code	No	Applicant (name and address)	Quantity (tonnes)	Country of origin
Total in tonnes per serial number ...				



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

### **B. Financial and technical cooperation**



## II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL RECOMMENDATION

of 9 March 1998

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 1996

(98/217/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 1996 and the Court of Auditors' report re-

lating to the financial year 1996 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 1996 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 1996.

Done at Brussels, 9 March 1998.

*For the Council*

*The President*

G. BROWN

<sup>(1)</sup> OJ L 175, 1. 7. 1986, p. 1.

<sup>(2)</sup> OJ L 86, 31. 3. 1986, p. 210.

<sup>(3)</sup> OJ L 178, 2. 7. 1986, p. 13.

<sup>(4)</sup> OJ L 325, 20. 11. 1986, p. 42.

<sup>(5)</sup> OJ C 348, 18. 11. 1997, Volume I.

**COUNCIL RECOMMENDATION**

**of 9 March 1998**

**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 1996**

(98/218/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 1996 and the Court of Auditors' report relating to the financial year 1996 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 1996 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 1996.

Done at Brussels, 9 March 1998.

*For the Council*  
*The President*  
G. BROWN

<sup>(1)</sup> OJ L 263, 19. 9. 1991, p. 1.

<sup>(2)</sup> OJ L 229, 17. 8. 1991, p. 288.

<sup>(3)</sup> OJ L 266, 21. 9. 1991, p. 1.

<sup>(4)</sup> OJ C 348, 18. 11. 1997, Volume I.

**EUROPEAN PARLIAMENT DECISION**

**of 31 March 1998**

**giving discharge to the Commission in respect of the financial management of the sixth European Development Fund for the financial year 1996**

(98/329/EC)

THE EUROPEAN PARLIAMENT,

- Having regard to the EC Treaty,
  - Having regard to the third ACP-EEC Convention<sup>(1)</sup>,
  - Having regard to the balance sheets and revenue and expenditure accounts of the sixth and seventh European Development Funds for the 1996 financial year (SEC(97) 0938 — C4-0274/97),
  - Having regard to the report and the Statement of Assurance of the Court of Auditors concerning the financial year 1996 and the replies of the institutions<sup>(2)</sup>,
  - Having regard to the Recommendation of the Council of 9 March 1998 (C4-0167/98),
  - Having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A4-0091/98),
1. Gives discharge to the Commission in respect of the financial management of the sixth European Development Fund for the financial year 1996 on the basis of the following amounts:

**BALANCE SHEET OF THE SIXTH EDF AT 31 DECEMBER 1996**

(ECU 1 000)

ASSETS	SITUATION AS AT 31 DECEMBER 1996
Grants	4 130 078
Loans	924 402
Stabex	1 451 123
Sysmin	95 855
Administrative costs	2 340
<b>SUBTOTAL</b>	<b>6 603 798</b>
Liquid assets	402 493
Other current assets	879 573
Items under verification	33 816
<b>TOTAL</b>	<b>7 919 680</b>
<b>LIABILITIES</b>	
Contributions called up	7 560 000
Other income	539 838
Transfers to the seventh EDF	— 180 158
Amount due to the sixth EDF	—
Other debtors (interest under verification)	—
<b>TOTAL</b>	<b>7 919 680</b>

<sup>(1)</sup> OJ L 86, 31. 3. 1986.

<sup>(2)</sup> JO C 348, 18. 11. 1997 (Volume I, Chapter 12 and Volume II, Part II).



USE OF RESOURCES — SIXTH EDF AT 31 DECEMBER 1996

Breakdown of funds

	Initial appropriation	Resources or reductions at 31 December 1996	Resources or reductions during 1996	New situation
Total ACP	7 400 000 000,00	380 554 371,58	35 599 450,38	7 816 153 821,96
Total OCT	100 000 000,00	3 526 646,39	0,00	103 526 646,39
Total	7 500 000 000,00	384 081 017,97	35 599 450,38	7 919 680 468,35

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 and the European Investment Bank 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

**EUROPEAN PARLIAMENT DECISION**

of 31 March 1998

giving discharge to the Commission in respect of the financial management of the seventh European Development Fund for the financial year 1996

(98/330/EC)

THE EUROPEAN PARLIAMENT,

- Having regard to the EC Treaty,
  - Having regard to the fourth ACP-EEC Convention (1),
  - Having regard to the balance sheets and revenue and expenditure accounts of the sixth and seventh European Development Funds for the 1996 financial year (SEC(97) 0938 — C4-0274/97),
  - Having regard to the report and the Statement of Assurance of the Court of Auditors concerning the financial year 1996 and the replies of the institutions (2),
  - Having regard to the Recommendation of the Council of 9 March 1998 (C4-0166/98),
  - Having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A4-0091/98),
1. Gives discharge to the Commission in respect of the financial management of the seventh European Development Fund for the financial year 1996 on the basis of the following amounts:

**BALANCE SHEET OF THE SEVENTH EDF AT 31 DECEMBER 1996**

(ECU 1 000)

ASSETS	SITUATION AS AT 31 DECEMBER 1996
Grants	3 503 978
Loans	320 531
Stabex	1 610 561
Sysmin	101 067
<b>SUBTOTAL</b>	<b>5 536 137</b>
Liquid assets	—
Other current assets	—
Items under verification	—
<b>TOTAL</b>	<b>5 536 137</b>
LIABILITIES	
Contributions called up	3 799 888
Other income	876 289
Transfers to the seventh EDF	—
Amount due to the sixth EDF	859 960
<b>TOTAL</b>	<b>5 536 137</b>

(1) OJ L 229, 17. 8. 1991.

(2) JO C 348, 18. 11. 1997 (Volume I, Chapter 12 and Volume II, Part II).

USE OF RESOURCES — SEVENTH EDF AT 31 DECEMBER 1996

Breakdown of funds

	Initial appropriation	Resources or reductions at 31 December 1996	Resources or reductions during 1996	New situation
Total ACP	10 800 000 000,00	828 011 277,33	-18 204 535,14	11 609 806 742,19
Total OCT	140 000 000,00	14 800 730,06	23 404,00	154 800 964,10
Sundry revenue	0,00	41 341 598,08	10 339 649,67	51 681 247,75
Total	10 940 000 000,00	884 153 605,47	-7 864 651,43	11 816 288 954,04

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 and the European Investment Bank 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

\_\_\_\_\_

### **III. Community Acts relating to bilateral relations between the Community and certain ACP States**

#### **Fisheries**



## COMMISSION DECISION

of 16 January 1998

on protective measures with regard to fishery products from, or originating in Uganda, Kenya, Tanzania and Mozambique and repealing Decision 97/878/EC

(Text with EEA relevance)

(98/84/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(6) thereof,

Whereas, following the outbreak of cholera in a number of African countries, the Commission, in accordance with Article 19(1) of Directive 90/675/EEC, adopted on its own initiative the decisions necessary to protect public health;

Whereas the provisions concerned subject consignments of frozen or processed fishery products from, or originating in Uganda, Kenya, Tanzania and Mozambique to sampling to ensure that they are healthy;

Whereas such checks must be capable of detecting, in particular, the presence of salmonellae and vibrios (*Vibrio cholerae* and *Vibrio parahaemolyticus*);

Whereas, because of time required to carry out microbiological analyses, the import into Community territory of fresh fishery products from, or originating in the countries concerned should be prohibited;

Whereas a derogation should be provided for fishery products which are caught, frozen and packed in their final packaging at sea and landed directly on Community territory;

Whereas the provisions of this Decision should be reviewed shortly in the light of the development of the epidemic;

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

<sup>(1)</sup> OJ L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ L 162, 1. 7. 1996, p. 1.

HAS ADOPTED THIS DECISION:

### Article 1

This Decision shall apply to fresh, frozen and processed fishery products from, or originating in Uganda, Kenya, Tanzania and Mozambique.

It shall not apply to fishery products which are caught, frozen and packed in their final packaging at sea and exported directly to Community territory.

### Article 2

The Member States shall prohibit the entry into their territory of fresh fishery products from, or originating in Uganda, Kenya, Tanzania and Mozambique.

### Article 3

The Member States shall, on the basis of sampling plans and using suitable detection methods, subject all consignments of frozen or processed fishery products from or originating in Uganda, Kenya, Tanzania and Mozambique, with the exception of sterilised products, to a microbiological examination to verify that they present no threat to public health. The examination shall be carried out, in particular, to detect the presence of salmonellae and, in the case of frozen products, *Vibrio cholerae* and *Vibrio parahaemolyticus* (in the case of sea products).

### Article 4

Member States shall only allow the entry into their territory and the consignment to another Member State of the fishery products in question where the results of the examinations are favourable.

### Article 5

Where checks carried out on import by the authorities of a Member State confirm the presence of pathogenic agents covered by this Decision, they shall immediately inform the Commission and the other Member States, without prejudice to the measures to be taken with regard to the contaminated consignment.

*Article 6*

All costs incurred in applying this Decision shall be chargeable to the consignor, the consignee or their agents.

*Article 7*

Commission Decision 97/878/EC<sup>(1)</sup> is hereby repealed.

*Article 8*

The Member States shall adjust the measures they apply to trade to comply with this Decision. They shall immediately inform the Commission of the adjustments made.

*Article 9*

This Decision shall be reviewed before 31 January 1998.

*Article 10*

This Decision is addressed to the Member States.

Done at Brussels, 16 January 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<sup>(1)</sup> OJ L 356, 31. 12. 1997, p. 64.

# COMMISSION

## COMMISSION DECISION

of 30 June 1998

**repealing Decision 98/84/EC on protective measures with regard to fishery products from or originating in Uganda, Kenya, Tanzania and Mozambique and amending the health certification for fishery products originating or proceeding from Uganda, Kenya and Mozambique**

*(notified under document number C(1998) 1848)*

(Text with EEA relevance)

(98/418/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 Commission Decision 98/84/EEC of 16 January 1998 on protective measures with regard to fishery products from or originating in Uganda, Kenya, Tanzania and Mozambique, and repealing Decision 97/878/EC<sup>(3)</sup>, was adopted because of the development of a cholera epidemic in those countries;

Whereas Commission Decision 95/328/EEC<sup>(4)</sup> establishes health certification for fishery products from third countries which are not yet covered by a specific decision;

Whereas the official authorities in Uganda, Kenya, Tanzania and Mozambique have provided the appropriate guarantees; whereas, therefore, Decision 98/84/EC should be repealed;

Whereas the importation of fishery products from Uganda, Kenya, Tanzania and Mozambique must be subject to the provisions 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>(5)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden;

Whereas special attention must be paid to the medical checks of workers handling fishery products intended for human consumption, as laid out in Chapter III, point II(B) of the Annex of Directive 91/493/EEC; whereas, therefore, it is necessary to add a specific mention in the health certification accompanying the imports of fishery products from Uganda, Kenya and Mozambique;

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 98/84/EEC is hereby repealed with effect from 1 July 1998.

### *Article 2*

Point IV of the health certification laid down in the Annex to Commission Decision 95/328/EC and accompanying the consignments of fishery products originating or proceeding from Uganda, Kenya and Mozambique, must be completed by the following point:

'(3) any person working on and/or handling the fishery or aquaculture products described above have satisfactorily undergone the medical supervision laid down in Chapter III, point II(B) of the Annex to Directive 91/493/EEC.'

<sup>(1)</sup> OJ L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ L 162, 1. 7. 1996, p. 1.

<sup>(3)</sup> OJ L 15, 21. 1. 1998, p. 43.

<sup>(4)</sup> OJ L 191, 12. 8. 1995, p. 32.

<sup>(5)</sup> OJ L 268, 24. 9. 1991, p. 15.



*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 30 June 1998.

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

---

## II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL DECISION

of 20 January 1998

**on the conclusion of an Agreement in the form of an Exchange of Letters on the provisional application of the Protocol defining, for the period 6 September 1997 to 5 September 2000, the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde**

(98/97/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 Republic of Cape Verde on fishing off the coast of Cape Verde<sup>(1)</sup>, and in particular Article 13 thereof,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Cape Verde held negotiations to determine the amendments or additions to be made to the Agreement on fishing off Cape Verde at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations, a new Protocol was initialled on 10 July 1997;

Whereas, under this Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of Cape Verde for the period 6 September 1997 to 5 September 2000;

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 Agree-

ment 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 defining, for the period 6 September 1997 to 5 September 2000, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde 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 Decision.

### *Article 2*

The fishing possibilities provided for in the Protocol shall be allocated among the Member States as follows:

— freezer tuna seiners:

France: 19 vessels

Spain: 18 vessels,

<sup>(1)</sup> OJ L 212, 9. 8. 1990, p. 1.

— pole-and-line tuna vessels:

France: eight vessels

Spain: two vessels,

— surface longliners:

Spain: 18 vessels

Portugal: eight vessels,

— bottom longliners:

Portugal: three vessels.

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 January 1998.

*For the Council*

*The President*

J. CUNNINGHAM

---

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**

**on the provisional application of the Protocol establishing, for the period 6 September 1997 to 5 September 2000, the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde**

*A. Letter from the Government of the Republic of Cape Verde*

Sir,

With reference to the Protocol initialled on 10 July 1997 establishing the fishing rights and financial compensation for the period 6 September 1997 to 5 September 2000, I have the honour to inform you that the Republic of Cape Verde is willing to apply the Protocol provisionally from 6 September 1997 pending its entry into force in accordance with Article 7 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 January 1998.

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 the Republic of Cape Verde*

*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 10 July 1997 establishing the fishing rights and financial compensation for the period 6 September 1997 to 5 September 2000, I have the honour to inform you that the Republic of Cape Verde is willing to apply the Protocol provisionally from 6 September 1997 pending its entry into force in accordance with Article 7 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 January 1998.

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*

---

## PROTOCOL

establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde

### Article 1

Pursuant to Article 2 of the Agreement, and for a period of three years from 6 September 1997, the following fishing possibilities shall be accorded:

- (a) highly migratory species:
- freezer tuna seiners: 37 vessels,
  - pole-and-line tuna vessels: 10 vessels,
  - surface longliners: 26 vessels;
- (b) other species:
- bottom longliners: three vessels, each with a tonnage of less than 210 GRT.

### Article 2

1. For the period referred to in Article 1, the financial compensation referred to in Article 7 of the Agreement shall be ECU 1 086 000, payable in three equal annual instalments.

In the case of tuna fishing, this compensation shall cover a catch weight in waters of Cape Verde of 5 000 tonnes of tuna fished per year. If the annual amount of tuna caught by Community vessels in the waters of Cape Verde exceeds this quantity, the abovementioned compensation 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 Cape Verdean authorities.

3. The compensation shall be paid into an account opened with a financial institution or any other body designated by the Cape Verdean authorities.

### Article 3

The Community shall also contribute during the period referred to in Article 1 the sum of ECU 267 440 towards the financing of a Cape Verde scientific or technical programme (equipment, infrastructure, seminars, studies, etc.) to improve information on the fishery resources within the exclusive economic zone of Cape Verde.

This sum shall be made available to the Ministry for Fisheries of Cape Verde and paid into the bank account indicated by the Office.

The authorities of Cape Verde shall send to the Commission a brief report on the utilization of the funds.

### 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 make it easier for nationals of Cape Verde 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. The awards may also be used in any country linked with the Community by a cooperation agreement.

2. The total cost of the awards may not exceed ECU 178 300. At the request of the Cape Verdean authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries. The sum shall be payable as and when it is used.

### 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.

### Article 6

The Annex to the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde 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 6 September 1997.

ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS  
IN THE CAPE VERDE FISHING ZONE

A. Licence application and issuing formalities

1. The Community authorities shall present to the Office of the Ministry for Fisheries of Cape Verde, via the Delegation of the European Commission in Cape Verde, an application for each vessel that is to be used for fishing under the Agreement, at least 15 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 Office of the Ministry for Fisheries of Cape Verde, a specimen of which is attached hereto (Appendix 1).

2. Each licence application shall be accompanied by proof of payment of the fee for the period of the licence's validity. Payment shall be made into an account opened with a financial institution or any other body designated by the Cape Verdean authorities.

The fees shall include all national and local charges except for port taxes and service charges.

3. Licences for all vessels shall be issued by the Office of the Ministry for Fisheries, of Cape Verde, within 15 days following receipt of proof of payment as laid down in point 2, to the shipowners or their representatives via the Delegation of the European Commission in Cape Verde.

4. Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the European Commission, a vessel's licence may, and in the case of *force majeure* shall be replaced by a new licence for another vessel with features similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Office of the Ministry for Fisheries of Cape Verde via the Delegation of the European Commission in Cape Verde.

The new licence shall indicate:

- the date of issue,
- the fact that it replaces the licence of the previous vessel for the remaining period of validity.

In this case, no fee as laid down in Article 4(2) of the Agreement shall be due for unexpired period of validity.

5. The licence must be held on board at all times; however, on reception of notification of payment of the advance sent to the Cape Verdean authorities by the European Commission, the vessel shall be entered on a list of vessels authorized to fish, which shall be sent to the Cape Verdean authorities responsible for fisheries inspection. A copy of the said licence may be obtained by fax pending arrival of the licence itself; that copy shall be kept on board.

6. The Ministry for Fisheries of Cape Verde shall give notice, before the Agreement enters into force, of the arrangements for payment of the fee, including information on bank accounts and the currencies to be used.

B. Provisions applicable to tuna vessels and surface longliners

1. Licences shall be valid for one year. They shall be renewable.
2. The fee shall be ECU 20 per tonne caught within the Cape Verde fishing zone.
3. Licences shall be issued after payment to the Ministry for Fisheries of Cape Verde of a lump sum of ECU 1 800 for the first year and ECU 2 000 for the following years for each tuna seiner, ECU 300 a year for each pole-and-line tuna vessel and ECU 1 000 a year for each surface longliner, equivalent to the fees payable for a catch of:

- 90 tonnes of tuna for the first year and 100 tonnes per year for each following year in the case of seiners,
- 15 tonnes of tuna per year in the case of pole-and-line vessels,
- 50 tonnes of fish per year for surface longliners.

4. The master must keep a fishing log as shown in Appendix 2 for each fishing period spent in the Cape Verde fishing zone.

Logs shall be sent for processing to the Institut Français de Recherche Scientifique et Technique d'Outre-Mer (ORSTOM), the Instituto Español de Oceanografía (IEO) and the Instituto Nacional de Desenvolvimento das Pescas (INDP) of Cape Verde within a month of the end of each calendar quarter.

The Member States shall notify the European Commission by 15 April of catches, in tonnes, during the previous year, as confirmed by the scientific institutes. On the basis of this information, the Commission shall draw up a statement of fees due for the fishing period and send it to the Ministry for Fisheries of Cape Verde for comments.

Shipowners shall receive notification by the end of April of the statement drawn up by the Commission, and shall have 30 days to make any payment due. If the amount of the final statement is lower than the amount of the lump sum advance payment, the balance shall not be reimbursable to the shipowner.

#### C. Provisions applicable to licences for other vessels

In the case of bottom longliners, licences shall be valid for three, six or 12 months. The annual fee shall be fixed according to GRT, at the rate of ECU 130 per GRT, in proportion to the duration of the licence.

#### D. Statement of catch

1. For tuna seiners, pole-and-line tuna vessels and surface longliners, a fishing log shall be kept in accordance with paragraph 4 of point B.
2. Bottom longliners shall be obliged to notify the Ministry for Fisheries of Cape Verde of their catches using the standard form set out in Appendix 3 via the Delegation of the European Commission in Cape Verde. These statements shall be monthly and must be communicated at least once every three months.
3. Forms must be completed legibly and signed by the master of the vessel.
4. Should these provisions not be adhered to, the Cape Verdean authorities reserve the right to apply, *inter alia*, one or both of the following penalties:
  - suspension of the licence of the offending vessel,
  - imposition of a fine.

In this case, the Delegation of the European Commission in Cape Verde shall be informed.

#### E. Landing of catch

Community tuna vessels shall, wherever possible, contribute towards supplying the Cape Verde tuna canning factories in accordance with their catches in the zone at a price fixed by mutual agreement between the Community shipowners and the Cape Verdean authorities on the basis of current prices on the international markets. Payment shall be made in convertible currency.

Moreover, tuna vessels landing their catches in a Cape Verdean port shall, wherever possible, make part of their by-catch available to the authorities of Cape Verde at local market prices.

#### F. Signing on of seamen

1. Tuna vessel and surface longliner owners shall employ Cape Verdean nationals, subject to the following conditions and limits:



- for the fleet of tuna seiners, six Cape Verdean seamen shall be signed on during the tuna period in the Cape Verde fishing zone,
  - for the fleet of pole-and-line tuna vessels, three Cape Verdean seamen shall be signed on during the tuna fishing period in the Cape Verde fishing zone, all of them to be assigned to different vessels,
  - for the fleet of surface longliners, four Cape Verdean seamen shall be signed on during the fishing period in the Cape Verde fishing zone, each of them to be assigned to different vessels.
2. The wages of these seamen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the Cape Verdean authorities; the wages shall be borne by the shipowners and must include the social contributions to which the seaman is subject (including life assurance and accident and sickness insurance). The shipowner or his representative shall send a copy of the labour contract to the Directorate-General of Fisheries of Cape Verde.
3. Should the seamen not be signed on, shipowners shall be obliged to pay a lump sum equivalent to the wages of seamen not signed on.
- This sum will be used for the training of seamen in Cape Verde and is to be paid into the account specified by the Cape Verdean authorities.
4. The shipowner or his representative shall notify the Ministry for Fisheries of the list of Cape Verdean sailors taken on board Community ships during the fishing season, with details of their registration as crew members and the ships they have boarded.

#### G. Taking on board of observers

1. Before issuing licences, the Ministry for Fisheries of Cape Verde shall notify shipowners or their representatives of the vessels on board which they must take an observer.
- The observer may not remain on board longer than is necessary for the accomplishment of his duties.
- The salary and social contributions of the observer shall be borne by the Cape Verdean authorities.
2. The work of the observer and the conditions on which he is taken on board must not interrupt or hinder fishing activities. The observer shall be taken on board at a port chosen by the shipowner at the beginning of the first voyage after notification of the list of designated ships.
- Within two weeks, the shipowners concerned shall make known at which ports and on what dates, giving 10 days' notice, they intend to take observers on board.
- Should the observer be taken on board in a foreign port, his travelling costs shall be borne by the shipowner. Should a tuna vessel with an observer on board leave the Cape Verde fishing zone, all measures must be taken to ensure the observer's return to Cape Verde as soon as possible at the expense of the shipowner.

#### H. Fishing zones

Community vessels may carry out fishing activities in the following zones, determined by reference to the base lines:

- beyond 12 miles for tuna seiners and surface longliners,
- beyond six miles for pole-and-line tuna vessels,
- from the base lines for live bait fishing and for bottom longliners.

#### I. Meshes authorized

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be:

- 16 mm for live bait fishing.

In the case of tuna, the international standards recommended by ICCAT shall apply.

**J. Entering and leaving the zone**

Within three hours of entering or leaving the zone and every week during their fishing activities in Cape Verde's waters, vessels shall be obliged to communicate their position and the volume of the catch on board direct to the Cape Verdean authorities preferably by fax or, failing that, by radio in the case of vessels not equipped with fax.

The Cape Verdean authorities shall notify the fax number and radio frequency on issue of the licence.

A copy of the fax messages or of the record of radio communications shall be kept by the Cape Verdean authorities and the shipowners until both parties have approved the final statement of fees referred to in point B.

A vessel caught fishing without having notified the Cape Verdean authorities of its presence shall be considered an unlicensed vessel.

**K. Port equipment and use of supplies and services**

Community vessels shall, where possible, procure in Cape Verde all supplies and services necessary for their activities. The Cape Verdean authorities shall, in agreement with the shipowners or their representatives, establish the conditions for using port equipment and, if necessary, supplies and services.

**L. Procedure in case of boarding**

1. The Delegation of the European Commission in Cape Verde shall be notified within 48 hours of any boarding within the Cape Verde 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 provided within 72 hours.
  2. A meeting shall be held, within 24 hours of receipt of the abovementioned information, between the Delegation of the European Commission in Cape Verde, the Office of the Ministry for Fisheries of Cape Verde and the inspection authorities, possibly attended by a representative of the Member State concerned, at which the parties shall exchange any relevant documentation of information helping to clarify the circumstances of the established facts. The shipowner or his representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.
  3. A vessel boarded following a fisheries infringement shall be released upon payment of a security, to be fixed in the light of the costs occasioned by the boarding and the amount of fines and compensation to which those responsible for the infringement are liable.
-

*Appendix 1*

MINISTRY FOR FISHERIES

LICENCE APPLICATION FOR FOREIGN INDUSTRIAL FISHING VESSELS

- 1. Name of shipowner:.....
- 2. Address of shipowner:.....
- 3. Name of representative or local agent of shipowner:.....
- 4. Address of representative or local agent of shipowner: .....
- 5. Name of master: .....
- 6. Registration of vessel:.....
- 7. Registration number: .....
- 8. Date and place of construction:.....
- 9. Flying the flag of:.....
- 10. Port of registration:.....
- 11. Port of rigging:.....
- 12. Overall length:.....
- 13. Width:.....
- 14. Gross tonnage:.....
- 15. Net tonnage:.....
- 16. Hold capacity: .....
- 17. Chilling or freezing capacity:.....
- 18. Engine type and horse power:.....
- 19. Type of fishing: .....
- 20. Crew complement: .....
- 21. Communication equipment:.....
- 22. Call sign:.....
- 23. Dialling signals: .....
- 24. Fishing operations to be carried out:.....
- 25. Place for landing catch: .....
- 26. Fishing zones: .....
- 27. Species to be caught:.....
- 28. Period of validity:.....
- 29. Special conditions: .....
- 30. Other activities of the applicant in Cape Verde:.....

Opinion of the Directorate-General for Fisheries:  
.....  
.....

Remarks of the Ministry for Fisheries, Agriculture and Rural Life:  
.....  
.....



# ICCAT LOGBOOK for TUNA FISHERY

Appendix 2

Vessel name		Gross ton		19... ..		Trip number		19... ..	
Flag country		Capacity (M T)		month		day		year	
Registration No		Captain		month		day		year	
Company or owner		No of crew		Bait LEFT		Bait RETURNED		port	
Address		Reporting date		Number of days at sea		days		Number of fishing days or number of sets made	
Reported by		Reported date		Number of days at sea		days		Number of fishing days or number of sets made	

Date	Area		Effort (number hooks used)	Wind (kt)	Water Temp	CATCHES										Bait used				
	Latitude NS	Longitude EW				Bluefin tuna (Thunnus thynnus or macleayi)	Weight in kg	Number fish	Yellowfin tuna (Thunnus albacares)	Bigeye tuna (Thunnus obesus)	Albacore (Thunnus albacor)	Swordfish (Xiphus gladius)	Striped marlin (Wise marlin T. or albigus)	Black marlin (Mistral marlin)	Skipjack (Katsuwonus pelamis)	Miscellaneous fishes	Daily total (in weight) kg only	Shrimp	Squid	Lurebait
01																				
02																				
03																				
04																				
05																				
06																				
07																				
08																				
09																				
10																				
11																				
12																				
13																				
14																				
15																				
16																				
17																				
18																				
19																				
20																				
21																				
22																				
23																				
24																				
25																				
26																				
27																				
28																				
29																				
30																				
31																				
32																				
33																				
34																				
35																				
36																				
37																				
38																				
39																				
40																				
41																				
42																				
43																				
44																				
45																				
46																				
47																				
48																				
49																				
50																				
51																				
52																				
53																				
54																				
55																				
56																				
57																				
58																				
59																				
60																				
61																				
62																				
63																				
64																				
65																				
66																				
67																				
68																				
69																				
70																				
71																				
72																				
73																				
74																				
75																				
76																				
77																				
78																				
79																				
80																				
81																				
82																				
83																				
84																				
85																				
86																				
87																				
88																				
89																				
90																				
91																				
92																				
93																				
94																				
95																				
96																				
97																				
98																				
99																				
100																				

Remarks:  
 1. Use one shaded per month, and one line per day  
 2. At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mail 17, Madrid 1, Spain  
 3. Day refers to the day you set the line  
 4. Fishing area refers to the noon position of the boat round of minutes, and record degrees of latitude and longitude. Be sure to record NIS and EW  
 5. The bottom line (landing weight) should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded  
 6. All information reported herein will be kept strictly confidential

*Appendix 3*

**INFORMATION ON CATCHES RESULTING FROM INDUSTRIAL FISHING**

- 1. Name and registration number of vessel: .....
- 2. Nationality: .....
- 3. Type of vessel: .....  
(for fresh fish, tuna, etc.)
- 4. Master's name: .....
- 5. Fishing licence issued by: .....  
Valid for the period: .....
- 6. Type of fishing: .....
- 7. Date of leaving port: .....  
Date of entering port: .....
- 8. Catches: .....

Date	Fishing zone	Species caught	Tonnage	Port of landing
.....	.....	.....	.....	.....

I the undersigned ....., Master of the vessel cited above, or his representative, hereby declare that the information given above is correct, as witnessed by the observer of the Government.

Witnessed by the Observer of the  
Government

Signed The Master

.....

\_\_\_\_\_

I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 200/98**

**of 20 January 1998**

**on the conclusion of the Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 6 September 1997 to 5 September 2000**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof 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<sup>(1)</sup>,

Whereas, pursuant to the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde<sup>(2)</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 those negotiations, a new Protocol establishing the fishing rights and financial compensation provided for in the abovementioned Agreement for the period 6 September 1997 to 5 September 2000 was initialled on 10 July 1997;

Whereas it is in the Community's interest to conclude this Protocol,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the Coast of Cape Verde for the period from 6 September 1997 to 5 September 2000 is hereby approved on behalf of the Community.

<sup>(1)</sup> OJ C 371, 8. 12. 1997.

<sup>(2)</sup> OJ L 212, 9. 8. 1990, p. 1.

The text of the Protocol is attached to this Regulation<sup>(3)</sup>.

*Article 2*

The fishing possibilities provided for in the Protocol shall be allocated among the Member States as follows:

— freezer tuna seiners:

France: 19 vessels

Spain: 18 vessels,

— pole-and-line tuna vessels:

France: eight vessels

Spain: two vessels,

— surface longliners:

Spain: 18 vessels

Portugal: eight vessels,

— bottom longliners:

Portugal: three vessels.

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*.

<sup>(3)</sup> See page 16 of this Official Journal.

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

Done at Brussels, 20 January 1998.

*For the Council*  
*The President*  
J. CUNNINGHAM

---

## II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL DECISION

of 20 January 1998

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing for the period 1 July 1997 to 30 June 2000 the fishing rights and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

(98/102/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 Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire, and in particular Article 13 thereof<sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Côte d'Ivoire have held negotiations to determine the amendments or additions to be made to the abovementioned Agreement at the end of the period of application of the Protocol thereto;

Whereas a new Protocol was initialled on 30 June 1997 as a result of those negotiations;

Whereas, under the latter Protocol, Community fishermen enjoy fishing rights in waters under the sovereignty or jurisdiction of the Republic of Côte d'Ivoire from 1 July 1997 to 30 June 2000;

Whereas the Protocol in question must be applied at the earliest opportunity if fishing activities by Community vessels are not to be interrupted; whereas, to that end, the two Parties initialled an Agreement in the form of an

exchange of letters providing for the provisional application of the initialled Protocol from the day after that on which the Protocol in force expired; whereas that Agreement should be approved pending a final decision to be adopted in accordance with Article 43 of the Treaty;

Whereas the fishing possibilities should be apportioned among the Member States 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 rights and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire for the period 1 July 1997 to 30 June 2000 is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

### *Article 2*

The fishing possibilities established in the Protocol shall be apportioned among the Member States as follows:

<sup>(1)</sup> OJ L 379, 31. 12. 1990, p. 3.



(a) freezer trawlers fishing demersal species:

Spain: three vessels;

(b) tuna fishing vessels:

France: 25 vessels,

Spain: 30 vessels,

Portugal: five vessels.

If the fishing opportunities laid down in the Protocol are not used up by licence applications from those Member States, the Commission may consider licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorised 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 January 1998.

*For the Council*

*The President*

J. CUNNINGHAM

---

**AGREEMENT**

**in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing the fishing rights and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire for the period 1 July 1997 to 30 June 2000**

*A. Letter from the Government of Côte d'Ivoire*

Sir,

With reference to the Protocol initialled on 30 June 1997 establishing the fishing rights and financial contribution for the period 1 July 1997 to 30 June 2000, I have the honour to inform you that the Government of Côte d'Ivoire is willing to apply the Protocol provisionally, with effect from 1 July 1997, pending its entry into force in accordance with Article 8 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 3 of the Protocol, must be paid before 31 December 1997.

I should be grateful if you would confirm the Community's agreement to such a provisional application.

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

*For the Government  
of Côte d'Ivoire*

*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 30 June 1997 establishing the fishing rights and financial contribution for the period 1 July 1997 to 30 June 2000, I have the honour to inform you that the Government of Côte d'Ivoire is willing to apply the Protocol provisionally, with effect from 1 July 1997, pending its entry into force in accordance with Article 8 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 3 of the Protocol, must be paid before 31 December 1997.

I should be grateful if you would confirm the Community's agreement to such a provisional application.'

I have the honour to confirm the Community's agreement to such a provisional application.

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

*On behalf of  
the Council of the European Union*

---

## PROTOCOL

establishing the fishing rights and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

### Article 1

From 1 July 1997 and for a period of three years, fishing rights pursuant to Article 2 of the Agreement shall be as follows:

- (a) freezer trawlers designed to fish demersal species, taking deepwater crustaceans, cephalopods and demersal fish: three vessels;
- (b) pole-and-line tuna vessels: seven vessels;
- (c) surface longliners: 14 vessels;
- (d) tuna seiners: 39 vessels.

### Article 2

The fishing rights referred to in Article 1 may be increased at the request of the Community if they do not thereby compromise the rational exploitation of the resources of Côte d'Ivoire.

In this case, the financial compensation referred to in Article 3(1) shall be increased proportionately and *pro rata temporis*.

### Article 3

1. For the period referred to in Article 1 the total financial contribution referred to in Article 8 of the Agreement shall be ECU 3 million, including ECU 2,4 million in financial compensation payable in three equal annual instalments.

2. For tuna fishing, this total financial contribution shall cover a catch of 8 500 tonnes a year in Côte d'Ivoire waters. If the catch of Community vessels in Côte d'Ivoire waters in any one year exceeds this amount, the compensation shall be increased by ECU 50 per additional tonne.

The share of trawlers in the total contribution shall be ECU 960 000.

3. Financial compensation shall be paid into an account opened with a financial institution or any other body designated by the Côte d'Ivoire authorities.

4. The use to which the financial compensation is put shall be the sole responsibility of the Côte d'Ivoire Government.

### Article 4

1. Out of the total financial contribution referred to in Article 3(1), the Côte d'Ivoire authorities shall allocate the following sums over the period defined in Article 1, to the financing of:

- scientific programmes to promote better understanding of fisheries and the living resources of the fishing zone of Côte d'Ivoire: ECU 100 000,
- technical programmes: ECU 100 000,
- fisheries monitoring: ECU 180 000,
- institutional support to the administrative department responsible for fisheries: ECU 80 000,
- Côte d'Ivoire's contributions to international fisheries organizations: ECU 40 000.

After notification by the Côte d'Ivoire's authorities of the content of the programmes, the corresponding amounts will be paid into the bank accounts designated by them.

2. The Côte d'Ivoire authorities shall report to the competent Commission departments on the implementation of the programmes.

### Article 5

1. Out of the total financial contribution referred to in Article 3(1), the Côte d'Ivoire authorities shall allocate ECU 100 000 over the period defined in Article 1, to theoretical and practical training in the various scientific, technical and economic disciplines relating to fisheries. In this context, the Community shall make it easier for Côte d'Ivoire nationals to find places in establishments in its Member States.

Awards financed under this Article may be used in Côte d'Ivoire or any other State that has a cooperation agreement with the Community.

2. Part of the amount referred to in paragraph 1 may be used to cover the costs of participation in international meetings or training courses concerning fisheries or aquaculture.

3. The sum shall be payable as and when it is used.

### Article 6

Should the Community fail to make the payments provided for under Articles 3 and 4 of this Protocol, the obligations of Côte d'Ivoire resulting from the Fisheries Agreement may be suspended.

*Article 7*

The Annex to the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire shall be replaced by the Annex to this Protocol.

*Article 8*

This Protocol shall enter into force on the date on which it is signed.

It shall apply from 1 July 1997.

---

ANNEX

**CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS  
IN THE CÔTE D'IVOIRE FISHING ZONE**

**A. Licence application and issuing formalities**

1. The relevant Community authorities shall present to the Office of the Secretary of State for Fisheries in Côte d'Ivoire, via the Delegation of the Commission of the European Communities in Côte d'Ivoire, an application for each vessel wishing to fish under the Agreement, at least 30 days before the date on which the requested term of validity commences.

Applications shall be made on the forms provided for that purpose by Côte d'Ivoire, specimens of which are attached (Appendix 1).

Licence applications shall be accompanied by proof of payment of the fee for the licence's term of validity.

The fees shall include all national and local taxes with the exception of port fees and charges for the provision of services.

The authorities of Côte d'Ivoire shall give notice, before the Agreement enters into force, of the arrangements for payment of the fee, including information on bank accounts.

2. 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 shall, in the case of force majeure, be replaced by a new licence for another vessel with characteristics similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Office of the Secretary of State for Fisheries of Côte d'Ivoire via the Delegation of the Commission of the European Communities in Côte d'Ivoire.

The new licence shall indicate:

- the date of issue,
- the fact that it invalidates and replaces the licence of the previous vessel.

No fee as laid down in Article 4(2) of the Agreement shall be due for any unexpired period of validity.

3. Licences shall be transmitted by the Côte d'Ivoire authorities to the Delegation of the Commission of the European Communities in Côte d'Ivoire within 30 days of receipt of the application.
4. The original of the licence must be held on board at all times and be presented at any time on request of the competent Côte d'Ivoire authorities.

However, for tuna seiners, pole-and-line tuna vessels and surface longliners, the Côte d'Ivoire authorities shall, upon receipt of notification from the Commission of the European Communities that advance payment has been made, enter the vessel concerned in the list of vessels with authorization to fish, which is sent to the control authority of Côte d'Ivoire. Pending receipt of the original of the licence, a copy of the licence that has been drawn up may be issued by fax to be held on board the vessel.

5. Trawlers authorized under Article 2 of the Agreement must notify the competent Côte d'Ivoire authorities of any changes to the characteristics of a vessel as entered on the licence when issued and as listed in Appendix 1.
6. Any increase in gross registered tonnage of a trawler shall require a new licence application.

**B. Provisions applicable to licences for tuna vessels and surface longliners**

1. Licences shall be valid for one year. They shall be renewable.
2. The fee shall be set at ECU 20 per tonne of fish caught within the Côte d'Ivoire fishing zone.
3. Licences shall be issued following payment of a lump sum of ECU 300 a year for each pole-and-line tuna vessel, ECU 1 600 a year for each tuna seiner and ECU 400 a year for each surface longliner.

4. The final statement of the fees due for the fishing period 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 such as the French *Office de la recherche scientifique et technique d'outre-mer* (Orstom) and the *Instituto Español de Oceanografía* (IEO) on the one hand and the *Centre de recherche océanologique de Côte d'Ivoire* (Côte d'Ivoire oceanological research centre) on the other. The statement shall be forwarded simultaneously to the sea-fishing services of Côte d'Ivoire and to the shipowners. Any additional payment due shall be made by the shipowners to the Côte d'Ivoire fishing services not later than 30 days after notification of the final statement.

However, if the amount of the final statement is lower than the abovementioned advance, the resulting balance shall not be reimbursable to the shipowner.

5. The authorities of Côte d'Ivoire shall give notice, before the Agreement enters into force, of the arrangements for payment of the fees, including information on bank accounts.

#### C. Provisions applicable to licences for freezer trawlers

1. In the case of freezer trawlers, licences shall be valid for three, six or twelve months. They shall be renewable.
2. The annual fee shall be fixed at the rate of ECU 140 per GRT per vessel.

Fees for licences for periods of less than one year shall be paid on a *pro rata* basis according to the length of time. Six-month and three-month licences shall be subject to a surcharge of 3 % and 5 % respectively.

#### D. Statements of catch

1. Vessels authorised to fish in the Côte d'Ivoire fishing zone under this Agreement shall send their statements of catch to the sea-fishing services with a copy to the Delegation of the Commission of the European Communities in Côte d'Ivoire, as follows:
  - (a) trawlers shall notify their catches using the form given in Appendix 2. These statements shall be monthly and must be communicated at least once every three months;
  - (b) for tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with the model in Appendix 3 in the case of surface longliners and Appendix 4 in the case of seiners and pole-and-line vessels for each fishing period spent in the Côte d'Ivoire fishing zone; details shall be entered even where there is no catch.

The form shall either be collected in port by the relevant departments of the *Centre de recherche océanologique de Côte d'Ivoire* or sent to the same department within 45 days of the end of the fishing trip spent in the Côte d'Ivoire fishing zone.

Copies shall be sent to the scientific institutes referred to in paragraph 4 of section B above.

Forms must be completed legibly and be signed by the master of the vessel.

2. Should these provisions not be adhered to, the Côte d'Ivoire authorities reserve the right to suspend the licence of the offending vessel until the required formality has been complied with. In this case, the Delegation of the Commission of the European Communities in Côte d'Ivoire shall be informed without delay.

#### E. Landing of catches

Tuna vessels and surface longliners landing their catches in a Côte d'Ivoire port shall, wherever possible, make their by-catches available to Côte d'Ivoire dealers at local market prices.

In addition, Community tuna vessels shall contribute towards supplying the Côte d'Ivoire's tuna-canning factories at a price fixed by mutual agreement between the Community shipowners and Côte d'Ivoire dealers on the basis of current prices on the international market. Payment shall be made in convertible currency. The landing schedule must be drawn up by mutual agreement between the Community shipowners and the Côte d'Ivoire dealers.

#### F. Fishing zones

1. To protect nurseries and local small-scale fishing activities, Community vessels with licences may not carry out fishing activities as provided for in Article 2 of the Agreement in the following zones:

- up to twelve nautical miles from the coast in the case of surface longliners and pole-and-line tuna vessels,
  - up to six nautical miles from the coast in the case of freezer trawlers,
  - up to the 200-metre isobath in the case of freezer tuna seiners.
2. However, pole-and-line tuna vessels using live bait shall be authorised to fish for bait in the prohibited zone defined above to obtain bait strictly within the limits of their own requirements.

#### G. Entering and leaving the zone

All vessels shall notify their position and the catch held on board direct to the authorities of Côte d'Ivoire, preferably by fax or, for vessels not equipped with a fax, by radio or telex, within three hours of entering or leaving the Côte d'Ivoire fishing zone and every three days while fishing in Côte d'Ivoire waters.

Vessels shall be informed of the relevant fax number and radio frequency when the fishing licence is issued.

The authorities of Côte d'Ivoire and the shipowners shall keep a copy of fax communications or a recording of radio communications until both parties have agreed to the final statement of fees due referred to in section B.

A vessel found to be fishing without having informed the Côte d'Ivoire authorities shall be regarded as a vessel without a licence.

#### H. Authorised mesh sizes

The minimum mesh size authorised (mesh fully extended) shall be:

- (a) 40 mm for freezer trawlers taking deepwater crustaceans;
- (b) 70 mm for freezer trawlers taking cephalopods;
- (c) 60 mm for freezer trawlers taking fish;
- (d) in the case of tuna, the international standards recommended by ICCAT shall apply.

#### I. Signing-on of seamen

Owners of vessels which have been granted licences as provided by the Agreement shall contribute to the practical vocational training of Côte d'Ivoire nationals, on the following terms and subject to the following limits:

1. Each trawler owner shall undertake to employ:
- one seaman for vessels under 250 GRT,
  - two seamen for vessels between 250 and 300 GRT,
  - three seamen for vessels over 300 GRT.

The owners of tuna vessels and surface longliners shall be responsible for employing Côte d'Ivoire nationals, on the following terms and subject to the following limits:

- for the fleet of pole-and-line tuna vessels, four Côte d'Ivoire seamen shall be signed on during the tuna fishing period in the Côte d'Ivoire fishing zone, each being assigned to a different vessel,
- for the fleet of tuna seiners, 30 Côte d'Ivoire seamen shall be signed on,
- for the fleet of surface longliners, four Côte d'Ivoire seamen shall be signed on during the fishing period in the Côte d'Ivoire fishing zone, each being assigned to a different vessel.

The above limits shall not preclude the signing on of additional Côte d'Ivoire seamen at the request of the shipowners.

The Côte d'Ivoire seamen shall be chosen by the shipowners from among professional seamen recognised by the competent authorities.

2. The wages of these seamen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the relevant Côte d'Ivoire authorities; the wages shall be borne by the shipowners and must include the social contributions to which the seaman is subject (including life assurance and accident and sickness insurance).
3. Should the seamen not be signed on, owners of tuna seiners, pole-and-line tuna vessels and surface longliners shall be obliged to pay for the fishing period a lump sum equivalent to the wages of the seamen not signed on.

This sum will be used for the training of seamen in Côte d'Ivoire and is to be paid into the account specified by the Côte d'Ivoire fishing authorities.



4. Any vessel may receive on board a trainee student on a proposal from the competent Côte d'Ivoire authorities, subject to the agreement of the vessel's master. The Côte d'Ivoire Government shall cover subsistence expenses for this trainee.

**J. Taking on board of scientific observers**

Any vessel fishing in Côte d'Ivoire waters must agree to take on board a scientific observer if requested to do so by the relevant Côte d'Ivoire authorities.

On board, the observer shall be accorded the same conditions as those enjoyed by officers of the vessel. This applies equally, as far as is possible, to the quarters assigned to the observer. Similarly, as far as possible, he shall be offered every facility needed to carry out his duties. The work of the observer and the conditions under which he is taken on board must not interrupt or hamper fishing activities.

The salary and the social contributions of the observer shall be borne by the relevant Côte d'Ivoire authorities.

As a contribution to the costs arising from the presence of the observer on board, owners of trawlers shall pay the Côte d'Ivoire authorities, together with the licence fee, the sum of ECU 4 per GRT per year *pro rata temporis* for each vessel fishing in Côte d'Ivoire waters. This sum shall be paid into the account specified by the Côte d'Ivoire fishing authorities.

When tuna vessels and surface longliners take an observer on board, the port of embarkation shall be determined by mutual agreement between the Office of the Secretary of State for Fisheries and the shipowners or their representatives.

**K. Inspection and monitoring**

At the request of the Côte d'Ivoire authorities, Community vessels operating within the Agreement shall permit and facilitate the boarding and fulfilment of the tasks of Côte d'Ivoire officials responsible for the inspection and monitoring of fishing activities.

These officials should not remain on board any longer than the time required to carry out their duties.

**L. Seizure and detention of vessels**

The seizure or detention, under Côte d'Ivoire legislation, of a fishing vessel flying the flag of a Member State of the Community shall be notified to the Delegation of the Commission of the European Communities in Côte d'Ivoire within 72 hours and simultaneously to the consular agent of the Member State whose flag the vessel flies.

The circumstances and reasons which led to the seizure or detention shall be brought to the attention of the Delegation of the Commission of the European Communities in Côte d'Ivoire.

---

*Appendix 1*

MINISTRY FOR  
ANIMAL PRODUCTION  
BP V 84, Abidjan  
(Republic of Côte d'Ivoire)

REPUBLIC OF CÔTE D'IVOIRE  
UNION-DISCIPLINE-WORK

LICENCE APPLICATION FOR SEA-FISHING

SECTION A

1. Name of shipowner: .....
2. Nationality of shipowner: .....
3. Business address of shipowner: .....
- .....
- .....

SECTION B

*(To be completed for each vessel)*

1. Valid for (duration): .....
2. Name of vessel: .....
3. Year of construction: .....
4. Original flag: .....
5. Currently flying the flag of: .....
6. Date of acquiring current flag: .....
7. Year of acquisition: .....
8. Port of registration and registration No: .....
9. Operating in zones: .....
10. Type of fishing: .....
11. Gross tonnage (GRT): .....
12. Net tonnage (NRT): .....
13. Radio call sign: .....
14. Length overall (metres): .....
15. Stem (metres): .....
16. Depth (metres): .....
17. Hull material: .....
18. Engine rating: .....
19. Speed (knots): .....
20. Cabins: .....
21. Capacity of tanks (cubic metres): .....
22. Capacity of fish holds (cubic metres): .....
23. Chilling/freezing capacity (tonnes/hour) and system used: .....
24. Colour of hull: .....
25. Colour of superstructure: .....
26. Crew complement: .....

27. On-board communications equipment:

Type	Make	Model	Power (watts)	Year of manufacture	Frequencies	
					receive	transmit

28. Navigator and detection equipment:

Type	Make	Model

- 29. Additional boats used (for each vessel): .....
- 29.1. Gross tonnage: .....
- 29.2. Length overall (metres): .....
- 29.3. Stem (metres): .....
- 29.4. Depth (metres): .....
- 29.5. Hull material: .....
- 29.6. Engine rating: .....
- 29.7. Speed (knots): .....
- 30. Additional out-of-water equipment for detecting fish (even if not installed on board): .....
- 31. Port of registration: .....
- 32. Name of master: .....
- 33. Address: .....
- 34. Nationality of master: .....

*Please include:*

- three colour photographs of vessel (side view), additional boats used for fishing and additional out-of-water equipment for detecting fish,
- an illustration and detailed description of the fishing gear used,
- a document proving that the representative of the shipowner is empowered to sign this application.

.....  
(Date of application)

.....  
(Signature of representative of shipowner)

Appendix 2  
**FREEZER TRAWLERS**  
**(DEMERSAL SPECIES)**

Name of vessel:		Month:	
Nationality (flag):		Fishing method:	Year:
		Port of landing:	

Date	Fishing area		Number of hours	Number of hours fishing	Fish species				Total
	Longitude	Latitude							
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/									
<b>TOTAL</b>									





I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 238/98  
of 20 January 1998**

**on the conclusion of the Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire for the period from 1 July 1997 to 30 June 2000**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof 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<sup>(1)</sup>,

Whereas, pursuant to the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire<sup>(2)</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 those negotiations, a new Protocol establishing the fishing rights and financial compensation provided for in the abovementioned Agreement for the period from 1 July 1997 to 30 June 2000 was initialled on 30 June 1997;

Whereas it is in the Community's interest to approve the new Protocol;

Whereas the fishing possibilities should be apportioned among the Member States 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 rights and financial compensation provided for in the Agreement between

<sup>(1)</sup> OJ C 371, 8. 12. 1997.

<sup>(2)</sup> OJ L 379, 31. 12. 1990, p. 3.

the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire for the period from 1 July 1997 to 30 June 2000 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation<sup>(3)</sup>.

*Article 2*

The fishing possibilities established in the Protocol shall be apportioned among the Member States as follows:

(a) freezer trawlers fishing demersal species:

Spain: three vessels;

(b) tuna fishing vessels:

France: 25 vessels,

Spain: 30 vessels,

Portugal: five vessels.

If the fishing opportunities laid down in the Protocol are not used up by licence applications from those Member States, the Commission may consider licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorised 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>(3)</sup> See page 81 of this Official Journal.

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

Done at Brussels, 20 January 1998.

*For the Council*  
*The President*  
J. CUNNINGHAM

---



**COUNCIL REGULATION (EC) No 1435/98**  
of 29 June 1998  
prohibiting imports of Atlantic blue-fin tuna (*Thunnus thynnus*) originating in  
Belize, Honduras, and Panama

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 fishery resources, which are an exhaustible natural resource, must be protected in the interests of biological balances and global food security;

Whereas the European Community recognises the authority and the responsibility of the competent international organisations for stocks fished in international waters, and actively encourages their action; whereas the Community therefore subscribes to the objectives fixed by the International Commission for the Conservation of Atlantic Tuna (ICCAT) and endorses the measures in its 1994 and 1996 recommendations aimed at ensuring the effectiveness of the blue-fin tuna conservation programme;

Whereas the European Community has become a Contracting Party to ICCAT, as from 14 November 1997, and is therefore bound to implement the measures in question; whereas implementation must be handled by the Community, which has sole competence in the matter; whereas overfishing of Atlantic blue-fin tuna caused ICCAT to adopt an action plan in 1994 to ensure the effectiveness of measures to conserve the species; whereas the stocks concerned cannot be managed effectively by the ICCAT contracting parties, whose fishermen are obliged to reduce their catches of Atlantic blue-fin tuna, unless all non-contracting parties cooperate with ICCAT and comply with its conservation and management measures;

Whereas in 1995 ICCAT identified Belize, Honduras and Panama as countries whose vessels fish Atlantic blue-fin tuna in a manner prejudicial to the organisation's measures to conserve the species, substantiating its findings with data concerning catches, trade and the observation of vessels;

Whereas ICCAT's attempts to encourage the three countries to comply with measures for the conservation and management of Atlantic blue-fin tuna have been to no avail;

Whereas ICCAT has instructed the contracting parties to take appropriate measures to prohibit imports from Belize, Honduras and Panama of Atlantic blue-fin tuna products in any form; whereas this measure will be lifted as soon as it is established that the countries in question have brought their fishing practices into line with ICCAT's measures; whereas this measure must therefore be implemented by the Community;

Whereas this measure is compatible with the Community's obligations under other international agreements,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The release for free circulation in the Community of Atlantic blue-fin tuna (*Thunnus thynnus*) of CN codes 0302 39 11, 0302 39 91, 0303 49 21, 0303 49 23, 0303 49 29, ex 0303 49 90, ex 0304 10 98, ex 0304 20 45, ex 0305 20 00, ex 0305 30 90, ex 0305 49 80, ex 0305 59 90, ex 0305 69 90, ex 1604 14 11, ex 1604 14 16, ex 1604 14 18 and ex 1604 20 70 originating in Belize, Honduras and Panama is hereby prohibited.

2. The landing of products mentioned in paragraph 1 for the purposes of Community transit is hereby prohibited.

*Article 2*

This Regulation shall not apply to quantities of the products referred to in Article 1(1) which can be shown to the satisfaction of the competent national authorities to have been under way to Community territory on the date of its entry into force and which are released for free circulation no later than fourteen days after that date.

*Article 3*

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 Luxembourg, 29 June 1998.

*For the Council*  
*The President*  
R. COOK

---

## II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL DECISION

of 29 June 1998

**on the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Government of the Republic of Guinea 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 Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999**

(98/449/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 Revolutionary People's Republic of Guinea on fishing off the Guinean coast<sup>(1)</sup>, and in particular Article 15 thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with the second paragraph of Article 15 of the aforesaid Agreement, the Community and the Republic of Guinea have conducted negotiations to determine any amendments and 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 those negotiations, a new Protocol was initialled on 11 December 1997;

Whereas, under that Protocol, Community fishermen enjoy fishing possibilities in the waters under the sovereignty or jurisdiction of the Republic of Guinea for the period 1 January 1998 to 31 December 1999;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, it is essential that the new Protocol be applied as soon as possible; whereas the two parties have accordingly initialled an Agreement in the form of an Exchange of Letters providing for the initialled Protocol to apply provisionally from the day following that on which the Protocol currently in force expires;

Whereas the Agreement in the form of an Exchange of Letters should be approved, pending a final decision taken under Article 43 of the Treaty;

<sup>(1)</sup> OJ L 111, 27. 4. 1983, p. 1.

Whereas the fishing possibilities should be apportioned among the Member States 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 between the European Community and the Government of the Republic of Guinea 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 Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999 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.

*Article 2*

The fishing possibilities laid down in the Protocol shall be allocated, in gross registered tonnage (GRT) or number of vessels, among the Member States as follows:

(a) cephalopods/fin-fish:

Spain:	1 350 grt
Italy:	1 200 grt
Greece:	1 450 grt

(b) shrimps:

Spain:	700 grt
Portugal:	200 grt
Greece:	100 grt

(c) tuna seiners:

France:	19 vessels
Spain:	14 vessels

(d) pole-and-line tuna vessels:

France:	8 vessels
Spain:	5 vessels

(e) surface longliners:

France:	3 vessels
Spain:	23 vessels
Portugal:	2 vessels.

If licence applications from those Member States do not exhaust the fishing possibilities established in the Protocol, the Commission may consider licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

*Article 4*

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

Done at Luxembourg, 29 June 1998.

*For the Council*

*The President*

R. COOK

---

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and the Government of the Republic of Guinea 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 Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999

*A. Letter from the Government of the Republic of Guinea*

Sir,

With reference to the Protocol, initialled on 11 December 1997, establishing the fishing possibilities and the financial compensation for the period 1 January 1998 to 31 December 1999, I have the honour to inform you that the Government of the Republic of Guinea is ready to apply that Protocol on a provisional basis from 1 January 1998, pending the entry into force of the Protocol in accordance with Article 7 thereof, provided that the European Community is prepared to do the same.

This is on the understanding that the first instalment of the financial consideration specified in Article 2 of the Protocol is paid by 30 June 1998.

I should be obliged if you would confirm the European Community's agreement to such provisional application.

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

*For the Government of the Republic of Guinea*

*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 11 December 1997, establishing the fishing possibilities and the financial compensation for the period 1 January 1998 to 31 December 1999, I have the honour to inform you that the Government of the Republic of Guinea is ready to apply that Protocol on a provisional basis from 1 January 1998, pending the entry into force of the Protocol in accordance with Article 7 thereof, provided that the European Community is prepared to do the same.

This is on the understanding that the first instalment of the financial consideration specified in Article 2 of the Protocol is paid by 30 June 1998.

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, 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 Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999

### Article 1

For a period of two years from 1 January 1998, the fishing possibilities granted under Article 2 of the Agreement shall be as follows:

1. fin-fish and cephalopod trawlers: 4 000 gross registered tonnes (grt) per year;
2. shrimp trawlers: 1 000 gross registered tonnes (grt) per year;
3. freezer tuna seiners: 33 vessels;
4. pole-and-line tuna vessels: 13 vessels;
5. surface longliners: 28 vessels.

Where appropriate and where the state of resources so permits, the Joint Committee provided for in Article 10 of the Agreement shall consider including new categories of fish and shall lay down the technical and financial conditions under which they can be fished by Community vessels.

### Article 2

1. The financial compensation referred to in Article 8 of the Agreement shall amount to ECU 2 800 000 for the first year (of which ECU 1 400 000 by way of a financial consideration and ECU 1 400 000 for the measures listed in Article 4 of the current Protocol) and ECU 3 700 000 for the second year (of which ECU 1 850 000 by way of a financial consideration and ECU 1 850 000 for the measures listed in Article 4 of this Protocol) for the fishing possibilities listed in Article 1. That financial consideration shall be payable by 30 June each year at the latest.
2. The use to which the financial consideration is put shall be the sole responsibility of the Government of the Republic of Guinea.
3. The financial consideration shall be paid into an account specified by the Government of the Republic of Guinea and opened with the public treasury.

### Article 3

At the request of the Community, the fishing possibilities established in Article 1(1) may be increased by successive instalments of 1 000 grt a year. In that case, the financial

consideration referred to in Article 2 shall be increased proportionately, *pro rata temporis*.

### Article 4

Of the overall financial compensation established in Article 2(1), the following measures shall be financed to the amount of ECU 1 400 000 in the first year and ECU 1 850 000 in the second year, according to the following breakdown:

1. scientific and technical programmes to improve knowledge of fishery and biological resources within Guinea's fishing zone: ECU 450 000;
2. support for fishery surveillance bodies: ECU 800 000;
3. support for artisanal fishing: ECU 320 000;
4. institutional support for the Ministry of Fisheries: ECU 800 000;
5. awards for study, practical training and seminars in the various scientific, technical and economic disciplines relating to fisheries: ECU 390 000;
6. Guinea's contribution to international fisheries organisations: ECU 100 000;
7. costs of Guinean delegates' participation in international meetings on fisheries: ECU 390 000.

The measures and the annual amounts allocated thereto shall be decided on by the Ministry of Fisheries, which shall inform the Commission thereof.

The annual amounts shall be made available to the bodies concerned by 30 June each year at the latest. The Government of the Republic of Guinea shall provide the bank account numbers to be used for such payments.

The Ministry of Fisheries shall forward an annual report to the delegation of the European Commission on the implementation of the measures and the results obtained. The Commission reserves the right to ask the Ministry of Fisheries for any additional information on the results and to reconsider the payments concerned should the measures not be implemented.

### Article 5

Should the Community fail to make the payments provided for in Articles 2 and 4, the application of this Protocol may be suspended.

*Article 6*

The Annex to the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast is hereby repealed and replaced by the Annex hereto.

*Article 7*

This Protocol shall enter into force on the date on which it is signed.

It shall apply from 1 January 1998.

\_\_\_\_\_



ANNEX

CONDITIONS GOVERNING FISHING BY COMMUNITY VESSELS IN GUINEA'S FISHING ZONE

A. Licence application and issuing formalities

At least 30 days before the date on which the requested term of validity commences, the competent Community authorities are to present an application for each vessel that is to be used for fishing under the Agreement to the Ministry of Fisheries via the delegation of the European Commission in Guinea.

The applications are to be made out using the forms provided for that purpose by the Ministry of Fisheries, a specimen of which is attached hereto (Appendix 1).

Licence applications are to be accompanied by proof of payment of the fee covering the licence's term of validity. Payment is to be made into an account opened with the public treasury of Guinea.

The fees include all national and local taxes, with the exception of port fees and charges for the provision of services.

Within 30 days of receipt of proof of payment as referred to above, the licences for all vessels will be issued by the Ministry of Fisheries to the shipowners or their representatives via the delegation of the European Commission in Guinea.

The following annual periods serve to determine the term of validity of licences:

- first period: 1 January to 31 December 1998,
- second period: 1 January to 31 December 1999.

Licences cannot commence running during one annual period and expire during the following annual period.

Licences are issued for specific vessels and are not transferable. However, at the request of the Community and where *force majeure* is proven, a vessel's licence will be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the vessel to be replaced is to return the cancelled licence to the Ministry of Fisheries via the delegation of the European Commission in Guinea.

The new licence must state:

- the date of issue,
- the term of validity of the new licence, covering the period from the date of arrival of the replacement vessel to the date of expiry of the licence of the replaced vessel.

In the event of replacement, no fee as referred to in Article 5(2) of the Agreement is due for the unexpired period of validity.

Licences must be held on board at all times.

1. Provisions applicable to trawlers

1. Vessels must put into the port of Conakry once a year before licences are issued so that the regulation inspection can be carried out. This inspection is to be carried out by duly authorised persons only and must take place within 24 working hours of the vessel's arrival in port, providing notice of arrival has been given at least 48 working hours in advance. Where licences are renewed within the calendar year, the vessels need not undergo a second inspection.

The costs of technical inspections are to be borne by the shipowners and cannot exceed ECU 250 per vessel per year.

2. Each vessel must be represented by an agent of Guinean nationality established in Guinea.
3. (a) Licences are issued for three, six or twelve months and are renewable. The term of validity of licences must be taken into account when calculating the utilisation of the fishing possibilities granted under Article 1 of the Protocol.

(b) The fees to be paid by shipowners, expressed in ecus per gross registered tonne (GRT), are as follows:

— for annual licences:

	first year	second year
fin-fish trawlers:	126	132
cephalopod trawlers:	150	158
shrimp trawlers:	152	160

— for six-month licences:

	first year	second year
fin-fish trawlers:	65	68
cephalopod trawlers:	77	81
shrimp trawlers:	78	82

— for three-month licences:

	first year	second year
fin-fish trawlers:	33	35
cephalopod trawlers:	39	41
shrimp trawlers:	40	42

However, an additional fee of ECU 30 per grt per year is payable by vessels failing to land 200 kg of fish per grt per year in accordance with part C.

## II. Provisions applicable to tuna vessels and surface longliners

Licences must be kept on board at all times; however, fishing is authorised on receipt of the notification of payment of the advance forwarded by the Commission to the Guinean Ministry of Fisheries. Furthermore, pending receipt of the original of the licence, a copy of the licence drawn up can be sent by fax for keeping on board.

The fees are set at ECU 20 per tonne per year caught within Guinea's fishing zone.

Licences are to 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 of tuna caught per year in the case of pole-and-line tuna vessels,
- 25 tonnes of tuna caught per year in the case of surface longliners.

The final statement of the fees due for the fishing period is to be drawn up by the Commission at the end of each calendar year on the basis of the catch statements made for each vessel and confirmed by the scientific institutes responsible for verifying catch data, such as the Institut Français de Recherche Scientifique pour le Développement en Coopération (Orstom) and the Instituto Español de Oceanografía (IEO), in cooperation with the Centre National des Sciences Halieutiques de Boussoura (CNSHB). The statement is to be forwarded simultaneously to the Ministry of Fisheries and to the shipowners. No later than 30 days after the final statement is notified, any additional charges due are to be paid by the shipowners to the Ministry of Fisheries using the account opened with the public treasury of Guinea.

However, if the final statement is lower than the abovementioned advance, the resulting balance will not be reimbursed.

#### B. Statements of catch

All Community vessels authorised under the Agreement to fish in Guinea's fishing zone are required to declare their catches to the Ministry of Fisheries, with a copy to the delegation of the European Commission in Guinea, as follows:

- trawlers must declare their catches using the specimen statement attached hereto (Appendix 2). Statements of catch must be drawn up each month and presented at least once each quarter,
- tuna seiners, pole-and-line tuna vessels and surface longliners must keep fishing logs using the form in Appendix 3 for each fishing period spent in Guinea's fishing zone. Within 45 days of the end of the fishing period spent in Guinea's fishing zone, the forms must be sent to the Ministry of Fisheries via the delegation of the European Commission in Guinea.

Forms must be completed legibly and must be signed by the master of the vessel.

Should this provision not be complied with, the Ministry of Fisheries reserves the right to suspend the licences of offending vessels until the formality has been completed. The delegation of the European Commission in Guinea is to be notified of such cases.

Where applicable, the Joint Committee provided for in Article 10 of the Agreement is to consider equipping Community fishing vessels with facilities for the electronic transmission of data covering fishing operations.

#### C. Landing of catches

As a contribution towards supplying the local population with fish caught in Guinea's fishing zone, trawlers authorised to fish in Guinea's fishing zone are required to land 200 kg of fish per grt per year free of charge.

Landings may be made individually or collectively, mention being made of the vessels concerned.

#### D. By-catches

Crustaceans held on board fin-fish trawlers may not account for more than 9 % nor cephalopods for more than 9 % of their total catch in Guinea's fishing zone.

Crustaceans held on board cephalopod trawlers may not account for more than 15 % of their total catch in Guinea's fishing zone.

Fish held on board shrimp trawlers may not account for more than 30 % nor cephalopods for more than 20 % of their total catch in Guinea's fishing zone.

#### E. Signing-on of seamen

Owners holding fishing licences issued under the Agreement are to contribute to the practical vocational training of Guinean nationals, subject to the conditions and limits set out below:

1. each trawler owner must undertake to employ:
  - two Guinean seamen on vessels of up to 200 grt,
  - three Guinean seamen on vessels of more than 200 grt but not more than 350 grt,
  - four Guinean seamen on vessels of more than 350 grt;
2. for the fleet of tuna seiners, six Guinean seamen must be signed on permanently;
3. for the fleet of pole-and-line tuna vessels, five Guinean seamen must be signed on for the duration of the vessels' actual presence in Guinean waters, all of them to be assigned to different vessels;
4. for the fleet of surface longliners, the shipowners must undertake to employ two Guinean seamen per vessel for the duration of the vessels' actual presence in Guinean waters;

5. the wages of these Guinean seamen are to be fixed before the licences are issued, by mutual agreement between the shipowners or their representatives and the Ministry of Fisheries; the wages are to be paid by the shipowners and must include the seamen's social security contributions (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 are required to pay the Ministry of Fisheries a lump sum equivalent to the wages of the seamen not signed on in accordance with points 2, 3 and 4 above.

That sum is to be used for the training of Guinean sea fishermen and must be paid into an account specified by the Ministry of Fisheries.

#### F. Observers

1. The observer's task is to check on fishing activities in Guinea's fishing zone and to collect all statistical data on fishing operations by the vessel concerned. Observers must be granted every facility needed to carry out their duties, including access to premises and documents and must in particular be allowed to report fishing data by radio once a week.

2. All trawlers must take on board an observer appointed by the Ministry of Fisheries.

Observers must not normally remain on board for more than two trips.

3. At the request of the Ministry of Fisheries, addressed to the European Commission, tuna vessels and surface longliners must take on board an observer, who must not remain on board any longer than is necessary to accomplish his duties.

The masters of vessels must facilitate the work of the observers, who must be accorded the conditions enjoyed by the vessels' officers.

The travelling costs of observers taken on board in foreign ports are to be borne by the shipowner.

4. The wages and social insurance contributions of observers are to be paid by the Ministry of Fisheries.

In the case of trawlers, shipowners are to pay ECU 15 to the Centre National de Surveillance des Pêches (CNSP) for each day an observer spends on board as a contribution towards the expenses arising from the observer's presence on board.

5. Should a vessel with a Guinean observer on board leave Guinea's fishing zone, all steps must be taken for his return to Conakry as soon as possible at the expense of the shipowner.

#### G. Inspection and monitoring

Community vessels fishing in Guinea's fishing zone must permit and assist any Guinean officials responsible for inspection and monitoring to board the vessel and carry out their duties on board. The officials 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

All the vessels referred to in Article 1 of the Protocol are authorised to fish in waters beyond 10 nautical miles.

#### I. Meshes authorised

The minimum mesh size authorised for the cod end (mesh stretched) is:

- (a) 40 mm for shrimps;
- (b) 70 mm for cephalopods;
- (c) 70 mm for fin-fish;
- (d) 16 mm for fishing for live bait.

These mesh sizes also apply to trawls used for fishing with outriggers.

#### J. Entering and leaving the zone

Community vessels fishing under the Agreement in Guinea's fishing zone must report the date and time and their position each time they enter and leave Guinea's fishing zone to the radio station of the Centre National de Surveillance des Pêches (CNSP).

The CNSP will inform the shipowners of the call sign and operating frequencies of the station at the time the licence is issued.

Where they cannot communicate this information by radio, vessels may use alternative means, such as fax (CNSP: No 1-212-4794-885; Ministry of Fisheries: 224-41-35-23).

#### K. Boarding of vessels

1. The delegation of the European Commission in Guinea must be notified within 48 hours of any fishing vessel flying the flag of a Member State of the Community and operating under an Agreement between the Community and a third country that is boarded within Guinea's fishing zone and must at the same time be sent a summary report of the circumstances surrounding, and the reasons leading to, the boarding.

2. In the case of vessels authorised to fish in Guinean waters, before any measures are considered with regard to the vessel's master or crew or any action is contemplated with regard to its cargo and equipment other than to safeguard evidence relating to the alleged infringement, a conciliation meeting is to be held within 48 hours of receipt of the abovementioned information between the delegation of the European Commission, the Ministry of Fisheries and the inspection authorities, possibly attended by a representative of the Member State concerned.

At the meeting, the parties will exchange any relevant documentation and information, and in particular automatically recorded data showing the vessel's positions during the trip up to the time of boarding, that may help clarify the circumstances surrounding the facts.

The shipowner or his representative is to be informed of the outcome of the meeting and of the meeting and of any measures resulting from the boarding.

3. Before any judicial proceedings are initiated, an attempt must be made to resolve the matter of the alleged infringement by compromise. Should no compromise be reached, that attempt is to be abandoned no later than three working days after the boarding.

4. Should no compromise be reached and the case consequently be brought before a competent judicial body, pending the judgment a bank security payable by the shipowner is to be set by the competent authorities within 48 hours of abandonment of the attempt to reach a compromise. The security must not exceed the maximum penalty laid down for such an infringement under national law. Where the master of the vessel concerned is not found guilty, the bank security is to be refunded to the shipowner by the competent authorities as soon as the case is settled.

5. The vessel and crew are to be released:

- when the conciliation meeting is closed if the outcome so permits,
- once the obligations arising from the compromise reached have been fulfilled, or
- once the bank security is lodged (in connection with judicial proceedings).

*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  Net sonde

VHF  SSB  Net sonde  Other: .....

satellite navigation

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:  Shrimps  Fish   
Cephalopods

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: .....

*NB:* Indicate affirmative answers by a tick in the appropriate box.

**Technical remarks**

**Authorisation of the Ministry of Fisheries**

Appendix 2

OFFICE OF THE SECRETARY OF STATE FOR FISHERIES

STATISTICS ON CATCH AND ACTIVITY

Year:

Month:

Name of vessel:	
Nationality (flag):	

Engine rating:	
Gross registered tonnage:	

Fishing method:	
Port of landing:	

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/							
8/							
9/							
10/							
11/							
12/							
13/							
14/							
15/							
16/							
17/							
18/							
19/							
20/							
21/							
22/							
23/							
24/							
25/							
26/							
27/							
28/							
29/							
30/							
31/							
<b>TOTAL</b>							



I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1660/98  
of 20 July 1998

approving 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 Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999

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) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast<sup>(2)</sup>, the two Parties have conducted negotiations to determine any amendments and 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 those negotiations, a new Protocol establishing the fishing possibilities and the financial compensation provided for in the abovementioned Agreement for the period 1 January 1998 to 31 December 1999 was initialled on 11 December 1997;

Whereas it is in the Community's interest to approve the new Protocol;

Whereas the fishing possibilities should be apportioned among the Member States 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 Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1

January 1998 to 31 December 1999 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation<sup>(3)</sup>.

*Article 2*

The fishing possibilities laid down in the Protocol shall be allocated among the Member States, according to gross registered tonnage and number of vessels, as follows:

(a) cephalopods/fin-fish:

Spain:	1 350 GRT
Italy:	1 200 GRT
Greece:	1 450 GRT

(b) shrimps:

Spain:	700 GRT
Portugal:	200 GRT
Greece:	100 GRT

(c) tuna seiners:

France:	19 vessels
Spain:	14 vessels

(d) pole-and-line tuna vessels:

France:	8 vessels
Spain:	5 vessels

(e) surface longliners:

France:	3 vessels
Spain:	23 vessels
Portugal:	2 vessels.

If licence applications from those Member States do not exhaust the fishing possibilities established in the Protocol, the Commission may consider licence applications from any other Member States.

<sup>(1)</sup> OJ C 210, 6. 7. 1998.

<sup>(2)</sup> OJ L 111, 27. 4. 1983, p. 1.

<sup>(3)</sup> For the text of the Protocol, see OJ 196, 14. 7. 1998, p. 28.

*Article 3*

The President of the Council is hereby authorised 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 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, 20 July 1998.

*For the Council*

*The President*

W. MOLTERER

---

COMMISSION DECISION

of 30 June 1998

amending Decision 97/296/EC drawing up the list of third countries from which the import of fishery products is authorised for human consumption

(notified under document number C(1998) 1849)

(Text with EEA relevance)

(98/419/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 amended by Decision 97/34/EC<sup>(2)</sup>, and in particular Article 2(2) and Article 7 thereof,

Whereas Commission Decision 97/296/EC<sup>(3)</sup>, as amended by Decision 98/148/EC<sup>(4)</sup>, lists the third countries from which importation of fishery products for human consumption is authorised; part I of the list names the third countries covered by a specific decision and part II names those qualifying under Article 2(2) of Decision 95/408/EC;

Whereas Commission Decisions 98/420/EC<sup>(5)</sup>, 98/421/EC<sup>(6)</sup>, 98/422/EC<sup>(7)</sup>, 98/423/EC<sup>(8)</sup>, 98/424/EC<sup>(9)</sup>, set specific import conditions for fishery and aquaculture products originating, respectively, in Nigeria, Ghana, Tanzania, Falkland Islands and Maldives; whereas Nigeria, Ghana, Tanzania, Falkland Islands and Maldives should therefore be added to part I of the list in Annex I of countries and territories from which importation of fishery products for human consumption is authorised;

Whereas Cape Verde, Latvia, Lithuania, Nicaragua, Benin, Kazakhstan, Guinea Conakri, Papua New Guinea, Malta, Mauritius, Jamaica, Cameroon, Czech Republic, Israel, Hong Kong and Uganda have shown that they satisfy the equivalent conditions referred to in Article 2(2) of Decision 95/408/EC; whereas it is therefore necessary to modify the list to include those countries in part II of the list in Annex I;

Whereas certain countries and territories not yet included in the list, but currently exporting to the EC, have provided information that they fulfil conditions at least equivalent to those of the Community; whereas since more information is required from them, these countries and territories are listed in a new Annex II;

Whereas, in order to avoid any disruption of imports from the third countries included in the new Annex II, Article 11(7) of Council Directive 91/493/EC<sup>(10)</sup> shall continue to apply, for a transitional period to fishery products imported from countries and territories included in Annex II;

Whereas, for those countries and territories not yet included in the Annexes to this Decision, it will be necessary for the Commission to evaluate whether they applied to the export of fishery products to the Community conditions at least equivalent to those governing the production and placing on the market of Community products;

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 97/296/EC is amended as follows:

1. In Articles 1 and 2, the reference to 'Annex' shall be replaced by 'Annex I'.
2. Point 1 of Article 3 shall be replaced by the following point:

'1. Notwithstanding Article 2, Member States may continue to import, up to 31 January 1999, fishery products coming from the countries and territories included in Annex II, in accordance with Article 11(7) of Directive 91/493/EEC.'

<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 46, 17. 2. 1998, p. 18.

<sup>(5)</sup> See page 59 of this Official Journal.

<sup>(6)</sup> See page 66 of this Official Journal.

<sup>(7)</sup> See page 71 of this Official Journal.

<sup>(8)</sup> See page 76 of this Official Journal.

<sup>(9)</sup> See page 81 of this Official Journal.

<sup>(10)</sup> OJ L 268, 24. 9. 1991, p. 15.

3. The Annex to Decision 97/296/EC is replaced by Annexes I and II to the present Decision.

*Article 2*

This Decision shall apply from 1 July 1998.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 30 June 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---



*ANNEX I*

**List of countries and territories from which importation of fishery products in any form intended for human consumption is authorised**

**I. Countries and territories covered by a specific decision under Council Directive 91/493/EC**

ALBANIA	GHANA	PERU
ARGENTINA	INDIA	PHILIPPINES
AUSTRALIA	INDONESIA	RUSSIA
BANGLADESH	IVORY COAST	SENEGAL
BRAZIL	JAPAN	SINGAPORE
CANADA	MADAGASCAR	SOUTH AFRICA
CHILE	MALAYSIA	SOUTH KOREA
COLOMBIA	MALDIVES	TAIWAN
ECUADOR	MAURITANIA	TANZANIA
FALKLAND ISLANDS	MOROCCO	THAILAND
FAROES	NEW ZEALAND	URUGUAY
GAMBIA	NIGERIA	

**II. Countries and territories meeting the terms of Article 2(2) of Council Decision 95/408/EC**

BELIZE	HONG KONG	POLAND
BENIN	HUNGARY (1)	SEYCHELLES
CHINA	ISRAEL	SLOVENIA
CAMEROON	JAMAICA	SURINAME
CAPE VERDE	KAZAKHSTAN (2)	SWITZERLAND
COSTA RICA	LATVIA	TOGO
CROATIA	LITHUANIA	TUNISIA
CUBA	MALTA	TURKEY
CZECH REPUBLIC	MAURITIUS	UGANDA
FIJI	MEXICO	UNITED STATES OF AMERICA
GREENLAND	NAMIBIA	VENEZUELA
GUATEMALA	NICARAGUA	VIETNAM
GUINEA-CONAKRI	PAPUA NEW GUINEA	
HONDURAS	PANAMA	

(1) Authorised only for import of live animals intended for human consumption.

(2) Authorised only for import of caviar.

*ANNEX II*

**List of countries and territories from which importation of fishery products intended for human consumption is authorised until 31 January 1999 pursuant to Article 11(7) of Directive 91/493/EEC**

ALGERIA  
ANGOLA  
AZERBAIJAN (1)  
BAHAMAS  
BULGARIA  
CONGO-BRAZZAVILLE  
EGYPT  
ERITREA  
ESTONIA  
FORMER YUGOSLAV REPUBLIC OF MACEDONIA  
GABON  
GUINEA-BISSAU  
IRAN  
KENYA  
MOZAMBIQUE  
MYANMAR  
ROMANIA  
SAINT HELENA  
SOLOMON ISLANDS (2)  
SRI LANKA  
SAINT LUCIA  
ZIMBABWE

---

(1) Only authorised for imports of caviar.

(2) Only authorised for imports from Solomon Taiyo Limited.

**COMMISSION DECISION**  
**of 24 November 1998**  
**amending Decision 97/296/EC drawing up the list of third countries from which**  
**the import of fishery products is authorised for human consumption**

*(notified under document number C(1998) 3585)*

(Text with EEA relevance)

(98/711/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 98/603/EC<sup>(2)</sup>, and in particular Article 2(2) and Article 7 thereof,

Whereas Commission Decision 97/296/EC<sup>(3)</sup>, as last amended by Decision 98/573/EC<sup>(4)</sup>, lists the countries and territories from which importation of fishery products for human consumption is authorised; whereas part I of Annex I lists the names of the countries and territories covered by a specific Decision and part II names those qualifying under Article 2(2) of Decision 95/408/EC; whereas Annex II lists the names of the countries and territories from which importation is authorised until 31 January 1999, under the conditions of Article 11(7) of Council Directive 91/493/EEC<sup>(5)</sup>;

Whereas Commission Decisions 98/695/EC<sup>(6)</sup>, and 98/975/EC<sup>(7)</sup>, set specific import conditions for fishery and aquaculture products originating, respectively, in Mexico and Estonia;

Whereas Mexico and Estonia should therefore be added to part I of the list of Annex I countries and territories from which importation of fishery products for human consumption is authorised;

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*

Annex I and Annex II of the present Decision replace Annex I and the Annex II to Decision 97/296/EC.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 24 November 1998.

*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 289, 28. 10. 1998, p. 36.  
<sup>(3)</sup> OJ L 122, 14. 5. 1997, p. 21.  
<sup>(4)</sup> OJ L 277, 14. 10. 1998, p. 49.  
<sup>(5)</sup> OJ L 268, 24. 9. 1991, p. 15.  
<sup>(6)</sup> OJ L 332, 8. 12. 1998, p. 9.  
<sup>(7)</sup> OJ L 317, 26. 11. 1998, p. 42.

ANNEX I

List of countries and territories from which importation of fishery products in any form intended for human consumption is authorised

I. Countries and territories covered by a specific decision under Council Directive 91/493/EEC

AL	ALBANIA	FO	FAROE	MY	MALAYSIA
AR	ARGENTINA	GH	GHANA	NG	NIGERIA
AU	AUSTRALIA	GM	GAMBIA	NZ	NEW ZEALAND
BD	BANGLADESH	GT	GUATEMALA	PE	PERU
BR	BRAZIL	ID	INDONESIA	PH	PHILIPPINES
CA	CANADA	IN	INDIA	RU	RUSSIA
CI	CÔTE D'IVOIRE	JP	JAPAN	SG	SINGAPORE
CL	CHILE	KR	SOUTH KOREA	SN	SENEGAL
CO	COLOMBIA	MA	MOROCCO	TH	THAILAND
CU	CUBA	MG	MADAGASCAR	TN	TUNISIA
EC	ECUADOR	MR	MAURITANIA	TW	TAIWAN
EE	ESTONIA	MV	MALDIVES	TZ	TANZANIA
FK	FALKLAND ISLANDS	MX	MEXICO	UY	URUGUAY
				ZA	SOUTH AFRICA

II. Countries and territories meeting the terms of Article 2(2) of Council Decision 95/408/EC

BJ	BENIN	HR	CROATIA	PG	PAPUA NEW GUINEA
BZ	BELIZE	HU	HUNGARY (1)	PK	PAKISTAN
CH	SWITZERLAND	IL	ISRAEL	PL	POLAND
CM	CAMEROON	JM	JAMAICA	SC	SEYCHELLES
CN	CHINA	KZ	KAZAKHSTAN (2)	SI	SLOVENIA
CR	COSTA RICA	LT	LITHUANIA	SR	SURINAME
CV	CAPE VERDE	LV	LATVIA	TG	TOGO
CZ	CZECH REPUBLIC	MT	MALTA	TR	TURKEY
FJ	FIJI	MU	MAURITIUS	UG	UGANDA
GL	GREENLAND	NA	NAMIBIA	US	UNITED STATES OF AMERICA
GN	GUINEA CONAKRY	NI	NICARAGUA	VE	VENEZUELA
HK	HONG KONG	PA	PANAMA	VN	VIETNAM
HN	HONDURAS				

(1) Authorised only for import of live animals intended for human consumption.

(2) Authorised only for import of caviar.

*ANNEX II*

**List of countries and territories from which importation of fishery products intended for human consumption is authorised until 31 January 1999, on the conditions of the Article 11(7) of Directive 91/493/EEC**

AO	ANGOLA
AZ	AZERBAIJAN (*)
BG	BULGARIA
BS	BAHAMAS
CG	CONGO BRAZZAVILLE
DZ	ALGERIA
EG	EGYPT
ER	ERITREA
GA	GABON
GW	GUINEA BISSAU
IR	IRAN
KE	KENYA
LC	SAINT LUCIA
LK	SRI LANKA
MK	FYROM
MM	MYANMAR
MZ	MOZAMBIQUE
RO	ROMANIA
SB	SOLOMON ISLANDS (†)
SH	SAINT HELENA
ZW	ZIMBABWE

---

(\*) Only authorised for imports of caviar.

(†) Only authorised for imports from Solomon Taiyo Limited.

COMMISSION DECISION

of 30 June 1998

laying down special conditions governing imports of fishery and aquaculture products originating in Nigeria

(notified under document number C(1998) 1851)

(Text with EEA relevance)

(98/420/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 the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 thereof,

Whereas a Commission expert has conducted an inspection visit to Nigeria to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of legislation of Nigeria on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas, in Nigeria the Nigeria Federal Department of Fisheries (FDF) of the Federal Ministry of Agriculture and Natural Resources 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/registration number of the establishment, factory vessel, cold store or freezer vessel of origin;

Whereas, pursuant to Article 11(4)(c) of Directive 91/493/EEC, a list of approved establishments, factory vessels or cold stores must be drawn up; whereas a list of freezer vessels registered in the sense of Council Directive 92/48/EEC<sup>(2)</sup> must be drawn up; whereas this list must be drawn up on the basis of a communication from the FDF

to the Commission; whereas it is therefore for the FDF to ensure compliance with the provisions laid down to that end in Article 11(4) of Directive 91/493/EEC;

Whereas the FDF 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 or registration of establishments, factory vessels, cold stores or freezer vessels;

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 Federal Department of Fisheries (FDF) of the Federal Ministry of Agriculture and Natural Resources shall be the competent authority in Nigeria 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 Nigeria 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, factory vessels, cold stores or registered freezer vessels listed in Annex B hereto;
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 'NIGERIA' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

(1) OJ L 268, 24. 9. 1991, p. 15.

(2) OJ L 187, 7. 7. 1992, p. 41.

*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 FDF and the latter's official stamp in a colour different from that of other endorsements.
- 

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 30 June 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Nigeria and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No: .....

Country/Territory of dispatch: NIGERIA

Competent authority: Federal Department of Fisheries (FDF) of the Federal Ministry of Agriculture and Natural Resources

I. Details identifying the fishery products

- Description of Fishery — Aquaculture products (1):
  - Species (scientific name): .....
  - Presentation of product and type of treatment (2): .....
- 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), factory vessel(s) or cold store(s) approved or freezer vessel(s) registered by the FDF 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: .....

.....

.....

(1) Delete where applicable.  
(2) 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 Directive 91/493/EEC, Directive 92/48/EEC and Decision 98/420/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 ESTABLISHMENTS**

Number	Name	Address
FDF/E/01	OCEAN FISHERIES LTD	IKORODU
FDF/E/02	UNIVERSAL ASSOCIATES COMPANY LTD	LAGOS
FDF/E/03	ORC FISHING AND FOOD PROCESSING LTD	LAGOS
FDF/E/04	OLOKUN (PISCES) LTD	LAGOS

**II. LIST OF COLD STORES**

Number	Name	Address
FDF/E/01	OCEAN FISHERIES LTD	IKORODU
FDF/E/02	SAVANNAH SHIPPING COMPANY NIG. LTD	LAGOS
FDF/E/03	ORC FISHING AND FOOD PROCESSING LTD	LAGOS
FDF/E/04	BANARLY NIG. LTD	LAGOS
FDF/E/06	TARABARAZ FISHERIES LTD	LAGOS
FDF/E/07	BENGUELA FISHING INDUSTRIES LTD	LAGOS
FDF/E/08	UNITED FISHERIES LTD	LAGOS
FDF/E/09	OBELAWO FARCHA INDUSTRIES LTD	LAGOS

**III. LIST OF FREEZING VESSELS**

Number	Name (owner)	Port
FDF/V/02-01 FDF/V/02-02 FDF/V/02-03 FDF/V/02-04 FDF/V/02-05 FDF/V/02-06 FDF/V/02-07	ORC 1 Freedom Silver Streak Petunia Robin Magnolia Dahlia  (ORC Fishing and Food Processing Ltd)	Olodi, Apapa
FDF/V/03-01 FDF/V/03-02 FDF/V/03-03	Susiah Ti Oluwani Oluwi  (Honeywell Fisheries Ltd)	Apapa, Lagos
FDF/V/04-01 FDF/V/04-02 FDF/V/04-03	Banarly I Banarly II Banarly III  (Banarly Nigeria Ltd)	Apapa, Lagos
FDF/V/05-01 FDF/V/05-02 FDF/V/05-03	HRV I HRV II HRV III  (HR Ventures Ltd)	Ibafon, Apapa
FDF/V/06-01 FDF/V/06-02 FDF/V/06-03 FDF/V/06-04	Vaneesha Sonia Shiv Sea Princess  (Ocean Fisheries Nig. Ltd)	Apapa, Lagos

Number	Name (owner)	Port
FDF/V/07-01 FDF/V/07-02 FDF/V/07-03 FDF/V/07-04 FDF/V/07-05	Lecon I Gloria Theo Taraba I Hanatu  (Tarabaroz Fisheries Ltd)	Island, Apapa, Lagos
FDF/V/08-01 FDF/V/08-02 FDF/V/08-03 FDF/V/08-04 FDF/V/08-05 FDF/V/08-06	Kulak I Kulak II Kulak III Kulak IV Kulak V Kulak VI  (Kulak Trades and Ind. plc)	Apapa, Lagos
FDF/V/09-01 FDF/V/09-02	Magami I Magami II  (Magami Trawlers Ltd)	Tincan Wharf, Lagos
FDF/V/10-01 FDF/V/10-02	Oke-Oghene I Oke-Oghene II  (Emosin General Ent. Ltd)	Apapa, Lagos
FDF/V/11-01 FDF/V/11-02	Mountaha Mustapha  (Dalia Farms Nig. Ltd)	Apapa, Lagos
FDF/V/12A-01 FDF/V/12A-02 FDF/V/12A-03 FDF/V/12A-04 FDF/V/12A-05 FDF/V/12A-06 FDF/V/12A-07 FDF/V/12A-08 FDF/V/12A-09 FDF/V/12A-10	Madam Tinubu Bisola M/Emotan Awele Dada Fatu Lady Anne Binta Omolara M/Asiya  (Intercontinental Fishing Nig. Ltd)	Apapa, Lagos
FDF/V/12B-11 FDF/V/12B-12 FDF/V/12B-13	Tulip Chenny Pearl  (Savannah Shipping Company Nig. Ltd)	Apapa, Lagos
FDF/V/12C-14 FDF/V/12C-15	Lily I Lily II  (Intra Fisheries Nig. Ltd)	Apapa, Lagos
FDF/V/12D-16 FDF/V/12D-17 FDF/V/12D-18 FDF/V/12D-19 FDF/V/12D-20 FDF/V/12D-21 FDF/V/12D-22 FDF/V/12D-23 FDF/V/12D-24 FDF/V/12D-25	Lily III Lily IV Universal IV Universal V Queen Amina Silvermaid I Silvermaid II Lotus I Lotus II  (Atlantic Shrimpers Ltd)	Apapa, Lagos

Number	Name (owner)	Port
FDF/V/12E-26	Universal I (Universal Fishing Company Nig. Ltd)	Apapa, Lagos
FDF/V/12F-27 FDF/V/12F-28	Lotus III Lotus IV (Paramount Frozen Food Ltd)	Apapa, Lagos
FDF/V/12G-29 FDF/V/12G-30 FDF/V/12G-31 FDF/V/12G-32 FDF/V/12G-33 FDF/V/12G-34 FDF/V/12G-35 FDF/V/12G-36	Cosmos I Cosmos II Cosmos III Cosmos IV Cosmos V Cosmos VI Cosmos VII Cosmos VIII (Cosmos Fishing Company Ltd)	Apapa, Lagos
FDF/V/12G-37 FDF/V/12G-38	Silvermaid III Silvermaid IV (Nigeria Fishing Company Nig. Ltd)	Apapa, Lagos
FDF/V/12H-39	Sea Queen (Primlaks Frozen Food Products Ltd)	Apapa, Lagos
FDF/V/12J-40 FDF/V/12J-41 FDF/V/12J-42 FDF/V/12J-43	Rose I Rose II Rose III Rose IV (Universal Associate Company Ltd)	Apapa, Lagos
FDF/V/13-01 FDF/V/13-02	Benguela I Benguela II (Benguela Fishing Company Ltd)	Apapa, Lagos
FDF/V/14-01 FDF/V/14-02 FDF/V/14-03 FDF/V/14-04 FDF/V/14-05 FDF/V/14-06	Unicorn I Unicorn II Unicorn III Unicorn IV Unicorn V Kingfisher VII (Offshore Trawlers Ltd)	Port Harcourt

COMMISSION DECISION

of 30 June 1998

laying down special conditions governing imports of fishery and aquaculture products originating in Ghana

(notified under document number C(1998) 1854)

(Text with EEA relevance)

(98/421/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 the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 thereof,

Whereas a Commission expert has conducted an inspection visit to Ghana to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of legislation of Ghana on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas, in Ghana the Ghana Standards Board (GSB) of the Ministry of Trade 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/registration number of the establishment, factory vessel, cold store or freezer vessel of origin;

Whereas, pursuant to Article 11(4)(c) of Directive 91/493/EEC, a list of approved establishments, factory vessels or cold stores must be drawn up; whereas a list of freezer vessels registered in the sense of Council Directive 92/48/EEC <sup>(2)</sup> must be drawn up; whereas this list must be drawn up on the basis of a communication from the GSB

to the Commission; whereas it is therefore for the GSB to ensure compliance with the provisions laid down to that end in Article 11(4) of Directive 91/493/EEC;

Whereas the GSB 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 or registration of establishments, factory vessels, cold stores or freezer vessels;

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 Ghana Standards Board (GSB) of the Ministry of Trade shall be the competent authority in Ghana 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 Ghana 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, factory vessels, cold stores or registered freezer vessels listed in Annex B hereto;
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 'GHANA' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

<sup>(1)</sup> OJ L 268, 24. 9. 1991, p. 15.

<sup>(2)</sup> OJ L 187, 7. 7. 1992, p. 41.

*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 GSB and the latter's official stamp in a colour different from that of other endorsements.
- 

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 30 June 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Ghana and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No: .....

Country/Territory of dispatch: GHANA

Competent authority: Ghana Standards Board (GSB) of the Ministry of Trade

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), factory vessel(s) or cold store(s) approved or freezer vessel(s) registered by the GSB 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.

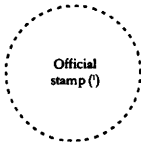
<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc.

**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 Directive 91/493/EEC, Directive 92/48/EEC and Decision 98/421/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
GS/SF/E052	Skippy's Seafood Co., Ltd	Accra
GS/SF/E002	Société Nouvelle Cap Langouste	Accra
GS/SF/E001	Vivier Du Nord	Accra
GS/SF/E128	Green Gold	Takoradi
GS/SF/E009	Compass Dive and Salvage (Gh) Ltd	Axim
GS/SF/E007	Pako Bay Seafood	Apam
GS/SF/E006	Kpone Lobsters	Kpone-Tema
GS/SF/E015	Divine Seafood	Tema
GS/SF/EF038	Pioneer Food Cannery	Tema
GS/SF/EF039	Ghana Agro-Food Co., Ltd	Tema
GS/SF/E855	Liwon Enterprise	Tema

II. LIST OF FREEZER VESSELS

Number	Name	Port
GS/SF/E003	M. V. Lima	Tema
GS/SF/E004	Filikos 1	Tema
GS/SF/E005	Mihalis N.	Tema
GS/SF/E008	Zhonglu-706	Tema
GS/SF/E010	Toman 3	Tema
GS/SF/E011	Alabanzas	Tema
GS/SF/E012	M. V. Shabda	Tema
GS/SF/E013	Afko 306	Tema
GS/SF/E014	Afko 803	Tema

COMMISSION DECISION

of 30 June 1998

laying down special conditions governing imports of fishery and aquaculture products originating in Tanzania

(notified under document number C(1998) 1855)

(Text with EEA relevance)

(98/422/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 (\*), as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 thereof,

Whereas a Commission expert has conducted an inspection visit to Tanzania to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of legislation of Tanzania on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas, in Tanzania the Fisheries Division (FD) of the Ministry of Natural Resources and Tourism 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/registration number of the establishment, factory vessel, cold store or freezer vessel of origin;

Whereas, pursuant to Article 11(4)(c) of Directive 91/493/EEC, a list of approved establishments, factory vessels or cold stores must be drawn up; whereas a list of freezer vessels registered in the sense of Council Directive 92/48/EEC (†) must be drawn up; whereas this list must be drawn up on the basis of a communication from the FD

to the Commission; whereas it is therefore for the FD to ensure compliance with the provisions laid down to that end in Article 11(4) of Directive 91/493/EEC;

Whereas the FD 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 or registration of establishments, factory vessels, cold stores or freezer vessels;

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 Fisheries Division (FD) of the Ministry of Natural Resources and Tourism shall be the competent authority in Tanzania 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 Tanzania 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, factory vessels, cold stores or registered freezer vessels listed in Annex B hereto;
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 'TANZANIA' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.

(\*) OJ L 268, 24. 9. 1991, p. 15.

(†) OJ L 187, 7. 7. 1992, p. 41.

*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 FD and the latter's official stamp in a colour different from that of other endorsements.
- 

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 30 June 1998.

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

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Tanzania and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No: .....

Country of dispatch: TANZANIA

Competent authority: Fisheries Division (FD) of the Ministry of Natural Resources and Tourism

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), factory vessel(s) or cold store(s) approved or freezer vessel(s) registered by the FD for export to the EC: .....

.....

.....

.....

III. Destination of products

The products are dispatched

from: .....

(place of dispatch)

.....

(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: .....

.....

.....

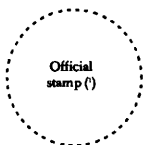
<sup>(1)</sup> Delete where applicable.  
<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc.

**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 official inspector hereby certifies that any person working on and/or handling the fishery or aquaculture products above described have satisfactorily undergone the medical supervision laid down in Chapter III, point II B of the Annex to Directive 91/493/EEC.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC, Directive 92/48/EEC and Decision 98/422/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
A-PP-200	Hellas Tanzania Mafia Fish. Processing Plant Ltd	Mafia Island
A-PP-203	Fruits De la Mer Ltd	Dar es Salaam
A-PP-205	Vickfish Ltd	Mwanza
A-PP-206	Fish Pak Tanzania Ltd	Musoma
A-PP-207	Tan Perch Ltd	Mwanza
A-PP-208	Nile Perch Fisheries Ltd	Mwanza
A-PP-209	Tanzania Fish Processors Ltd	Mwanza
A-PP-210	Mwanza Fishing Industries Ltd	Mwanza
A-PP-211	Victoria Fisheries Ltd	Mwanza
A-PP-214	Selthmar Ocean Products Ltd	Kilwa Masoko
A-PP-215	Omega Fish Ltd	Mwanza
A-PP-217	M/S Lucia Abdulle Omari	Dar es Salaam

**II. LIST OF FREEZER VESSELS**

Number	Name (owner)	Port
A-102	MFV ARUSHA (Heltanco Ltd)	Dar es Salaam
A-103	MFV ODYSSEAS (Heltanco Ltd)	Dar es Salaam
A-106	MFV BANUSO II (Den-Tan Resources Ltd)	Dar es Salaam
A-110	MFV MAMA LEDA (Tramico Investment Company Ltd)	Dar es Salaam
A-111	MFV MARIETTA (African Fishing Co. Ltd)	Dar es Salaam
A-112	MFV MTONI (Ocean Fisheries (T) Ltd)	Dar es Salaam
A-113	MFV MAENDELBEO (African Fishing Company Ltd)	Dar es Salaam
A-114	MFV CONNIE (African Fishing Company Ltd)	Dar es Salaam
A-115	MFV CANADA (African Fishing Company Ltd)	Dar es Salaam
A-116	MFV DEBBIE (African Fishing Company Ltd)	Dar es Salaam
B-110	MFV ALWALY	Dar es Salaam
B-111	MFV SEASHORE I	Dar es Salaam
B-112	MFV SEASHORE II	Dar es Salaam

## II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL DECISION

of 20 July 1998

**on the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Islamic Federal Republic of the Comoros concerning the provisional application of the Protocol setting out, for the period 28 February 1998 to 27 February 2001, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros**

(98/484/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 Islamic Federal Republic of the Comoros on fishing off the Comoros<sup>(1)</sup>, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with Article 12 of the abovementioned Agreement, the Community and the Islamic Federal Republic of the Comoros held negotiations to determine amendments or additions to be made to the Agreement at the end of the period of application of the Protocol to the Agreement;

Whereas, as a result of those negotiations, a new Protocol was initialled on 27 February 1998;

Whereas, under that Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Islamic Republic of the Comoros for the period 28 February 1998 to 27 February 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 Agree-

ment in the form of an Exchange of Letters, temporarily applying the Protocol from 28 February 1998;

Whereas the Agreement in the form of an Exchange of Letters should be approved subject to a definitive decision under Article 43 of the Treaty;

Whereas the method for allocating the fishing opportunities among the Member States should be defined on the basis of the transitional allocation of fishing opportunities under the fisheries agreement,

HAS DECIDED AS FOLLOWS:

### *Article 1*

The Agreement in the form of an Exchange of Letters between the European Community and the Islamic Federal Republic of the Comoros concerning the provisional application of the Protocol setting out, for the period 28 February 1998 to 27 February 2001, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters and the Protocol are attached to this Decision.

<sup>(1)</sup> OJ L 137, 2. 6. 1988, p. 19.

*Article 2*

The fishing opportunities fixed in the Protocol shall be allocated among the Member States as follows:

(a) tuna seiners:

Spain: 22 vessels

France: 21 vessels

Italy: 1 vessel

(b) surface longliners:

Spain: 13 vessels

Portugal: 3 vessels.

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol,

the Commission may take into consideration licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 20 July 1998.

*For the Council*

*The President*

W. MOLTERER

---



#### AGREEMENT

in the form of an Exchange of Letters between the European Community and the Islamic Federal Republic of the Comoros concerning the provisional application of the Protocol setting out, for the period 28 February 1998 to 27 February 2001, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros

##### *A. Letter from the Government of the Islamic Federal Republic of the Comoros*

Sir,

With reference to the Protocol initialled on 27 February 1998 setting out, for the period from 28 February 1998 to 27 February 2001, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros, I have the honour to inform you that the Government of the Islamic Federal Republic of the Comoros is prepared to apply the Protocol on a provisional basis with effect from 28 February 1998, pending its entry into force in accordance with Article 7 of the said Protocol, provided that the European Community is disposed to do the same.

In this case, the first annual financial compensation stipulated in Article 2 of the Protocol must be paid before 1 September 1998.

I should be grateful if you would confirm the European Community's agreement with the foregoing.

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

*For the Government of  
the Islamic Federal Republic of the Comoros*

##### *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 27 February 1998 setting out, for the period from 28 February 1998 to 27 February 2001, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros, I have the honour to inform you that the Government of the Islamic Federal Republic of the Comoros is prepared to apply the Protocol on a provisional basis with effect from 28 February 1998, pending its entry into force in accordance with Article 7 of the said Protocol, provided that the European Community is disposed to do the same.

In this case, the first annual financial compensation stipulated in Article 2 of the Protocol must be paid before 1 September 1998.

I should be grateful if you would confirm the European Community's agreement with the foregoing.'

I have the honour to confirm that the Community is in agreement with the contents of this letter.

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

*On behalf of the  
Council of the European Union*

---

## PROTOCOL

setting out, for the period 28 February 1998 to 27 February 2001, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros

### *Article 1*

Pursuant to Article 2 of the Agreement, licences authorising simultaneous fishing in Comorian waters shall be granted to 44 freezer tuna seiners and 16 surface long-liners for a period of three years beginning on 28 February 1998.

### *Article 2*

1. The financial compensation referred to in Article 6 of the Agreement shall be fixed at ECU 180 000 per year, to be paid not later than 1 September each year.
2. This financial compensation shall cover catches of 4 500 tonnes per year in Comorian waters. If the volume of tuna caught by Community vessels in Comorian waters exceeds this volume, the amount of the financial compensation shall be increased by ECU 50 per additional tonne.
3. The financial compensation shall be paid into an account to be indicated by the Government of the Islamic Federal Republic of the Comoros, in the name of the Public Treasury.
4. The use to which the compensation is to be put shall fall within the exclusive competence of the Government of the Comoros.

### *Article 3*

During the period covered by the Protocol, the Community shall contribute an additional ECU 540 000 to financing the measures described below, allocated as follows:

1. the financing of scientific and technical programmes (equipment, infrastructure, improved fisheries-related administrative and training structures, etc.) to increase knowledge of the fishery resources in Comorian waters: ECU 250 000,
2. support for the structures responsible for fisheries surveillance: ECU 70 000,
3. institutional support to the Ministry responsible for fisheries: ECU 50 000,

4. the financing of study grants, practical training courses or seminars in the various scientific, technical and economic fields linked to fishing: ECU 60 000,
5. the Comoros' contribution to the international fisheries organisations: ECU 70 000,
6. the expenses of Comorian delegates participating in international meetings concerning fisheries: ECU 40 000.

The measures will be adopted by the Ministry responsible for fisheries, which will inform the Commission of the European Communities thereof.

The amounts allocated shall be made available to the Government of the Islamic Federal Republic of the Comoros and paid into the bank accounts indicated by it, except the amounts referred to in points 4 and 6 of the first paragraph, which shall be paid as they are used.

The Ministry responsible for fisheries shall transmit an annual report on the implementation of these measures and the results achieved to the Delegation of the Commission of the European Communities in the Comoros, not later than three months after the anniversary date of the Protocol. The Commission of the European Communities reserves the right to request additional information on these results from the Ministry responsible for fisheries and to review the payments concerned in the light of the actual implementation of the measures.

### *Article 4*

Should the Community fail to make the payments provided for in Articles 2 and 3, the Fisheries Agreement may be suspended.

### *Article 5*

The Protocol to the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros is hereby repealed and replaced by this Protocol.

### *Article 6*

This Protocol shall enter into force on the date of its signing.

It shall apply from 28 February 1998.

ANNEX

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN  
COMORIAN WATERS

1. **Application for and issue of licences**

The procedure for application for, and issue of, the licences allowing Community vessels to fish in Comorian waters shall be as follows.

- 1.1. The Commission of the European Communities, through its representative in the Comoros, shall submit to the Comorian Ministry responsible for fisheries, at least 20 days before the date of commencement of the period of validity requested, an application in respect of each vessel wishing to fish under this Agreement, drawn up by the owner. The applications shall be made on the forms provided for that purpose by the Comoros, a specimen of which is attached in Appendix 1.
- 1.2. Licences shall be issued to shipowners for a specific vessel. At the request of the Commission of the European Communities, a licence issued for one vessel may, and in cases of *force majeure* shall, be replaced by a licence issued for another Community vessel.
- 1.3. Licences shall be issued by the Ministry responsible for fisheries to the Commission's representative in the Comoros.
- 1.4. Licences must be held on board at all times; however, fishing shall be authorised as soon as the Comorian Ministry responsible for fisheries has received notification from the Commission of the European Communities that the advance payment has been made. Pending receipt of the original of the licence, a copy of the licence that has been drawn up may be issued by fax to be held on board the vessel.
- 1.5. Licences shall be valid for one year. They shall be renewable.
- 1.6. The licence fee shall be set at ECU 20/tonne of tuna caught in Comorian waters.
- 1.7. Licences shall be issued following advance payment to the Comoros of a lump sum of ECU 1 750 a year for each tuna seiner and ECU 750 a year for each surface longliner.
- 1.8. Before the entry into force of the Agreement the Comorian authorities shall communicate the arrangements for payment of the licence fees, in particular the details of the bank account and the currency to be used.

2. **Statement of catch and statement of fees due from shipowners**

The captain shall complete a fishing form corresponding to the specimen in Appendix 2 for each period spent fishing in the Comorian fishing zone. The form may be replaced during the period of application of the Protocol by another document devised for the same purpose by an international organisation responsible for tuna-fishing in the Indian Ocean.

The form, which must be legible and signed by the captain of the ship, shall be sent to the Office of Overseas Scientific and Technical Research and the Spanish Oceanographic Institute for processing within one month of the end of each calendar quarter.

If these provisions are not complied with, the Comorian Ministry responsible for fisheries reserves the right to suspend the licence of the offending vessel until these formalities have been carried out and to apply the penalties provided for under national law.

Member States shall inform the Commission of the European Communities before 15 April of the tonnages caught during the past year, as confirmed by the scientific institutes. On the basis of those figures the Commission shall establish a breakdown of the fees due in respect of a fishing year, which it shall then send to the Comorian Ministry responsible for fisheries for its comments.

Shipowners shall be notified of this breakdown by the Commission of the European Communities by the end of April at the latest and shall have 30 days in which to meet their financial obligations. Shipowners cannot recover the balance in cases where the amount payable in respect of actual fishing operations is less than the advance payment.

3. **Inspection and monitoring**

Community vessels fishing in the Comorian fishing zone shall permit and facilitate the boarding and fulfilment of the tasks of Comorian officials responsible for the inspection and monitoring of fishing activities. These officials should not remain on board any longer than the time required to verify catches by sampling and carrying out any other inspections relating to fishing activities.

4. **Observers**

At the request of the Comorian Ministry responsible for fisheries, tuna vessels shall take on board an observer designated by the former to check catches made in Comorian waters. Observers shall have all the facilities needed for the performance of their duties, including access to parts of the ship and documents. Observers shall not remain on board for longer than the time required to carry out their duties. Observers shall be provided with suitable food and accommodation while on board. Should a tuna vessel with a Comorian observer on board leave Comorian waters, every step shall be taken to ensure that the observer returns to the Comoros as soon as possible, at the shipowner's expense.

5. **Communication of information**

Fishing vessels shall communicate the date and time direct to the Comorian Ministry responsible for fisheries immediately on entering or leaving the Comorian fishing zone and their position and catches held on board within three hours of entering or leaving the zone and every three days while engaged in fishing activities in Comorian waters. This information should preferably be communicated by fax or, for vessels not equipped with a fax, by radio.

The Comorian Ministry responsible for fisheries shall inform vessels of the relevant fax number and radio frequency when the fishing licence is issued.

The Comorian Ministry responsible for fisheries and the shipowners shall keep a copy of fax communications or a recording of radio communications until both parties have agreed to the final statement of fees due referred to in point 2.

A vessel found to be fishing without having informed the Comorian Ministry responsible for fisheries shall be regarded as a vessel without a licence.

6. **Fishing zones**

To avoid adverse effects on small-scale fisheries in Comorian waters, Community tuna vessels shall not be allowed to fish within 10 nautical miles of any of the islands nor within a radius of three nautical miles of fish aggregating devices placed by the Comorian Ministry responsible for fisheries, the positions of which have been communicated to the representative of the Commission of the European Communities in the Comoros.

These provisions may be reviewed by the Joint Committee referred to in Article 7 of the Agreement.

7. **Ownership of rare species**

Any coelacanth (*Latimeria chalumnae*) caught by a Community vessel authorised to fish in Comorian waters under the Agreement remains the property of the Comoros and must be turned over, without charge, to the port authorities of Moroni or Mutsamudu immediately in the best state possible.

8. **Transshipment**

Community vessel owners must give consideration to the existence of the harbour facilities of Mutsamudu for any transshipment operations.

---

*Appendix 1*

LICENCE APPLICATION FORM FOR A FOREIGN FISHING VESSEL

Name of applicant: .....

Address of applicant: .....

.....

Name and address of charterer of vessel if different from above: .....

.....

Name and address of representative (agent) in Comoros: .....

.....

Name of vessel: .....

Type of vessel: .....

Country of registry: .....

Port and registration number: .....

Vessel's external identification: .....

Radio call sign and frequency: .....

Length of vessel: .....

Width of vessel: .....

Engine type and horsepower: .....

Gross registered tonnage of vessel: .....

Net registered tonnage of vessel: .....

Minimum crew: .....

Type of fishing: .....

Proposed catch species: .....

.....

Period of validity requested: .....

I, the undersigned ....., certify that the above particulars are correct.

Date: .....

Signature: .....

\_\_\_\_\_



I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2127/98  
of 1 October 1998**

**relating to the conclusion of the Protocol setting out, for the period 28 February 1998 to 27 February 2001, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros**

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, pursuant to the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros<sup>(2)</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 to the Agreement;

Whereas, as a result of these negotiations, a new Protocol establishing the fishing opportunities and financial compensation provided for in the abovementioned Agreement for the period from 28 February 1998 to 27 February 2001 was initialled on 27 February 1998;

Whereas it is in the Community's interest to approve the said Protocol;

Whereas the method for allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities under the fisheries agreement,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol setting out, for the period 28 February 1998 to 27 February 2001, the fishing opportunities and financial contribution provided for in the Agreement between

the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation<sup>(3)</sup>.

*Article 2*

The fishing opportunities fixed in the Protocol shall be allocated among the Member States as follows:

(a) Tuna seiners:

- Spain: 22 vessels
- France: 21 vessels
- Italy: 1 vessel

(b) Surface longliners:

- Spain: 13 vessels
- Portugal: 3 vessels.

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorised 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 its publication in the *Official Journal of the European Communities*.

<sup>(1)</sup> OJ C 292, 21. 9. 1998.

<sup>(2)</sup> OJ L 137, 2. 6. 1988, p. 19.

<sup>(3)</sup> For the text of the Protocol, see OJ L 217, 5. 8. 1998, p. 27.

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

Done at Luxembourg, 1 October 1998.

*For the Council*  
*The President*  
C. EINEM

---



## II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL DECISION

of 28 September 1998

authorising the Kingdom of Spain to extend until 7 March 1999 the Agreement on mutual fishery relations with the Republic of South Africa

(98/557/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 167(3) thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement on mutual fishery relations between the Government of the Kingdom of Spain and the Government of the Republic of South Africa, signed on 14 August 1979, entered into force on 8 March 1982 for an initial period of ten years; whereas the Agreement remains in force for an indeterminate period if it is not denounced by the giving of twelve months notice;

Whereas Article 167(2) of the 1985 Act of Accession lays down that the rights and obligations resulting from the fisheries agreements concluded by the Kingdom of Spain with third countries shall not be affected during the period for which the provisions of such agreements are provisionally maintained;

Whereas, pursuant to Article 167(3) of the said Act, the Council is to adopt, before the expiry of the fisheries agreements concluded by the Kingdom of Spain with third countries, decisions appropriate for the continuation of fishing activities resulting therefrom, including the possibility of prolonging for periods not exceeding one

year; whereas the abovementioned Agreement has been extended until 7 March 1998<sup>(1)</sup>;

Whereas, in order to avoid fishing by the Community vessels concerned being interrupted, it appears appropriate to authorise the Kingdom of Spain to extend the Agreement in question until 7 March 1999,

HAS ADOPTED THIS DECISION:

### *Article 1*

The Kingdom of Spain is hereby authorised to extend until 7 March 1999 the Agreement on mutual fishery relations with the Republic of South Africa which entered into force on 8 March 1982.

### *Article 2*

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 28 September 1998.

*For the Council*

*The President*

W. MOLTERER

---

<sup>(1)</sup> OJ L 164, 21. 6. 1997, p. 37.

**COUNCIL DECISION**  
**of 28 September 1998**  
**authorising the Portuguese Republic to extend until 7 March 1999 the Agreement**  
**on mutual fishery relations with the Republic of South Africa**

(98/558/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 254(3) thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement on mutual fishery relations between the Government of the Portuguese Republic and the Government of the Republic of South Africa, signed on 9 April 1979, entered into force on that day for an initial period of ten years; whereas the Agreement remains in force for an indeterminate period if it is not denounced by the giving of twelve months notice;

Whereas Article 354(2) of the 1985 Act of Accession lays down that the rights and obligations resulting from the fisheries agreements concluded by the Portuguese Republic with third countries shall not be affected during the period for which the provisions of such agreements are provisionally maintained;

Whereas, pursuant to Article 354(3) of the said Act, the Council is to adopt, before the expiry of the fisheries agreements concluded by the Portuguese Republic with third countries, decisions appropriate for the continuation of fishing activities resulting therefrom, including the possibility of prolonging for periods not exceeding one

year; whereas the abovementioned Agreement has been extended until 7 March 1998<sup>(1)</sup>;

Whereas, in order to avoid fishing by the Community vessels concerned being interrupted, it appears appropriate to authorise the Portuguese Republic to extend the Agreement in question until 7 March 1999,

HAS ADOPTED THIS DECISION:

*Article 1*

The Portuguese Republic is hereby authorised to extend until 7 March 1999 the Agreement on mutual fishery relations with the Republic of South Africa which entered into force on 9 April 1979.

*Article 2*

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 28 September 1998.

*For the Council*  
*The President*  
W. MOLTERER

---

<sup>(1)</sup> OJ L 164, 21. 6. 1997, p. 36.

## II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL DECISION

of 22 October 1998

**on the conclusion of an agreement in the form of an exchange of letters concerning the provisional application of the Protocol setting out the fishing opportunities and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Madagascar on fishing off Madagascar for the period from 21 May 1998 to 20 May 2001**

(98/615/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 Republic of Madagascar on fishing off Madagascar (<sup>(1)</sup>), and in particular Article 14 thereof,

Having regard to the proposal from the Commission,

Whereas, under Article 14 of the above Agreement, the Community and the Republic of Madagascar held negotiations to determine amendments or additions to be made to the Agreement at the end of the period of application of the preceding Protocol to the Agreement;

Whereas, as a result of those negotiations, a new Protocol was initialled on 5 March 1998;

Whereas, under this Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Republic of Madagascar for the period from 21 May 1998 to 20 May 2001;

Whereas, in order to avoid interruption of fishing activities by Community vessels, it is essential that the said Protocol be approved as quickly as possible; whereas both Contracting 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 approved subject to a definitive decision under Article 43 of the Treaty;

Whereas the method for allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities 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 setting out the fishing opportunities and the financial compensation provided for in the Agreement between the European Economic Community and the Republic of Madagascar on fishing off Madagascar for the period from 21 May 1998 to 20 May 2001, shall be approved on behalf of the Community.

The text of the Agreement in the form of an exchange of letters and the Protocol are attached to this Decision.

### *Article 2*

The fishing opportunities fixed in the Protocol shall be allocated among the Member States as follows:

(<sup>1</sup>) OJ L 73, 18. 3. 1986, p. 26.

(a) Tuna seiners:

Spain: 22 vessels,  
France: 20 vessels,  
Italy: 3 vessels;

(b) Surface longliners:

Spain: 20 vessels,  
France: 6 vessels,  
Portugal: 4 vessels.

*Article 3*

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Luxembourg, 22 October 1998.

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

*For the Council*  
*The President*  
W. MOLTERER

---

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**

**concerning the provisional application of the Protocol setting out the fishing opportunities and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Madagascar on fishing off Madagascar for the period from 21 May 1998 to 20 May 2001**

*A. Letter from the Government of Madagascar*

Sir,

With reference to the Protocol initialled on 5 March 1998 setting out fishing opportunities and financial compensation for the period from 21 May 1998 to 20 May 2001, I have the honour to inform you that the Government of Madagascar is prepared to apply the Protocol on a provisional basis with effect from 21 May 1998, pending its entry into force in accordance with Article 7 of the said Protocol, provided the European Community is disposed 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 paid by 30 October 1998.

I should be obliged if you would confirm the European Community's agreement to such provisional application.

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

*For the Government  
of the Republic of Madagascar*

*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 5 March 1998 setting out fishing opportunities and financial compensation for the period from 21 May 1998 to 20 May 2001, I have the honour to inform you that the Government of Madagascar is prepared to apply the Protocol on a provisional basis with effect from 21 May 1998, pending its entry into force in accordance with Article 7 of the said Protocol, provided the European Community is disposed 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 paid by 30 October 1998.

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, Sir, the assurance of my highest consideration.

*On behalf of  
the Council of the European Union*

---

## PROTOCOL

setting out the fishing opportunities and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Madagascar on fishing off Madagascar for the period from 21 May 1998 to 20 May 2001

### *Article 1*

Pursuant to Article 2 of the Agreement, licences authorising fishing in Madagascar's fishing zone shall be granted to 45 freezer tuna seiners and 30 surface longliners for a period of three years beginning on 21 May 1998.

In addition, at the request of the Community, authorisation may be granted for other categories of fishing vessel under conditions to be laid down in the Joint Committee referred to in Article 9 of the Agreement.

### *Article 2*

The amount of the contribution referred to in Article 7 of the Agreement shall be fixed at ECU 304 000 for each of the three years of the Protocol, the first instalment to be paid not later than 30 October 1998 and the two remaining instalments before 20 May 1999 and 20 May 2000. This amount is to cover an annual catch of 9 500 tonnes of tuna in Malagasy waters; if the tuna caught by Community vessels in Madagascar's fishing zone exceeds this weight, the amount referred to above shall be increased by ECU 50 per additional tonne.

The financial compensation shall be paid into an account to be indicated by the Malagasy authorities, in the name of the Public Treasury.

### *Article 3*

1. During the period referred to in Article 1, the Community shall contribute an additional ECU 1 368 000 to financing the measures described below, allocated as follows:

- (1) ECU 168 000 for Malagasy scientific programmes to improve knowledge of fisheries resources and ensure sustainable management thereof.

At the request of the Government of Madagascar, this contribution may take the form of a contribution to the cost of international meetings to improve knowledge and the management of fishery resources;

- (2) ECU 600 000 towards a system of fisheries monitoring, checks and surveillance;
- (3) ECU 300 000 for the financing of study grants and training courses;
- (4) ECU 125 000 for assistance in the development of traditional fisheries;
- (5) ECU 175 000 for the Ecole Nationale de l'Enseignement Maritime de Majunga (ENEM).

2. The competent Malagasy authorities shall send the Commission a detailed annual report on the use of the funds allocated to the measures provided for in paragraph 1 and on the implementation of these measures and the results achieved not later than three months after the anniversary date of the Protocol. The Commission of the European Communities reserves the right to request additional information from the Ministry responsible for fisheries and to review the payments concerned in the light of the actual implementation of the measures.

3. The amounts allocated to the measures referred to in paragraph 1 shall be made available to the Ministry responsible for fisheries and paid as they are used into the bank accounts indicated by it.

### *Article 4*

Should the Community not make the payments referred to in Articles 2 and 3 of this Protocol, the Fisheries Agreement may be suspended.

### *Article 5*

The Annex to the Agreement between the European Economic Community and the Republic of Madagascar on fishing off Madagascar is hereby repealed and replaced by the Annex to this Protocol.

### *Article 6*

This Protocol shall enter into force on the date of its signature.

It shall apply from 21 May 1998.

ANNEX

CONDITIONS GOVERNING FISHING ACTIVITIES BY COMMUNITY VESSELS IN MADAGASCAR'S FISHING ZONE

1. Application for and issue of licences

The procedure for applications for, and the issue of, licenses authorising Community vessels to fish in Malagasy water shall be as follows:

(a) through its representative in Madagascar, the European Commission shall present to the Malagasy authorities:

- at least 20 days before the beginning of the desired period of validity, a licence application completed by the shipowner in respect of each vessel for which authority to fish under the Agreement is requested,
- an annual application for prior authorisation to enter Madagascar's territorial waters; such authorisation shall be valid for the duration of the licence.

Licence applications must be made on the form provided by Madagascar for this purpose, in accordance with the specimen given in Appendix 1; they shall be accompanied by proof of payment of the advance due from the shipowner.

(b) Licences shall be issued for a specific vessel and shall not be transferable.

However, in the event of *force majeure*, a licence for one vessel may be replaced by a new licence for another vessel of similar characteristics should the Commission of the European Communities so request. The owner of the vessel being replaced shall return the cancelled licence to the Malagasy Ministry with responsibility for sea fisheries via the delegation of the Commission of the European Communities in Madagascar.

The new licence shall indicate:

- the date of issue,
- the fact that it cancels and replaces the licence of the previous vessel.

The fee provided for in Article 5 of the Agreement shall not be due for the remaining period of validity.

(c) The Malagasy authorities shall send licences to the representative of the Commission of the European Communities in Madagascar.

(d) Licences must be kept on board at all times; however, on receipt of notification of payment of the advance sent to the Malagasy authorities by the Commission of the European Communities, vessels shall be entered on a list of vessels authorised to fish, which shall be sent to the Malagasy authorities responsible for fisheries inspection. A copy of the said licence may be obtained by fax pending arrival of the licence itself; that copy shall be kept on board.

(e) Owners of tuna boats must be represented by an agent in Madagascar.

(f) The Malagasy authorities shall give notice, before the Agreement enters into force, of the arrangements for payment of fees and advances, including information on bank accounts.

2. Validity of licences and payment of fees

(a) Licences shall be valid for one year. They shall be renewable.

(b) The fee shall be ECU 20 per tonne caught in waters under Malagasy jurisdiction. Licences shall be issued on advance payment to the Malagasy Treasury of an annual sum of ECU 2 000 per tuna seiner, ECU 1 100 per surface longliner of more than 150 GRT and ECU 800 per surface longliner of 150 GRT or less.

- (c) At the end of each calendar year, the Commission of the European Communities shall draw up a final statement of the fees due in respect of the fishing year on the basis of catch declarations completed by each shipowner and confirmed by the scientific institutes competent for verifying catch statistics such as Orstom (Office of Overseas Scientific and Technical Research), IEO (Spanish Oceanographic Institute) or USTA (Antsiranana Tuna Statistical Unit) and transmitted by the Member States of the European Community. The statement shall simultaneously be notified to the Malagasy sea fisheries authorities and the shipowners. Shipowners shall make any additional payments to the Malagasy fisheries authorities within 30 days of notification of the final statement.

However, where the final statement is less than the advance referred to at (b), the balance shall not be recoverable by the shipowner.

### 3. Declaration of catches

- (a) Vessels authorised to fish in Madagascar's fishing zone under the Agreement shall notify their catch statistics to the sea fisheries authorities, with a copy for the delegation of the Commission of the European Communities in Madagascar, in accordance with the following procedure.

Tuna seiners and surface longliners shall complete a fishing form corresponding to the specimen given in Appendix 2 for each period spent fishing in Madagascar's fishing zone. The forms shall be sent to the competent authorities referred to in the first paragraph not later than 30 September each year.

Forms must be completed legibly and be signed by the master of the vessel. In addition, they must be completed by all vessels which have obtained a licence, even if they have not fished.

- (b) In the event of failure to comply with these provisions, the Malagasy authorities reserve the right to suspend the licence of the offending vessel until the formalities have been completed. In such cases, the delegation of the Commission of the European Communities in Madagascar shall be informed without delay.

### 4. Communication of information

The captain shall give notification, at least 24 hours in advance, by radio, telex or fax to the coastal radio station at Antsiranana, and by fax (No (261-20) 224 16 55) to the Ministry responsible for fisheries, of his intention to bring his vessel into or take it out of Madagascar's fishing zone. When notifying his intention to leave, he shall also notify the estimated catches taken during the time his vessel has spent in Madagascar's fishing zone.

The radio frequency and the telex and fax numbers to be used will be indicated on the licence.

### 5. Observers

At the request of the Malagasy authorities, tuna seiners and surface longliners shall take an observer on board who shall be treated as an officer. The time spent on board by the observer shall be fixed by the Malagasy authorities, but, as a general rule, it should not exceed the time required to carry out his duties. Once on board, the observer will:

- observe the fishing activities of the vessels,
- verify the position of vessels engaged in fishing operations,
- perform biological sampling in the context of scientific programmes,
- note the fishing gear used,
- verify the catch data for Madagascar's zone recorded in the logbook.

While on board, the observer:

- must take all appropriate steps to ensure that the conditions under which he is taken on board and his presence on board do not interrupt or hamper fishing activities,
- must respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel.

The conditions governing his embarkation shall be agreed between the shipowner or his agent and the Malagasy authorities.

The shipowner shall, via his agent, make a payment of ECU 10 to the Malagasy Government for each day spent by an observer on board a tuna seiner or surface longliner. If the shipowner is unable to take the observer aboard and put him off at a Malagasy port agreed by common accord with the Malagasy authorities, the shipowner shall bear the cost of taking the observer aboard and putting him ashore.

If the observer is not present at the time and place agreed and during the 12 hours following the time agreed, the shipowner shall be automatically absolved of his obligation to take the observer on board.



**6. Employment of seamen**

At least six Malagasy seamen shall be employed by the fleet of tuna seiners and surface longliners for the duration of the fishing season.

In the event that these seamen are not so employed, the shipowners shall pay the full amount of the wages of the seamen or seaman not employed; this sum is to be used for the training of Malagasy fishermen and shall be paid into an account whose number shall be notified to the agents.

The employment contracts for the seamen shall be concluded between the agents and the seamen concerned.

**7. Fishing zones**

Community vessels shall have access to all waters under Madagascar's jurisdiction outside the coastal zone of 10 nautical miles.

Should the Malagasy authorities decide to install experimental fish concentration devices (FCDs), they shall inform the Commission of the European Communities and the agents of the shipowners concerned, indicating the geographical position of the devices.

From the 30th day after such notification, it shall be forbidden to approach within 1,5 nautical miles of the FCDs. The dismantling of any FCD must be immediately notified to the same parties.

**8. Use of port facilities**

The authorities of Madagascar and the beneficiaries of the Agreement shall lay down the conditions for using port facilities.

**9. Inspection and monitoring of fishing activities**

Vessels holding a licence shall permit and assist any Malagasy official responsible for the inspection and monitoring of fishing activities to board the ship and carry out his duties.

**10. Transshipment**

When fish are transhipped, freezer tuna seiners shall hand over the fish which they do not intend to keep to a company or body nominated by the Malagasy authorities in charge of fisheries.

**11. Provision of services**

Community vessel owners operating in the Malagasy fishing zone shall practise positive discrimination in favour of Malagasy services (careening, handling, fuel-oil bunkering, consignment, etc.).

**12. Boarding**

*(a) Transmission of information*

The Malagasy Ministry responsible for fisheries shall inform the delegation and the flag State, within 48 hours, of the boarding of any fishing vessel flying the flag of a Member State of the Community fishing under the Fisheries Agreement in Madagascar's fishing zone and shall transmit a brief report of the circumstances and reasons leading to such boarding. The delegation and the flag State shall be kept informed of any proceedings initiated and penalties imposed.

*(b) Settlement of boarding*

In accordance with the law on fisheries and the relevant regulations, infringements may be settled:

- either by composition, in which case the amount of the fine shall be determined in accordance with Malagasy legislation laying down minimum and maximum figures,
- or by legal proceedings, if no composition is possible, in accordance with Malagasy law.

*(c) The vessel shall be released and its crew authorised to leave the port:*

- either as soon as the obligations imposed by the composition procedure have been completed on presentation of the receipt for the settlement, or
- on presentation of proof that a bank security has been lodged, pending completion of the legal proceedings.

*Appendix 1*

**APPLICATION FORM FOR A FISHING LICENCE**

1. New application or renewal: .....
2. Name and flag of vessel: .....
3. Period of validity: from ..... to .....
4. Name of shipowner: .....
5. Address of shipowner: .....  
.....
6. Name and address of charterer (if different from 4 and 5): .....  
.....  
.....
7. Name and address of official representative in Madagascar: .....  
.....
8. Name of captain: .....
9. Type of vessel: .....
10. Registration number: .....
11. External identification of vessel: .....
12. Port and country of registration: .....
13. Overall length and breadth of vessel: .....
14. Gross and net tonnage of vessel: .....
15. Make and power of main engine: .....
16. Freezer capacity (t/d): .....
17. Hold capacity (m<sup>3</sup>): .....
18. Radio call sign: .....
19. Other communications equipment (telex, fax): .....
20. Fishing appliances: .....  
.....
21. Number of crew broken down by nationality: .....  
.....
22. Number of fishing licence (in the case of a renewal, attach licence): .....  
.....

I, the undersigned,....., certify that the above information is correct and undertake to comply therewith.

.....  
(Stamp and signature of shipowner)

.....  
(Date)



**COUNCIL REGULATION (EC) No 2585/98  
of 26 November 1998**

**on the conclusion of a Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar for the period from 21 May 1998 to 20 May 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) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar<sup>(2)</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 preceding Protocol to the Agreement;

Whereas, as a result of these negotiations, a new Protocol setting out the fishing opportunities and financial compensation provided for in the said Agreement for the period from 21 May 1998 to 20 May 2001 was initialled on 5 March 1998;

Whereas it is in the Community's interest to approve the said Protocol;

Whereas the method for allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities under the fisheries agreement,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol setting out the fishing opportunities and financial compensation provided for in the Agreement between the European Economic Community and the

<sup>(1)</sup> OJ C 313, 12. 10. 1998.

<sup>(2)</sup> OJ L 73, 18. 3. 1986, p. 26.

Government of the Democratic Republic of Madagascar on fishing off Madagascar for the period from 21 May 1998 to 20 May 2001 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation<sup>(\*)</sup>.

*Article 2*

The fishing opportunities fixed in the Protocol shall be allocated among the Member States as follows:

(a) tuna seiners:

- Spain: 22 vessels,
- France: 20 vessels,
- Italy: 3 vessels;

(b) surface longliners:

- Spain: 20 vessels,
- France: 6 vessels,
- Portugal: 4 vessels.

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorised to designate the persons empowered to sign the Protocol in order to bind the Community<sup>(\*)</sup>.

*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>(\*)</sup> For the text of the Protocol, see OJ L 295, 4. 11. 1998, p. 34.

<sup>(\*)</sup> The date of the entry into force of the Protocol will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

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

Done at Brussels, 26 November 1998.

*For the Council*  
*The President*  
M. BARTENSTEIN

---

I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 2469/98**

**of 9 November 1998**

**on the conclusion of the Agreement between the European Community and the Gabonese Republic on fishing off the coast of Gabon**

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) 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 Gabonese Republic have negotiated and initialled a Fisheries Agreement providing Community fishermen with fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Gabonese Republic;

Whereas it is in the Community's interest to approve that Agreement;

Whereas the method for allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreement between the European Community and the Gabonese Republic on fishing off the coast of Gabon is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

*Article 2*

The fishing opportunities fixed in the Protocol to the Agreement shall be allocated among the Member States as follows:

- (a) Tuna seiners:
- |         |            |
|---------|------------|
| Spain:  | 22 vessels |
| France: | 20 vessels |
- (b) Surface longliners:
- |           |            |
|-----------|------------|
| Spain:    | 28 vessels |
| Portugal: | 5 vessels  |

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in order to bind the Community.

*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, 9 November 1998.

*For the Council*  
*The President*  
J. FARNLEITNER

<sup>(1)</sup> OJ C 240, 31. 7. 1998, p. 7.

<sup>(2)</sup> OJ C 313, 12. 10. 1998.

## AGREEMENT

### between the European Community and the Gabonese Republic on fishing off the coast of Gabon

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

THE GABONESE REPUBLIC,

CONSIDERING, on the one hand, the spirit of cooperation resulting from the Lomé convention and, on the other, the good cooperation relations between the Community and the Gabonese Republic;

CONSIDERING the wish of the Gabonese Republic to promote the rational exploitation of its fishery resources by means of intensified cooperation;

RECALLING that, in respect in particular of sea fishing, the Gabonese Republic exercises its sovereignty or jurisdiction over a zone extending up to 200 nautical miles from its coast;

TAKING INTO ACCOUNT the United Nations Convention on the Law of the Sea, signed by both Parties;

AFFIRMING THAT the exercise of sovereign rights by coastal states in waters under their jurisdiction for the purpose of exploiting, conserving and managing living resources must be conducted in accordance with principles of international law;

DETERMINED TO conduct their relations in a spirit of mutual trust and respect for each other's interests in the sphere of sea fishing as enshrined in the Lomé Convention;

DESIROUS OF establishing the terms and conditions governing fishing activities of common interest to both Parties,

HAVE AGREED AS FOLLOWS:

#### *Article 1*

The purpose of this Agreement is to establish the principles and rules which will in future govern, in all respects, the fishing activities of vessels flying the flags of Member States of the Community, hereinafter referred to as 'Community vessels', in the waters over which the Gabonese Republic has sovereignty or jurisdiction in respect of fisheries, hereinafter referred to as 'Gabon's fishing zone'.

#### *Article 2*

1. The Gabonese Republic hereby undertakes to authorise the pursuit of fishing activities by Community vessels in its fishing zone in accordance with this Agreement, particularly the Annex hereto.

2. The fishing activities governed by this Agreement shall be subject to the laws and regulations in force in the Gabonese Republic.

#### *Article 3*

1. The Community hereby undertakes to take all appropriate steps to ensure that its vessels observe the provisions of this Agreement and the rules and regulations governing fishing in Gabon's fishing zone.

2. The Gabonese authorities shall notify the European Commission of all amendments to the said rules and regulations before they are applied.

3. The steps taken by the Gabonese authorities to regulate fishing in the interests of the conservation of fishery resources shall be based on objective and scientific criteria. They shall apply without discrimination to Community vessels, without prejudice to agreements concluded between developing countries within a single geographical region, including reciprocal fisheries agreements.

#### *Article 4*

1. Fishing activities by Community vessels in Gabon's fishing zone under this Agreement shall be subject to possession of a fishing licence issued at the Community's request by the Gabonese authorities.

2. The Gabonese authorities shall issue fishing licences within the limits laid down by category of vessel in the Protocol attached to this Agreement.

3. The issue of licences shall be subject to payment of a fee by the shipowners concerned.

4. The procedure for licence applications, the fees payable and arrangements for payment shall be as set out in the Annex.

*Article 5*

The Contracting Parties undertake to coordinate either directly or within international organisations their efforts to ensure the management and conservation of living resources in the central east Atlantic, and to facilitate the relevant scientific research.

*Article 6*

The vessels authorised under the terms of this Agreement to fish in Gabon's fishing zone shall be obliged to send their statements of catch to the Gabonese authorities, in accordance with the provisions set out in the Annex.

*Article 7*

In return for the fishing opportunities granted under Article 2, the Community shall make a financial contribution to the Gabonese Republic in accordance with the conditions and procedure set out in the Protocol attached to this Agreement, without prejudice to financing accorded to the Gabonese Republic under the Lomé Convention.

*Article 8*

In the event of any dispute over the interpretation or application of this Agreement, consultations shall be held between the Parties.

*Article 9*

A Joint Committee shall be set up to ensure that this Agreement is applied correctly.

The Committee shall meet, alternately in the Gabonese Republic and the Community, at the request of either of the Contracting Parties.

*Article 10*

Should the Gabonese authorities decide, as result of developments in the state of stocks, to take measures to conserve fishery resources which affect the activities of Community vessels, consultations shall be held between the Parties in order to adapt the Annex and Protocol.

Done at Libreville, 1 April 1998.

*For the European Community*

These consultations shall be based on the principle that any substantial reduction of the fishing opportunities laid down in the Protocol must entail a proportionate reduction in the financial compensation payable by the Community.

*Article 11*

Nothing in this Agreement shall affect or prejudice in any manner whatsoever the views of either Party with respect to any matter relating to the Law of the Sea.

*Article 12*

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Gabonese Republic.

*Article 13*

The Protocol and the Annex constitute an integral part of this Agreement.

*Article 14*

This Agreement shall be concluded for an initial period of five years commencing from the date of its entry into force. Unless one of the Parties ends it by giving notice to that effect six months before the end of this five-year period, it shall be tacitly renewed for further periods of two years, unless denounced by notice given at least three months before the end of any such two-year period.

The Parties shall enter into negotiations in the event of either of them denouncing this Agreement.

Before the end of the period of validity of the current Protocol, the Parties shall hold negotiations to establish by agreement what amendments or additions to the Annex or Protocol are required.

*Article 15*

This Agreement, drawn up in duplicate in the Danish, German, Greek, English, Spanish, Finnish, French, Italian, Dutch, Portuguese and Swedish languages, each of these texts being equally authentic, shall enter into force on the date of its signature.

*For the Gabonese Republic*



## PROTOCOL

setting out the fishing opportunities and financial compensation provided for in the Agreement between the European Community and the Gabonese Republic on fishing off the coast of Gabon

### *Article 1*

From the entry into force of the Agreement and for a period of three years, fishing opportunities pursuant to Article 2 of the Agreement shall be as follows:

- freezer tuna seiners: 42 vessels,
- surface longliners: 33 vessels.

### *Article 2*

1. The financial compensation referred to in Article 7 of the Agreement shall be fixed at ECU 270 000 per year, to be paid not later than 31 December each year.

2. This financial compensation shall cover catches of 9 000 tonnes of tuna per year in Gabonese waters. If the average amount of tuna caught each year under this Protocol by Community vessels in Gabon's fishing zone exceeds this quantity, the amount of the financial compensation shall be increased by ECU 50 per additional tonne.

3. The financial compensation shall be paid into account No 47069 X, 'Pêche Maritime' (Sea Fisheries) in the name of the Public Treasury of the Gabonese Republic.

4. The use to which the compensation is to be put shall fall within the exclusive competence of the Government of the Gabonese Republic.

### *Article 3*

During the period covered by the Protocol, the Community shall contribute an additional ECU 1 215 000 to financing the measures described below, allocated as follows:

1. ECU 200 000 for scientific and technical programmes to promote better understanding of fisheries and living resources in Gabon's fishing zone;

2. ECU 455 000 to the project for the protection and surveillance of fishing zones;
3. ECU 355 000 for institutional support to the administrative department responsible for fisheries;
4. ECU 105 000 for study grants and practical training courses in the various scientific, technical and economic fields linked to fishing;
5. ECU 50 000 for the Gabonese Republic's contributions to international fisheries organisations;
6. ECU 50 000 for the expenses of Gabonese delegates participating in international meetings concerning fisheries.

These measures shall be decided by mutual agreement between the competent authorities of the Gabonese Republic and the European Commission.

All the amounts indicated shall be paid into account No 47069 X, 'Pêche Maritime' (Sea Fisheries), except those referred to in points 4 and 6, which shall be paid as they are used.

The Gabonese Ministry responsible for fisheries shall transmit an annual report on the implementation of these measures and the results achieved to the Delegation of the European Commission in the Gabonese Republic, three months after the anniversary date of this Protocol. The Commission reserves the right to request additional information on these results from the Gabonese Ministry responsible for fisheries and to review the payments concerned in the light of the actual implementation of the measures.

### *Article 4*

If the Community fails to make the payments provided for in Articles 2 and 3, application of this Protocol may be suspended.

ANNEX

**CONDITIONS GOVERNING FISHING ACTIVITIES BY COMMUNITY VESSELS IN GABON'S FISHING ZONE**

**1. Licence applications and issuing formalities**

The procedure for applications for, and the issue of, licences authorising Community vessels to fish in Gabon's fishing zone shall be as follows.

The relevant Community authorities shall present to the Gabonese Ministry responsible for fisheries, via the Delegation of the European Commission in the Gabonese Republic, an application for each vessel wishing to fish under the Agreement, at least 15 days before the beginning of the requested term of validity.

Applications shall be made on the form provided for that purpose by the Gabonese Ministry responsible for fisheries, in accordance with the specimen given in Appendix 1.

Licences shall be signed and issued by the Gabonese Ministry responsible for fisheries to shipowners or their representatives, via the Delegation of the European Commission in the Gabonese Republic, within 15 working days of application.

Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the European Commission, a vessel's licence shall, in cases of *force majeure*, be replaced by a new licence for another vessel with identical characteristics. The owner of the vessel being replaced shall return the cancelled licence to the Gabonese Ministry responsible for fisheries via the Delegation of the European Commission.

The new licence shall indicate:

- the date of issue,
- the fact that it cancels and replaces the licence of the previous vessel.

In such cases, no new advance shall be due. Licences must be held on board at all times. However, on receipt of notification of payment of the advance sent by the European Commission to the Gabonese Ministry responsible for fisheries, vessels shall be entered on a list of vessels authorised to fish, which shall be sent to the Gabonese authorities responsible for fisheries inspection. Pending arrival of the licence itself, a copy of the licence may be obtained by fax; that copy, which authorises the vessel to fish until arrival of the original document, must be kept on board.

Licences shall be valid for one year. They shall be renewable.

The fee shall be set at ECU 25 per tonne caught within Gabon's fishing zones. It shall include all local and national taxes with the exception of port taxes and charges for the provision of services.

The Gabonese Ministry responsible for fisheries shall communicate the arrangements for payment of the licence fees, in particular the details of the bank account and the currency to be used.

Licences shall be issued on advance payment of an annual sum of ECU 2 500 per tuna seiner, ECU 1 100 per surface longliner of more than 150 GRT and ECU 800 per surface longliner of 150 GRT or less.

**2. Statement of catch and statement of fees due from shipowners**

The captain shall complete a fishing form corresponding to the ICCAT specimen in Appendix 2 for each period spent fishing in Gabon's fishing zone.

The form, which must be legible and signed by the captain of the vessel, shall be sent as soon as possible to the Gabonese Ministry responsible for fisheries and, for processing, to the French Institute for Scientific Research for Development and Cooperation (Orstom: Office of Overseas Scientific and Technical Research) or the Spanish Oceanographic Institute (IEO).

If these provisions are not complied with, the Gabonese Ministry responsible for fisheries reserves the right to suspend the licence of the offending vessel until these formalities have been carried out and to apply the penalties provided for under national law.

Member States shall inform the European Commission before 15 April each year of the tonnages caught during the past year, as confirmed by the scientific institutes. On the basis of those figures the Commission shall establish a breakdown of the fees due in respect of the fishing year, which it shall then send to the Gabonese Ministry responsible for fisheries.

Shipowners shall be notified of this breakdown by the European Commission by the end of April at the latest and shall have 30 days in which to meet their financial obligations. Shipowners cannot recover the balance in cases where the amount payable in respect of actual fishing operations is less than the advance payment.

### 3. Inspection and monitoring

Community vessels fishing in Gabon's fishing zone shall permit and facilitate the boarding and fulfilment of the tasks of Gabonese officials responsible for the inspection and monitoring of fishing activities. These officials should not remain on board any longer than the time required to verify catches by sampling and carry out any other inspections relating to fishing activities.

### 4. Observers

At the request of the Gabonese authorities, tuna boats and surface longliners shall take an observer on board who shall be treated as an officer. The time spent on board by the observer shall be fixed by the Gabonese authorities but, as a general rule, it should not exceed the time required to carry out his duties. Once on board, the observer shall:

- observe the fishing activities of the vessels,
- verify the position of vessels engaged in fishing operations,
- perform biological sampling in the context of scientific programmes,
- note the fishing gear used,
- verify the catch data for Gabon's zone recorded in the logbook.

While on board, the observer:

- must take all appropriate steps to ensure that the conditions under which he is taken on board and his presence on board do not interrupt or hamper fishing activities,
- must respect the material and equipment on board and the confidentiality of all documents belonging to the vessel.

The conditions governing his embarkation shall be agreed between the shipowner or his representative and the Gabonese authorities. If the shipowner is unable to take the observer on board and put him off at a Gabonese port mutually agreed with the Gabonese authorities, the shipowner shall bear the cost of taking the observer aboard and putting him ashore.

If the observer is not present at the time and place agreed and during the twelve hours following the time agreed, the shipowner shall be absolved of his obligation to take the observer on board.

### 5. Fishing zones

The vessels referred to in Article 1 of the Protocol shall be authorised to engage in fishing activities in the waters beyond twelve nautical miles from the base lines.

### 6. Entering and leaving the zone

Vessels shall notify the Gabonese Ministry responsible for fisheries of their intention to enter or leave Gabon's fishing zone at least 24 hours in advance. When notifying their departure, all vessels shall also notify the estimated catches taken during the time they have spent in Gabon's fishing zone. This information should preferably be communicated by fax or, for vessels not equipped with a fax, by radio.

A vessel found to be fishing without having informed the Gabonese Ministry responsible for fisheries shall be regarded as a vessel without a licence.

Vessels shall be informed of the relevant fax number and radio frequency when the fishing licence is issued.

The Gabonese Ministry responsible for fisheries and the shipowners shall keep a copy of fax communications or a recording of radio communications until both parties have agreed to the final statement of fees due referred to in point 2.

**7. Zones closed to shipping**

The zones adjacent to oil extraction activities shall be closed to all shipping.

The Gabonese Ministry responsible for fisheries shall notify the coordinates of these zones to shipowners when the fishing licence is issued.

The zones closed to shipping shall also be notified for information purposes to the Delegation of the European Commission in the Gabonese Republic, as shall all changes to these zones, which must be announced at least two months before enforcement.

**8. Use of services**

Community vessels shall, wherever possible, transship and procure the supplies and services they require in Gabonese ports.

**9. Boarding**

- (1) The Delegation of the European Commission in the Gabonese Republic shall be informed within two working days of the boarding of any Community fishing vessel fishing under a Fisheries Agreement concluded between the Community and a third country in the exclusive economic zone of the Gabonese Republic. At the same time, it shall be given a brief report of the circumstances and reasons leading to such boarding.
  - (2) Before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within one working day from the receipt of the above information, between the Delegation of the European Commission in the Gabonese Republic, the Ministry responsible for fisheries and the inspection authorities, possibly attended by a representative of the Member State concerned. At the meeting, the parties shall exchange any relevant documentation or information helping to clarify the circumstances of the facts established. The shipowner or his representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.
  - (3) Before any judicial proceedings, an attempt shall be made to resolve the presumed infringement through a compromise procedure. This procedure shall be completed no later than three working days after the boarding.
  - (4) Should the case not be settled by compromise, and the master is therefore brought before a competent Gabonese judicial body, a reasonable bank security shall be fixed by the competent authority within two working days, following the conclusion of the compromise procedure, pending the judicial decision. The bank security shall be released by the Ministry responsible for fisheries once the master of the vessel concerned has been acquitted by the judicial decision.
  - (5) The vessel and its crew shall be released:
    - at the end of the consultation meeting, if the established facts permit, or
    - on receipt of payment of a fine (compromise procedure), or
    - once a bank security is deposited (judicial proceedings).
  - (6) Should one of the parties consider that there is a problem in the application of the above procedure, it may request urgent consultations under Article 9 of the Agreement.
-

*Appendix 1*

MINISTRY FOR FISHERIES

LICENCE APPLICATION FOR FOREIGN INDUSTRIAL FISHING VESSELS

1. Name of shipowner: .....
2. Address of shipowner: .....
3. Name of representative or local agent of shipowner: .....
4. Address of representative or local agent of shipowner: .....
5. Name of master: .....
6. Registration of vessel: .....
7. Registration number: .....
8. Date and place of construction: .....
9. Flying the flag of: .....
10. Port of registration: .....
11. Port of rigging: .....
12. Overall length: .....
13. Width: .....
14. Gross tonnage: .....
15. Net tonnage: .....
16. Hold capacity: .....
17. Chilling or freezing capacity: .....
18. Engine type and horse power: .....
19. Type of fishing: .....
20. Crew complement: .....
21. Communication equipment: .....
22. Call sign: .....
23. Dialling signals: .....
24. Fishing operations to be carried out: .....
25. Place for landing catch: .....
26. Fishing zones: .....
27. Species to be caught: .....
28. Period of validity: .....
29. Special conditions: .....

Opinion of the Directorate General for Fisheries

.....

Remarks of the Ministry for Fisheries, Agriculture and Rural Life

.....

—



European Union — Council

**ACP–EC Conventions of Lomé  
Compilation of texts — XXIII**

Luxembourg: Office for Official Publications of the European Communities

2000 — XVI, 433 pp. — 14.8 x 21 cm

ISBN 92-824-1754-9

Price (excluding VAT) in Luxembourg: EUR 24

Venta • Salg • Verkauf • Πωλήσεις • Sales • Vente • Vendita • Verkoop • Venda • Myynti • Försäljning

**BELGIQUE/BELGIE**

**Jean De Lannoy**  
Avenue de Riv 202/Koningslaan 202  
B-1190 Bruxelles/Brussel  
Tél (32-2) 538 43 08  
Fax (32-2) 538 08 41  
E-mail jean.de.lannoy@infobroad.be  
URL <http://www.jean-de-lannoy.be>

**La librairie européenne/De Europese Boekhandel**  
Rue de la Loi 244/Wetstraat 244  
B-1040 Bruxelles/Brussel  
Tél (32-2) 295 26 39  
Fax (32-2) 735 08 60  
E-mail [lib@eurorep.be](mailto:lib@eurorep.be)  
URL <http://www.libeurop.be>

**Moniteur belge/Belgisch Staatsblad**  
Rue de Louvain 40-42/Leuvenseweg 40-42  
B-1000 Bruxelles/Brussel  
Tél (32-2) 552 22 11  
Fax (32-2) 511 01 84

**DANMARK**

**J. H. Schartz Information A/S**  
Herstedelvang 12  
DK-2620 Albertslund  
Tlf (45) 43 63 23 00  
Fax (45) 43 63 19 69  
E-mail [schultz@schultz.dk](mailto:schultz@schultz.dk)  
URL <http://www.schultz.dk>

**DEUTSCHLAND**

**Bundesanzeiger Verlag GmbH**  
Vertriebsabteilung  
Königsplatz 192  
D-50735 Köln  
Tél (49-221) 97 66 80  
Fax (49-221) 97 66 82 78  
E-Mail [vertrieb@bundesanzeiger.de](mailto:vertrieb@bundesanzeiger.de)  
URL <http://www.bundesanzeiger.de>

**ΕΛΛΑΔΑ/GREECE**

**C. A. Eleftheroudakis SA**  
International Bookstore  
Panepistimiou 17  
GR-10564 Athina  
Tél (30-1) 331 41 80/12/3/4/5  
Fax (30-1) 323 98 21  
E-mail [elebooks@netor.gr](mailto:elebooks@netor.gr)

**ESPAÑA**

**Boletín Oficial del Estado**  
Trasfagar, 27  
E-28071 Madrid  
Tél (34) 915 38 21 11 (Lubros).  
913 94 17 15 (Suscrip)  
Fax (34) 915 38 21 21 (Lubros).  
913 94 17 14 (Suscrip)  
E-mail [clientes@com.boe.es](mailto:clientes@com.boe.es)  
URL <http://www.boe.es>

**Mundi Prensa Libros, SA**  
Castello, 37  
E-28001 Madrid  
Tél (34) 91 36 37 00  
Fax (34) 91 95 39 98  
E-mail [libreria@mundiprensa.es](mailto:libreria@mundiprensa.es)  
URL <http://www.mundiprensa.com>

**FRANCE**

**Journal officiel**  
Service des publications des CE  
26, rue Desaix  
F-75727 Paris Cedex 15  
Tél (33) 140 58 77 31  
Fax (33) 140 58 77 00  
E-mail [europublications@journal-officiel.gouv.fr](mailto:europublications@journal-officiel.gouv.fr)  
URL <http://www.journal-officiel.gouv.fr>

**IRELAND**

**Government Supplies Agency**  
Publications Section  
4-5 Harcourt Road  
Dublin 2  
Tél (353-1) 661 31 11  
Fax (353-1) 475 27 60  
E-mail [opw@iol.ie](mailto:opw@iol.ie)

**ITALIA**

**Lucosa SpA**  
Via Duca di Calabria, 1/1  
Castella postale 552  
I-50125 Firenze  
Tél (39) 055 64 83 1  
Fax (39) 055 64 12 57  
E-mail [lucosa@lucosa.com](mailto:lucosa@lucosa.com)  
URL <http://www.lucosa.com>

**LUXEMBOURG**

**Messagiers du livre SARL**  
5, rue Raffæssen  
L-2411 Luxembourg  
Tél (352) 40 10 20  
Fax (352) 40 96 51  
E-mail [mail@mdl.lu](mailto:mail@mdl.lu)  
URL <http://www.mdl.lu>

**NETERLAND**

**SDU Servicecentrum Uitgevers**  
Christoffel Plantijnstraat 2  
Postbus 20014  
2500 EA Den Haag  
Tél (31-70) 378 98 80  
Fax (31-70) 378 97 83  
E-mail [sdud@sdud.nl](mailto:sdud@sdud.nl)  
URL <http://www.sdu.nl>

**ÖSTERREICH**

**Manz'sche Verlags- und Universitätsbuchhandlung GmbH**  
Kohlmarkt 16  
A-1014 Wien  
Tél (43-1) 53 16 11 00  
Fax (43-1) 53 16 11 67  
E-Mail [bestellen@manz.co.at](mailto:bestellen@manz.co.at)  
URL <http://www.manz.at>

**PORTUGAL**

**Distribuidora de Livros Bertrand Lda**  
Grupo Bertrand, SA  
Rua dos Terras dos Vales, 4-A  
Apartado 60037  
P-2700 Amadora  
Tél (351) 214 95 87 87  
Fax (351) 214 96 02 55  
E-mail [db@p.pt](mailto:db@p.pt)

**Imprensa Nacional-Casa da Moeda, SA**  
Rua da Escola Politécnica n.º 135  
P-1250-100 Lisboa Codex  
Tél (351) 213 94 12 00  
Fax (351) 213 94 57 50  
E-mail [spoc@icm.pt](mailto:spoc@icm.pt)  
URL <http://www.icm.pt>

**SUOMI/FINLAND**

**Akateeminen Kirjakauppa/Akademiska Bokhandeln**  
Keskuskatu 1/Centraigratan 1  
PL/PB 128  
FIN-00101 Helsinki/Helsingfors  
P/tn (358-9) 121 44 18  
F fax (358-9) 121 44 35  
Sähköposti [sp@akateeminen.com](mailto:sp@akateeminen.com)  
URL <http://www.akateeminen.com>

**SVERIGE**

**BTJ AB**

Traktorvägen 11  
S-221 82 Lund  
Tél (46-46) 18 00 00  
Fax (46-46) 30 79 47  
E-post [btjbu-pub@btj.se](mailto:btjbu-pub@btj.se)  
URL <http://www.btj.se>

**UNITED KINGDOM**

**The Stationery Office Ltd**  
Orders Department  
PO Box 276  
London SW8 5DT  
Tel (44-171) 870 80 05-522  
Fax (44-171) 870 80 05-533  
E-mail [book.orders@tso.co.uk](mailto:book.orders@tso.co.uk)  
URL <http://www.tsoonline.co.uk>

**ISLAND**

**Bokabud Larusar Blondal**  
Skólavörðustígur, 2  
IS-101 Reykjavík  
Tél (354) 552 55 00  
Fax (354) 552 55 60  
E-mail [bokabud@simnet.is](mailto:bokabud@simnet.is)

**NORGE**

**Sweets Norge AS**  
Østervangen 18  
Boks 6512 Elterstad  
N-0606 Oslo  
Tél (47-22) 97 45 00  
Fax (47-22) 97 45 45  
E-mail [knyttetid@swets.nl](mailto:knyttetid@swets.nl)

**SCHWEIZ/SUISSE/SVIZZERA**

**Euro Info Center Schweiz**  
o.o. Stämpel  
Simplonstrasse/Strada 85  
PF 492  
CH-8035 Zurich  
Tél (41-1) 365 53 15  
Fax (41-1) 365 54 11  
E-mail [iccs@osec.ch](mailto:iccs@osec.ch)  
URL <http://www.osec.ch/iccs>

**BÄLGARIJA**

**Europress Europedia Ltd**  
15, Blvd Vitosha  
BG-1000 Sofia  
Tél (359-2) 980 37 66  
Fax (359-2) 980 42 30  
E-mail [Milena@mbocv.bg](mailto:Milena@mbocv.bg)

**ČESKÁ REPUBLIKA**

**ÚSIS**  
NIS-prodávna  
Havelská 22  
CZ-100 00 Praha 3  
Tél (420-2) 24 23 14 86  
Fax (420-2) 24 23 11 14  
E-mail [volkova@ussiscz.cz](mailto:volkova@ussiscz.cz)  
URL <http://ussiscz.cz>

**CYPRUS**

**Cyprus Chamber of Commerce and Industry**  
PO Box 1455  
CY-1503 Nicosia  
Tél (357-2) 66 95 00  
Fax (357-2) 66 10 45  
E-mail [demetrp@ccci.org.cy](mailto:demetrp@ccci.org.cy)

**EESTI**

**Eesti Kaubandus-Tööstuskoja**  
(Estonian Chamber of Commerce and Industry)  
Toom-Kooli 17  
EE-0001 Tallinn  
Tél (372) 646 02 44  
Fax (372) 646 02 45  
E-mail [enfo@koda.ee](mailto:enfo@koda.ee)  
URL <http://www.koda.ee>

**HRVATSKA**

**Mediatrade Ltd**  
Pavla Hatza 1  
HR-1000 Zagreb  
Tél (385) 1 481 94 11  
Fax (385-1) 481 94 11

**MAGYARORSZÁG**  
**Euro Info Service**  
Hungexpo Európa Ház  
PO Box 44  
H-1441 Budapest  
Tél (36) 1 264 82 70  
Fax (36-1) 264 82 75  
E-mail [euromfo@euromfo.hu](mailto:euromfo@euromfo.hu)  
URL <http://www.euromfo.hu>

**MALTA**

**Miller Distributors Ltd**  
Malta International Airport  
PO Box 25  
Luqa LOA 05  
Tél (356) 66 44 88  
Fax (356) 67 67 99  
E-mail [genrth@usa.net](mailto:genrth@usa.net)

**POLSKA**

**Ars Polona**  
Krakowska Przedmieście 7  
Skł pocztowa 1001  
PL-00-950 Warszawa  
Tél (48-22) 826 12 01  
Fax (48-22) 826 82 40  
E-mail [bokobiz@arspolona.com.pl](mailto:bokobiz@arspolona.com.pl)

**ROMÂNIA**

**Euromedia**  
Strada Franceza Nr 44 sector 3  
RO-70749 Bucuresti  
Tél (40-1) 315 44 03  
Fax (40-1) 315 44 03  
E-mail [mmeducul@pcnet.ro](mailto:mmeducul@pcnet.ro)

**ROSSIYA**

**CCEC**  
60-letnyá Otkryabnyá Av 9  
117312 Moskva  
Tél (7-095) 135 52 27  
Fax (7-095) 135 32 27

**SLOVAKIA**

**Centrum VTI SR**  
Nám Slobody, 19  
SK-81223 Bratislava  
Tél (421-7) 54 41 83 64  
Fax (421-7) 54 41 83 64  
E-mail [europ@vti.sk](mailto:europ@vti.sk)  
URL <http://www.vti.sk>

**SLOVENIJA**

**Gospodarski Vestnik**  
Dunajska cesta 5  
SIU-1000 Ljubljana  
Tél (386) 613 09 16  
Fax (386) 613 09 16 45  
E-mail [europ@gvestnik.si](mailto:europ@gvestnik.si)  
URL <http://www.gvestnik.si>

**TURKIYE**

**Dunya Infotel AS**  
100. Yil Mahallesi 34440  
TR-80050 Baglolar-Istanbul  
Tél (90-212) 629 46 89  
Fax (90-212) 629 46 89  
E-mail [infotel@dunya-gazete.com.tr](mailto:infotel@dunya-gazete.com.tr)

**AUSTRALIA**

**Hunter Publications**  
PO Box 404  
3067 Abbotsford, Victoria  
Tél (61-3) 94 17 53 81  
Fax (61-3) 94 19 71 54  
E-mail [ipdaves@ozemail.com.au](mailto:ipdaves@ozemail.com.au)

**CANADA**

**Les éditions La Liberté Inc.**  
3020, chemin Sainte-Foy  
G1X 3V6 Sainte-Foy, Québec  
Tél (1-418) 658 37 63  
Fax (1-800) 567 54 49  
E-mail [liberte@mediasoc.qc.ca](mailto:liberte@mediasoc.qc.ca)

**Renout Publishing Co. Ltd**

5369 Chemin Canotek Road Unit 1  
K1J 9J3 Ottawa, Ontario  
Tél (1-613) 745 26 65  
Fax (1-613) 745 76 60  
E-mail [order Dept@renoutbooks.com](mailto:order Dept@renoutbooks.com)  
URL <http://www.renoutbooks.com>

**EGYPT**

**The Middle East Observer**  
41 Sherif Street  
Cairo  
Tél (20-2) 392 69 19  
Fax (20-2) 393 97 32  
E-mail [inquiry@meobserver.com](mailto:inquiry@meobserver.com)  
URL <http://www.meobserver.com>

**INDIA**

**EBIC India**  
3rd Floor Y. B. Chavan Centre  
Gen. J. Bhasale Marg  
400 021 Mumbai  
Tél (91-22) 282 60 64  
Fax (91-22) 285 45 84  
E-mail [ebic@gasfmi01.vsnl.net.in](mailto:ebic@gasfmi01.vsnl.net.in)  
URL <http://www.ebicindia.com>

**JAPAN**

**PSJ-Japan**  
Asahi Sanbancho Plaza #206  
7-1 Sanbancho, Chiyoda-ku  
Tokyo 102  
Tél (81-3) 32 34 69 21  
Fax (81-3) 32 34 69 25  
E-mail [books@psj-japan.co.jp](mailto:books@psj-japan.co.jp)  
URL <http://www.psj-japan.co.jp>

**MALAYSIA**

**EBIC Malaysia**  
Level 7, Wisma Hong Leong  
18 Jalan Perak  
50450 Kuala Lumpur  
Tél (60-3) 21 62 62 96  
Fax (60-3) 21 62 61 98  
E-mail [ebic-kl@ml.net.my](mailto:ebic-kl@ml.net.my)

**MEXICO**

**Mundi Prensa Mexico, SA de CV**  
Rio Pánuco No 141  
Colonia Casahuatepec  
MX-06500 Mexico, DF  
Tél (52-5) 533 56 58  
Fax (52-5) 514 57 99  
E-mail [101545-2361@compuserve.com](mailto:101545-2361@compuserve.com)

**PHILIPPINES**

**EBIC Philippines**  
19th Floor, PS Bank Tower  
Sen Gilj Puyat Ave cor Trinidad St  
Makati City  
Metro Manila  
Tél (83-2) 759 60 86  
Fax (83-2) 759 60 86  
E-mail [ecppcom@globe.com.ph](mailto:ecppcom@globe.com.ph)  
URL <http://www.ecpp.com>

**SOUTH AFRICA**

**Eurochamber of Commerce in South Africa**  
PO Box 871738  
2146 Sandton  
Tél (27-11) 884 39 52  
Fax (27-11) 883 55 73  
E-mail [info@eurochamber.co.za](mailto:info@eurochamber.co.za)

**SOUTH KOREA**

**The European Union Chamber of Commerce in Korea**  
5th Fl., The Shilla Hotel  
202, Jangchung-dong 2 Ga, Chung-gu  
100-392 Seoul  
Tél (82-2) 22 53-5631-4  
Fax (82-2) 22 53-5635-6  
E-mail [eucc@eucc.or.kr](mailto:eucc@eucc.or.kr)  
URL <http://www.eucc.or.kr>

**SRI LANKA**

**EBIS SR Lanka**  
Trans Asia Hotel  
115 Sri Chattampalam  
A. Gardner Mawatha  
Colombo 2  
Tél (94-1) 074 71 50 78  
Fax (94-1) 44 87 79  
E-mail [ebicsl@itlmm.com](mailto:ebicsl@itlmm.com)

**THAILAND**

**EBIC Thailand**  
29 Vanassa Building, 8th Floor  
San Chulalongkorn Road  
Ploenchit  
10330 Bangkok  
Tél (66-2) 655 06 27  
Fax (66-2) 655 06 28  
E-mail [ebicbkk@kcs15.th.com](mailto:ebicbkk@kcs15.th.com)  
URL <http://www.ebicbkk.org>

**UNITED STATES OF AMERICA**

**Berman Associates**  
4611-F Assembly Drive  
Lanham MD20706  
Tél (1-800) 274 44 47 (toll free telephone)  
Fax (1-800) 855 34 50 (toll free fax)  
E-mail [query@berman.com](mailto:query@berman.com)  
URL <http://www.berman.com>

**ANDERE LANDER/OTHER COUNTRIES/ AUTRES PAYS**

**Bitte wenden Sie sich an ein Büro Ihrer Wahl/ Please contact the sales office of your choice/ Veuillez vous adresser au bureau de vente de votre choix**  
**Office for Official Publications of the European Communities**  
2, rue Mercier  
L-2985 Luxembourg  
Tél (352) 29 29-4255  
Fax (352) 29 29-42758  
E-mail [info@opec.eu.int](mailto:info@opec.eu.int)  
URL <http://oip-oc.eu.int>



---

Price (excluding VAT) in Luxembourg: EUR 24

ISBN 92-824-1754-9



OFFICE FOR OFFICIAL PUBLICATIONS  
OF THE EUROPEAN COMMUNITIES

L-2985 Luxembourg



9 789282 417