

ACP-EC COUNCIL OF MINISTERS  
Brussels

# **COMPILATION OF TEXTS**

## **XXI**

**ACP-EC CONVENTIONS OF LOMÉ**

**1 January 1996-31 December 1996**



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Brussels

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

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



DECISION No 1/96 OF THE ACP-EC COUNCIL OF MINISTERS  
of 28 June 1996  
adopting special financial arrangements to ensure  
the continued operation of the CDI in 1996

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the fourth ACP-EC Convention signed at Lomé on 15 December 1989 and in particular Article 3(2)(i) of the Financial Protocol thereto,

Whereas the Agreement amending the fourth ACP-EC Lomé Convention, signed at Mauritius on 4 November 1995, is unlikely to enter into force until 1997;

Whereas, pending the entry into force of the Internal Financing Agreement, the Centre for the Development of Industry (CDI) will not have sufficient financial resources to cover all its requirements for 1996;

Whereas unexpended grants from the seventh EDF could meet the CDI's requirements until the eighth EDF enters into force;

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

HAS DECIDED AS FOLLOWS:

#### Article 1

An amount of ECU 9 687 200 shall be taken from the unexpended grant resources of the seventh EDF by way of an advance on the eighth EDF, pending its entry into force, in order to make up the budget of the CDI for 1996. The amount thus taken shall be restored to the seventh EDF once the eighth EDF enters into force.

#### Article 2

Any unexpended balance from the CDI budget for 1996 shall be carried over automatically to 1997.

Article 3

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

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

28-06-1996

Por el Consejo de Ministros ACP-CE  
 For AVS-EF-Ministerrådet  
 Für den AKP-EG-Ministerrat  
 Για 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

Los Presidentes  
 Formaaend  
 Die Präsidenten  
 Οι Πρόεδροι  
 The Chairmen  
 Les présidents  
 I Presidenti  
 De Voorzitters  
 Os Presidentes  
 Puheenjohtajat  
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 Bestyrkt kopia

S.K. SYAMUJAYE

P. TOIA

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

Decision No 2/96 of the ACP-EC Council of Ministers  
of 28 June 1996

concerning STABEX transfers in 1995

THE ACP-EC COUNCIL OF MINISTERS,

In order to carry out STABEX transfers under the 1995 year of application pending the entry into force of the revised Lomé Convention and by way of advances from the STABEX funds which will be available only when the Second Financial Protocol to the Convention has been ratified,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Commission shall deduct temporarily funds unused under the First Financial Protocol to the Fourth Lomé Convention and shall add the accumulated interest on the STABEX account opened pursuant to Article 192 of the said Convention, to pay in full or to a large extent for transfers to the ACP States for the 1995 implementing year.

2. Should the Second Financial Protocol not be ratified, the Community shall guarantee the availability of the resources so deducted, by recourse to unallocated appropriations.

3. Upon ratification of the Second Financial Protocol, transfers thus deducted will be again made available to the ACP States by payment to the STABEX account referred to in Article 192 of the Lomé Convention.

### 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 day on which it is adopted.



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

28-06-1996

Por el Consejo de Ministros ACP-CE  
 For AVS-EF-Ministerrådet  
 Für den AKP-EG-Ministerrat  
 Για 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  
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S. K. SYAMUJAYE

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**CONCLUSIONS OF THE ACP-EC COUNCIL  
MEETING ON 28 JUNE 1996  
CONCERNING SOMALIA**

**The ACP-EC Council:**

1. **confirms** Somalia's political adherence to the Lomé Convention, even though the country has been unable to sign the Convention, owing to circumstances beyond its control;
  2. **notes** that a number of measures have been taken regarding the financial resources to be made available to Somalia and in particular that, following discussions in the EDF Committee, the Commission has adopted two important programmes financed from the outstanding balances of the previous EDFs;
  3. **instructs** the ACP-EC Committee of Ambassadors to adopt the necessary decisions to enable Somalia to benefit from the Convention's provisions through its mechanisms, including those concerning regional programmes;
  4. **requests** the Commission to provide to the ACP-EC Committee of Ambassadors half-yearly reports on the implementation of specific programmes and projects in favour of Somalia;
  5. **calls upon** the ACP-EC Committee of Ambassadors to submit a full report on the matter to the next meeting of the ACP-EC Council of Ministers.
-

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28-06-1996

Por el Consejo de Ministros ACP-CE  
 For AVS-EF-Ministerrådet  
 Für den AKP-EG-Ministerrat  
 Για 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

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**DECISION No 3/96  
OF THE ACP-EC COUNCIL OF MINISTERS  
of 20 December 1996**

**adopting special financial arrangements to ensure  
the continued operation of the CDI in 1997**

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

**Having regard to the Fourth ACP-EC Convention signed at Lomé on 15 December 1989 and  
in particular Article 30(2)(b) thereof,**

Whereas the Agreement amending the Fourth ACP-EC Lomé Convention, signed at Mauritius on 4 November 1995, is unlikely to enter into force until 1997;

Whereas the Decision No 3/95 of the ACP-EC Council of Ministers on transitional measures gives effect to the provisions on industrial cooperation as provided for in the Fourth ACP-EC Convention, as amended, as from 1 January 1996;

Whereas the amount allocated to the Centre for the Development of Industry (CDI) in Article 3(2)(i) of the First Financial Protocol is exhausted;

Whereas, pending the entry into force of the Internal Financing Agreement, the CDI will lack financial resources to cover its requirements for 1997;

Whereas unallocated grants from the seventh European Development Fund (EDF) could meet the CDI's requirements until the eighth EDF enters into force;

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

HAS DECIDED AS FOLLOWS:

Article 1

An amount not exceeding ECU 15 644 500 shall be taken from the unallocated grant resources of the seventh EDF by way of an advance on the eighth EDF, pending its entry into force, in order to make up the budget of the CDI for 1997. The amount thus taken shall be restored to the seventh EDF once the Second Financial Protocol enters into force.

Article 2

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

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

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20 -12- 1996

Por el Consejo de Ministros ACP-CE  
 For AVS-EF-Ministerrådet  
 Für den AKP-EG-Ministerrat  
 Γιά την Επιτροπή των Πρέσβων ΑΚΕ-ΕΚ  
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A. BARRATT

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**I. ACP-EC Acts**

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



DECISION No 1/96  
OF THE ACP-EC COMMITTEE OF AMBASSADORS  
of 17 October 1996

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, signed at Lomé on 15 December 1989, 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,

Whereas Mr F. O'DONNEL was appointed member of the Advisory Committee for a five-year period;

Whereas Mr Michael J. FLANAGAN has been nominated, on a proposal from the Community, to replace Mr F.O'DONNEL as a Member of the Advisory Committee for the remainder of Mr F. O'DONNEL's term of office,

HAS DECIDED AS FOLLOWS:

Article 1

On a proposal from the European Community, Mr Michael J. FLANAGAN (Ireland) shall be appointed as a member of the Advisory Committee of the ACP-EC Technical Centre for Agriculture and Rural Cooperation to replace Mr F. O'DONNEL.

Article 2

Appointment shall be effective from the date of adoption of this Decision.

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17 -10- 1996

Por el Comité de Embajadores ACP-CE  
 På AVS-EF Ambassadørudvalgets vegne  
 Im Namen des AKP-EG-Botschafterausschusses  
 Για την Επιτροπή των Πρέσβων 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  
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C. MAMBA

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DECISION No 2/96  
OF THE ACP-EC COMMITTEE OF AMBASSADORS  
of 19 December 1996

adopting the budget  
of the Technical Centre for  
Agricultural and Rural Cooperation (1997)

THE ACP-EC COMMITTEE OF AMBASSADORS,

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

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

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

Whereas, pursuant to Article 6(1) of Decision No 2/91, the Director of the Centre has submitted to the ACP-EC Subcommittee for Cooperation on Agricultural and Rural Development a preliminary draft annual budget of the Centre (financial year 1997) and the annual work programme of the Centre for 1997;

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

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

HAS DECIDED AS FOLLOWS:

Sole Article

The budget for the Technical Centre for Agricultural and Rural Cooperation for the financial year 1997 is hereby definitively adopted as set out in the Annex hereto.

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19-12-1996

Por el Comité de Embajadores ACP-CE  
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## BUDGET 1997 - RECAPITULATION (ECU)

ANNEX

	BUDGET 1997	BUDGET 1996
<b>TITLE 1 – STAFF EXPENDITURE</b>		
<u>Chapter 11 – Personnel</u>		
Article 111 Salaries and wages (40 members of staff)	2 196 000	2 073 000
Article 112 Provision for adjustment of salaries	43 000	73 000
Article 113 Welfare contributions	879 000	799 000
Article 114 Allowances	493 000	471 000
Article 115 Training	40 000	20 000
	<hr/>	<hr/>
<b>TOTAL TITLE I</b>	<b>3 651 000</b>	<b>3 436 000</b>
	<b>=====</b>	<b>=====</b>
<b>TITLE II – BUILDING, EQUIPMENT AND MISCELLANEOUS OPERATING EXPENDITURE</b>		
<u>Chapter 21 – Rental of buildings and associated costs</u>		
Article 211 Rent	209 000	213 000
Article 212 Associated costs	70 000	54 000
	<hr/>	<hr/>
<b>TOTAL CHAPTER 21</b>	<b>279 000</b>	<b>267 000</b>
	<b>=====</b>	<b>=====</b>
<u>Chapter 22 – Movable property and associated costs</u>		
Article 221 Purchase of office machines and movable furniture and equipment	81 000	83 000
Article 222 Rental of furniture and equipment	47 000	28 000
Article 223 Maintenance of furniture and equipment	24 000	18 000
Article 224 Maintenance, repair and use of vehicles	18 000	21 000
	<hr/>	<hr/>
<b>TOTAL CHAPTER 22</b>	<b>170 000</b>	<b>150 000</b>
	<b>=====</b>	<b>=====</b>
<u>Chapter 23 – Current administrative expenditure</u>		
Article 231 Stationery and office supplies	30 000	28 000
Article 232 Postage and telecommunications	88 000	97 000
Article 234 Subscriptions to periodicals, etc.	35 000	32 000
Article 235 Other operating expenditure	153 000	153 000
	<hr/>	<hr/>
<b>TOTAL CHAPTER 23</b>	<b>306 000</b>	<b>310 000</b>
	<b>=====</b>	<b>=====</b>

<u>Chapter 24 – Expenditure on missions, representation and entertaining expenses</u>	1997	1996
Article 241 General expenditure on missions	3 000	3 000
Article 242 General representation and entertainment expenses	17 000	15 000
TOTAL CHAPTER 24	<u>20 000</u> =====	<u>18 000</u> =====
<u>Chapter 25 – Brussels Branch Office</u> (excluding staff expenditure)	54 000	54 000
TOTAL TITLE II	<u>829 000</u> =====	<u>799 000</u> =====
<b>TITLE III – ACTIVITIES</b>		
<u>Chapter 31 – Studies, specialist reports</u>	630 000	720 000
<u>Chapter 32 – Technical meetings</u>		
Article 321 Seminars and technical meetings (1984: 3 ; 1985-1995: 6 per year)	760 000	760 000
Article 322 Attendance at seminars, meetings and colloquia	400 000	400 000
TOTAL CHAPTER 32	<u>1 160 000</u>	<u>1 160 000</u>
<u>Chapter 33 – Publications and documents</u>	1 330 000	1 255 000
<u>Chapter 34 – Missions</u>		
Article 341 Scheduled missions	280 000	300 000
<u>Chapter 35 – Information and Documentation Centres in ACP States</u>		
Article 351 Projects to assist and strengthen agricultural information systems in ACP States	1 410 000	1 350 000
Article 352 Projects and regional branch offices	820 000	600 000
TOTAL CHAPTER 35	<u>2 230 000</u>	<u>1 950 000</u>
<u>Chapter 36 – Question-Answer Service</u>	225 000	275 000
<u>Chapter 37 – Dissemination of publications</u>	700 000	700 000
TOTAL TITLE III	<u>6 555 000</u> =====	<u>6 360 000</u> =====
GENERAL TOTAL EXPENDITURE	<u>11 035 000</u> =====	<u>10 595 000</u> =====

	1997	1996
a. Contribution from the European Development Fund	10 860 000	10 430 000
b. Income taxes and other income (1)	175 000	165 000
<b>TOTAL INCOME</b>	<b>11 035 000</b> =====	<b>10 595 000</b> =====

## (1) Explanatory note

a. Income taxes = 8 % of Article 111 (A)	ECU 165 000
b. Other income	ECU 10 000
	-----
Total income	ECU 175 000 =====

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

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



**COMMISSION REGULATION (EC) No 427/96**  
**of 8 March 1996**  
**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 1995 to 30 June**  
**1996**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar<sup>(1)</sup>, as last amended by Regulation (EC) No 1101/95<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 1995/96 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 this has been provided for in Commission Regulation (EC) No 2308/95<sup>(4)</sup> for the period 1 July 1995 to 29 February 1996; whereas the production data for raw cane sugar are now available for the 1995/96 marketing year, whereas a tariff quota should consequently be opened for the whole 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 authorize imports for each refining Member State, taking into account the quantity already laid down in Commission Regulation (EC) No 2308/95;

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 1995/96 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 1995 to 30 June 1996 under Decision 95/284/EC in respect of imports of raw cane sugar for refining:

- (a) 334 100 tonnes expressed as white sugar originating in the ACP States covered by that Decision; and
- (b) 10 000 tonnes expressed as white sugar originating in the Republic of India.

*Article 2*

1. A special reduced duty of ECU 6,9 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>(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 51,17 per 100 kg of standard quality raw sugar.

*Article 3*

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

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

<sup>(2)</sup> OJ No L 110, 17. 5. 1995, p. 1.

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

<sup>(4)</sup> OJ No L 233, 30. 9. 1995, p. 32.

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

- (a) Finland: 35 100 tonnes;
- (b) metropolitan France: 60 000 tonnes, including the quantity laid down in Regulation (EC) No 2308/95;
- (c) mainland Portugal: 234 000 tonnes, including the quantity laid down in Regulation (EC) No 2308/95;
- (d) United Kingdom: 15 000 tonnes, including the quantity laid down in Regulation (EC) No 2308/95.

*Article 4*

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

It shall apply from 1 July 1995.

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

Done at Brussels, 8 March 1996.

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

---



## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 681/96  
of 16 April 1996**

**amending Regulation (EC) No 427/96 opening import quotas in respect of special preferential raw cane sugar from the ACP States and India for supply for refineries in the period 1 July 1995 to 30 June 1996**

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 markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EC) No 1101/95<sup>(2)</sup>, and in particular Articles 14 (2) and 37 (6) thereof,

Whereas Commission Regulation (EC) No 427/96 of 8 March 1996<sup>(3)</sup> fixes the quantities which need to be imported from the ACP States and India to meet the requirements of refineries on the basis of a Community forecast supply balance; whereas that supply balance takes account of 41 000 tonnes of raw cane sugar which can be imported in the first half of 1996 under a new import quota stemming from the negotiations under GATT Article XXIV.6 following the accession of Austria, Finland and Sweden;

Whereas the decision to open that tariff quota has been delayed; whereas, in order to avoid interrupting supplies to the refining industry for which the new quota quantities are intended, the quota opened by Regulation (EC) No 427/96 should accordingly be increased by the amount necessary to meet Portugal's requirements, namely 41 000 tonnes;

Whereas, with a view to the Community's obligations with regard to its commitments under the GATT, that

quantity will be taken into account in respect of the 1996/97 marketing year, both when the new GATT quota is opened and when the quantities to be imported under the arrangements laid down in Article 37 (6) of Regulation (EEC) No 1785/81 are determined;

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*

In Article 1 (a) of Regulation (EC) No 427/96 the quantity '334 100 tonnes' is replaced by '375 100 tonnes', and in Article 3 (c), the quantity '234 000 tonnes' is replaced by '275 000 tonnes'.

*Article 2*

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

It shall apply from 1 July 1995.

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

Done at Brussels, 16 April 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 110, 17. 5. 1995, p. 1.

<sup>(3)</sup> OJ No L 60, 9. 3. 1996, p. 4.

## COMMISSION REGULATION (EC) No 1305/96

of 5 July 1996

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 1996 to 28 February 1997

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1126/96 <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 1996/97 marketing year a tariff quota at the special reduced rate of duty as provided for in the abovementioned agreements so that the Community refineries' supply need can be met for part of the year, whereas the production forecasts for raw cane sugar are now available for the 1996/97 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 authorize imports for each refining Member State, for the period from 1 July 1996 to 28 February 1997;

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The following tariff quotas are hereby opened for the period 1 July 1996 to 28 February 1997 under Decision 95/284/EC in respect of imports of raw cane sugar for refining:

- (a) 212 100 tonnes expressed as white sugar originating in the ACP States covered by that Decision; and
- (b) 10 000 tonnes expressed as white sugar originating in the Republic of India.

*Article 2*

1. A special reduced duty of ECU 5,87 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 50,14 per 100 kg of standard quality raw sugar.

*Article 3*

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

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

<sup>(2)</sup> OJ No L 150, 25. 6. 1996, p. 3.

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

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

- (a) Finland: 50 000 tonnes;
- (b) metropolitan France: 10 000 tonnes,
- (c) mainland Portugal: 162 000 tonnes,
- (d) United Kingdom: 0 tonnes.

*Article 4*

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

It shall apply from 1 July 1996.

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

Done at Brussels, 5 July 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 26 February 1996

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 Christopher 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 1995/96 delivery period

(96/470/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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,

Having regard to the proposal from the Commission,

Whereas implementation of Protocol 8 on ACP Sugar annexed to the Fourth ACP-EEC Convention<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 organization of the sugar market;

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 1995/96 delivery period,

HAS DECIDED AS FOLLOWS:

*Article 1*

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 Christopher 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 1995/96 delivery period are hereby approved on behalf of the Community.

The text of the Agreements is attached to this Decision.

*Article 2*

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

*Article 3*

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

Done at Brussels, 26 February 1996.

*For the Council*

*The President*

W. LUCHETTI

<sup>(1)</sup> OJ No L 229, 17. 8. 1991, p. 216.

<sup>(2)</sup> OJ No L 190, 22. 7. 1975, p. 35.

## 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 Christopher 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 1995/96 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 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 1995 to 30 June 1996, 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 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 1995 to 30 June 1996, 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 treinta y uno de mayo de mil novecientos noventa y seis.

Udfærdiget i Bruxelles, den enogtredivte maj nitten hundrede og seksoghalvfems.

Geschehen zu Brüssel am einunddreißigsten Mai neunzehnhundertsechsunneunzig.

Έγινε στις Βρυξέλλες, στις τριάντα μία Μαΐου χίλια εννιακόσια ενενήντα έξι.

Done at Brussels on the thirty-first day of May in the year one thousand nine hundred and ninety-six.

Fait à Bruxelles, le trente-et-un mai mil neuf cent quatre-vingt-seize.

Fatto a Bruxelles, addì trentuno maggio millenovecentonovantasei.

Gedaan te Brussel, de eenendertigste mei negentienhonderd zesennegentig.

Feito em Bruxelas, em trinta e um de Maio de mil novecentos e noventa e seis.

Tehty Brysselissä kolmantenakymmenentenäensimmäisenä päivänä toukokuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäkuusi.

Som skedde i Bryssel den trettioförsta maj nittonhundraottiosex.

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

A highly stylized, cursive handwritten signature in black ink, consisting of several overlapping loops and sharp strokes.

For the Government of Belize

A handwritten signature in black ink, featuring a large, prominent 'P' followed by several loops and a horizontal line at the bottom.

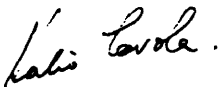
Pour le gouvernement de la république du Congo

A handwritten signature in black ink, consisting of a large, sweeping 'C' followed by several loops and a horizontal line at the bottom.

Pour le gouvernement de la république de Côte d'Ivoire

A handwritten signature in black ink, featuring a large, sweeping 'C' followed by several loops and a horizontal line at the bottom.

For the Government of the Sovereign Democratic Republic of Fiji

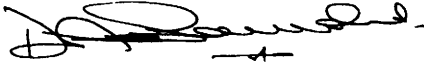
A handwritten signature in black ink, consisting of the name 'Laisi Lovo' written in a cursive style.



For the Government of the Cooperative Republic of Guyana

S. Mann

For the Government of Jamaica



For the Government of the Republic of Kenya



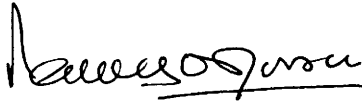
Pour le gouvernement de la république de Madagascar



For the Government of the Republic of Malawi



For the Government of the Republic of Mauritius



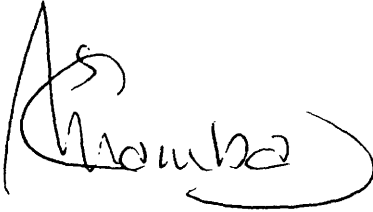
For the Government of Saint Kitts and Nevis



For the Government of the Republic of Suriname



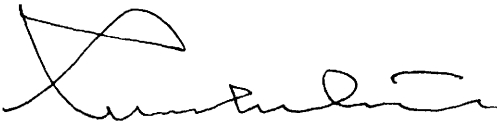
For the Government of the Kingdom of Swaziland



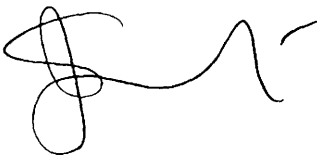
For the Government of the United Republic of Tanzania



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

A handwritten signature in black ink, consisting of a stylized 'M' followed by a dot and a flourish.

For the Government of the Republic of Zimbabwe

A handwritten signature in black ink, consisting of a stylized 'R' followed by a flourish.

---

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

**Information concerning the entry into force of the 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 Christopher 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 1994/95 delivery period <sup>(1)</sup>**

The Contracting Parties having notified one another of the completion of the procedures necessary for the entry into force of the 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 Christopher 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 1994/95 delivery period, the Agreement, which is applicable with effect from 1 July 1994, entered into force on 25 July 1996.

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<sup>(1)</sup> OJ No L 299, 12. 12. 1995, p. 14.

**I. ACP-EC Acts**

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



DECISION No 1/96  
OF THE ACP-EC SUBCOMMITTEE FOR COOPERATION  
ON AGRICULTURAL AND RURAL DEVELOPMENT  
OF 19 DECEMBER 1996  
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 1994 to 30 June 1995;

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

Whereas the figures drawn up by the Statistical Office of the European Communities which are used as a basis for calculating adjustments to the scale referred to in Article 50 of Decision No 2/92, as amended by Decision No 3/95 of the Subcommittee, require that scale to be adjusted by 1,4% with effect from 1 July 1995,

HAS DECIDED AS FOLLOWS:



Sole Article

With effect from 1 July 1995, the remuneration and tax brackets of staff of the Centre, as set out in Annex B to Decision No 3/95 of the Subcommittee for Cooperation on Agricultural and Rural Development of 22 December 1995 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 1,4% (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

19-12-1996

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

käsittelyä 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

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Ph. SOUBESTRE

Los Secretarios

Sekretærerene

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 TCA

CATEGORY	LEVEL	DUTIES TYPE	GROSS BASIC MONTHLY SALARY TABLE (Hfi) (Applicable as from 1 July 1995)					
			1	2	3	4	5	
1. Director	1A	Director	23 078,68					
2. Administrative	2A	Principal	16 424,35	17 412,72	18 395,02			
	2B	Expert	13 141,91	13 928,97	14 783,13	15 637,29	16 558,57	
	2C	Expert	11 494,60	12 220,64	12 940,58	13 666,62	14 014,38	
	2D		9 200,56	9 755,77	10 347,58	10 968,87	11 628,83	
3. Clerical	3A	Principal Assistant	7 687,46	8 146,64	8 608,75	9 163,95	9 725,26	
	3B	Clerical Assistant	5 912,03	6 272,00	6 638,07	7 028,55	7 425,12	
	3C	Secretary	4 270,82	4 533,17	4 795,52	5 057,86	5 387,32	
4. Supporting Staff	4A	Technical Staff	3 483,77	3 679,00	3 874,24	4 075,57	4 337,94	

LOME IVCONDITIONS OF EMPLOYMENT OF THE STAFF OF THE TCATAX BRACKETS

(applicable as from 1 July 1995)

0%	to amounts of less than	Hfl			180
8%	to amounts between	Hfl	180	and	2 874
10%	" " "	Hfl	2 875	and	3 959
12,5%	" " "	Hfl	3 960	and	4 537
15%	" " "	Hfl	4 538	and	5 151
17,5%	" " "	Hfl	5 152	and	5 730
20%	" " "	Hfl	5 731	and	6 290
22,5%	" " "	Hfl	6 291	and	6 869
25%	" " "	Hfl	6 870	and	7 429
27,5%	" " "	Hfl	7 430	and	8 007
30%	" " "	Hfl	8 008	and	8 568
32,5%	" " "	Hfl	8 569	and	9 146
35%	" " "	Hfl	9 147	and	9 889
40%	" " "	Hfl	9 890	and	10 284
45%	to amounts above	Hfl			10 284

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

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**DECISION No 2/96**  
**OF THE ACP-EC SUBCOMMITTEE FOR COOPERATION**  
**ON AGRICULTURAL AND RURAL DEVELOPMENT**  
of 19 December 1996

giving a discharge to the Director of the  
Technical Centre for Agricultural and Rural Cooperation  
in respect of the implementation of the Centre's budget  
for the financial year 1994

**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(5) 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, hereinafter referred to as the "Centre", 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 Centre, and in particular Article 24 thereof,

Having regard to the Centre's balance sheet for the financial year 1994 drawn up on 31 December 1994,

Having regard to the Auditors' Report on the accounts for the financial year 1994,

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

Whereas it is for the ACP-EC Subcommittee for Cooperation on Agricultural and Rural Development, 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 year 1994 consisted principally of a contribution from the European Development Fund, amounting to ECU 7 612 502;

Whereas the Director's overall implementation of the Centre's budget during the financial year 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 ACP-EC Subcommittee for Cooperation on Agricultural and Rural Development, on the basis of the Auditors' report and the balance sheet for the financial year, hereby gives a discharge to the Director of the Technical Centre for Agricultural and Rural Cooperation in respect of the implementation of the Centre's budget for the financial year 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

19-12-1996

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 Cooperaçao Agrícola e Rural  
 Maatalouden ja maaseudun yhteistyön kehittämistä  
 käsittlevän 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

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 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



**I. ACP-EC Acts**

**5. Acts of the ACP-CE Customs Cooperation Committee**



## COMMISSION

**DECISION No 1/96  
OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE  
of 2 September 1996**

**derogating from the definition of the concept of 'originating products' to take account of the special situation of the Kingdom of Swaziland with regard to its manufacturing of yarn (HS codes 5402 52 and 5402 62)**

(96/557/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

HAS DECIDED AS FOLLOWS:

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

*Article 1*

Notwithstanding the special provisions of Annex II to Protocol 1, the products listed in the Annex to this Decision and manufactured in Swaziland shall be considered as originating in the ACP States subject to the following conditions.

*Article 2*

Whereas Article 31 of Protocol 1 to the Convention on the definition of the concept of 'originating products' and on administrative cooperation methods provides that derogations from this Protocol may be granted by the Customs Cooperation Committee when warranted by the development of existing industries or the creation of new industries;

The derogation provided for in Article 1 relates to products exported from Swaziland to the Community between 1 January 1996 and 31 December 1999.

*Article 3*

Whereas the African, Caribbean and Pacific (ACP) States have submitted a request from the Government of the Kingdom of Swaziland for a derogation from the definition set out in Protocol 1 in respect of core yarn;

The competent authorities of Swaziland 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 customs authorities of Swaziland 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 4*

Whereas the requested derogation is justified under the relevant provisions of Protocol 1 especially as regards the development of existing industries, the fact that the applicant is a landlocked State, the inapplicability of the rules on cumulation of origin, the level of the added-value in Swaziland and whereas the derogation cannot do any serious damage to an industry established in the Community, subject to compliance with certain conditions regarding quantities, surveillance and duration;

Whereas in both the original letter, received on 8 December 1995, and the amended version, received on 17 January 1996, the ACP States asked for the derogation to be granted with effect from 1 January 1994;

Whereas the ACP States have failed to advance any arguments substantiating their request for the derogation to be backdated by two years, and the Commission is therefore unable to agree to retroactive application of the measure,

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

*Article 5*

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

Done at Brussels, 2 September 1996.

*For the ACP-EC Customs Cooperation  
Committee*

*The Chairmen*

James CURRIE

Edmond CAKPO-TOZO

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## ANNEX

*(in kilograms)*

HS Code	Product	Year	Quantities
5402.52	Yarn	1996	1 014 000
5402.62		1997	1 115 000
		1998	1 115 000
		1999	1 115 000

**DECISION No 2/96 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE**

of 2 September 1996

**derogating from the definition of 'originating products' to take account of the special situation of Fiji, Mauritius and Senegal regarding the production of canned tuna and tuna loins**

(96/558/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

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

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

Whereas Article 31 (8) of Protocol 1 lays down specific rules for derogations in respect of canned tuna and tuna loins, which may be granted automatically subject to an annual quota;

Whereas on 24 May 1996 the African, Caribbean and Pacific States (ACP States) submitted a request under Article 31 (8) of Protocol 1 from the Governments of Fiji, Mauritius and Senegal for a derogation from the rule of origin in the Protocol in respect of canned tuna and tuna loins produced by those countries from 1 January 1996 to 29 February 2000, allocated as follows: 600 tonnes of canned tuna and 300 tonnes of tuna loins for Fiji, 300 tonnes of canned tuna and 200 tonnes of tuna loins for Mauritius and 600 tonnes of canned tuna for Senegal;

Whereas Fiji, Mauritius and Senegal already enjoy a derogation in respect of an annual quantity of 2 500 tonnes of canned tuna;

Whereas those countries should therefore be granted the requested derogation for the period 1 June 1996 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 of Lomé, canned tuna and tuna loins of HS

heading ex 16.04 manufactured in Fiji, Mauritius or Senegal from non-originating fish shall be regarded as originating in those countries in accordance with the terms of this Decision.

*Article 2*

The derogation provided for in Article 1 shall apply to the annual quantities shown in the annexes which are exported by the countries concerned from 1 June 1996 to 29 February 2000.

*Article 3*

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

Where an importer presents a declaration for release to free circulation in a Member State, claiming entry under this Decision, and the declaration is accepted by the customs authorities, the Member State concerned shall draw the requisite quantity by means of an appropriate notification to the Commission. Requests for drawings, stating the date on which the declaration was accepted, shall be forwarded to the Commission without delay.

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

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

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

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

*Article 4*

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

'Derogation — Decision No 2/96'

*Article 5*

The ACP States and the Member States and the European Community shall take the measures necessary on their part to implement this Decision.

---

*Article 6*

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

Done at Brussels, 2 September 1996.

*For the ACP-EC Customs  
Cooperation Committee*

*The Joint Chairmen*

James CURRIE

Edmond CAKPO-TOZO

## ANNEX I

## FIJI

*(in tonnes)*

Order No	HS code	Goods description	Period	Quantities
09.1653	ex 1604	Canned tuna	From 1. 6. 1996 to 31. 5. 1997	600
			From 1. 6. 1997 to 31. 5. 1998	600
			From 1. 6. 1998 to 31. 5. 1999	600
			From 1. 6. 1999 to 29. 2. 2000	450
09.1654	ex 1604	Tuna loins	From 1. 6. 1996 to 31. 5. 1997	300
			From 1. 6. 1997 to 31. 5. 1998	300
			From 1. 6. 1998 to 31. 5. 1999	300
			From 1. 6. 1999 to 29. 2. 2000	225

## ANNEX II

## MAURITIUS

*(in tonnes)*

Order No	HS code	Goods description	Period	Quantities
09.1653	ex 1604	Canned tuna	From 1. 6. 1996 to 31. 5. 1997	300
			From 1. 6. 1997 to 31. 5. 1998	300
			From 1. 6. 1998 to 31. 5. 1999	300
			From 1. 6. 1999 to 29. 2. 2000	225
09.1654	ex 1604	Tuna loins	From 1. 6. 1996 to 31. 5. 1997	200
			From 1. 6. 1997 to 31. 5. 1998	200
			From 1. 6. 1998 to 31. 5. 1999	200
			From 1. 6. 1999 to 29. 2. 2000	150

## ANNEX III

## SENEGAL

*(in tonnes)*

Order No	HS code	Goods description	Period	Quantities
09.1653	ex 1604	Canned tuna	From 1. 6. 1996 to 31. 5. 1997	600
			From 1. 6. 1997 to 31. 5. 1998	600
			From 1. 6. 1998 to 31. 5. 1999	600
			From 1. 6. 1999 to 29. 2. 2000	450



I. ACP-EC Acts

6. Acts of the Committee on Industrial Cooperation



**DECISION No 1/96**  
**OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION**  
**of 30 May 1996**  
concerning amendments to  
Internal Regulation No S21/S22/L.IV/93  
applicable to staff of the Centre for the Development of Industry

THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION,

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

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

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

Whereas the Joint Executive Board of the Centre has notified an amendment to Internal Regulation No S21/S22/L.IV/93 of the Centre,

HAS DECIDED AS FOLLOWS:

Article 1

The amendments to Internal Regulation No S21/S22/L.IV/93 as set out in the Annex to this Decision shall be approved.

Article 2

The Regulation referred to in Article 1, as amended, shall enter into force on the date of adoption of this Decision.

Hecho en Bruselas, el  
 Udfærdiget i Bruxelles, den  
 Geschehen zu Brüssel am  
 Έγινε στις Βρυξέλλες, στις  
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 Feito em Bruxelas, em  
 Tehty Brysselissä  
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3 0 -05- 1996

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  
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## INTERNAL REGULATION N° S21/S22/L IV/93

Date of issue : Ref. Decision N° 1/92 of the ACP-EEC Council of Ministers of 15/12/92, hereinafter referred to as Decision 1/92, Art. 5	Title : SECONDED EXPERTS (NATIONAL OR INTERNATIONAL)
---	---

Article 5 of the Staff Regulation of the CDI (Decision N° 1/92 of the ACP-EEC Council of Ministers) reads :

*"The Centre may draw upon the services of seconded experts.*

*Any national or international civil servant or private-sector executive with qualifications and experience equivalent to that required by a member of staff of the Centre who is temporarily transferred there or exchanged with another member of staff under rules adopted by the Board on a proposal from the Director shall be considered a seconded expert."*

Art. 1 Definition

- a) A seconded expert for the purpose of this Regulation is any national or international civil servant, private-sector executive or public, semi-public or private sector with qualifications and experience equivalent to those required by a member of the staff of the CDI, who is temporarily transferred to CDI or exchanged with a member of the CDI staff.
- b) The person covered by this regime must be, and remain during his/her secondment to CDI, in remunerated service in a public administration or institution (international, national, regional or local) or company and keep his social coverage and advantages. He/she must be a national of a state signatory of the Lomé Convention or of a state candidate to become signatory.

Art. 2 Duration of the secondment

The secondment must be authorised by the Director and endorsed by the Chairman of the Joint Executive Board. It cannot exceed a period of 12 months or be shorter than 6 months and may not exceed the contract expiry date authorised by the CIC for the nomination of the regular staff of the Centre. The duration of the secondment will be indicated in an exchange of letters between the CDI and the employer of the seconded person. The same person can only be seconded to CDI once only. This exchange of letters will contain all terms of reference for the secondment.

Any single extension of the secondment period, will not exceed 12 months. The maximum period of service will not exceed a total of 36 months including the original secondment and following prolongations.

The Director will inform the Joint Executive Board of his decisions.

### Art. 3 Tasks

The seconded expert must act as an independent expert and not as a representative of the interests of his country of origin, within a work programme issued by the CDI and contained in the terms of reference referred to in Article 2.

### Art. 4 Professional profile

The seconded expert must have a proven working knowledge of one of the main working languages of the CDI and be normally in possession of a university degree or prove other very high qualifications. The minimum requirement of relevant work experience must correspond to that indicated in Art. 7 of the Staff Regulation of CDI, according to the level of the function given to him; and in any case not be inferior to 5 years.

### Art. 5 Insurances

The seconded expert must produce, before his/her arrival to CDI :

- a certificate of fitness and good health,
- the declaration from his/her employer that, during the period of secondment, he/she will be covered by the social security scheme of his/her country (including health scheme).

The CDI will ensure the risks of accident; death and health risks at the same level of its own staff; the seconded expert or its employer will contribute to the relevant cost by paying 50 % of the premium of this additional insurance and their prior agreement must be formalized before the seconded national expert takes up duties. The CDI may take into consideration additional contributions in particular cases.

#### Art. 6 Interruption of the secondment

The first three months will be considered as a trial (probationary) period ; during it the Director of the CDI may stop the secondment at any time with one week notice. After thus trial (probationary) period, the interruption of the secondment may be decided at any time by the Director of the CDI, either on his own initiative or upon motivated request by the employer of the seconded expert or by the latter. In this case a minimum one month notice will be allowed to the expert.

#### Art. 7 Rights and obligations of the seconded expert

- The seconded expert must fulfil his/her function and perform only in the interest of the CDI. He/she will be evaluated periodically, in the same way and following the same procedures of CDI staff members.
- The seconded expert must abstain from any act, and particularly public expression, that could damage the dignity of his/her function and CDI reputation.
- The seconded expert must declare his/her involvement in respect of any matter in which he/she has personal interest in the performance of his/her duties. He/she must also engage himself/herself in written to abide by CDI's internal rules.
- The seconded expert must be very discreet in respect of any matter or any information he/she knows, because of his involvement in CDI's activity ; he/she is not allowed to communicate those matters or information to any unauthorised person, and above all, if those matters or information concerning respect for confidentiality as applicable to staff, would apply, mutatis mutandis, to the seconded expert. Any breach in this respect may lead to legal pursuits on the part of CDI.
- The seconded expert cannot either publish or have published, on his/her own behalf or with any collaboration, any text of which the content is related to the activity of the CDI without prior approval in accordance with the conditions and the regulations of the CDI.
- The seconded expert cannot commit CDI, unless specifically authorized/mandated by the Director.
- All rights related to the work of any seconded expert for the duration of the secondment are CDI property.



- During the secondment period, the expert should abstain from doing any activity implicating directly or indirectly the representative of his country of origin in the fields where the CDI's and the EEC's interests are at stake.

Art. 8 Working hours - bank holidays - leave

Working hours, bank holidays and leave will follow the CDI internal regulation.

Art. 9 Financial conditions

The CDI will reimburse to the seconded expert :

- travel costs from his/her place of residence to Brussels at the beginning of the secondment and the return at the end thereof : Economy class for air, First class for train.
- a monthly living allowance of 90.000 BF.

Mission costs outside Brussels authorised by the CDI director will be reimbursed according to the CDI internal regulation.

Art. 10 Exchange of experts

The conditions of secondment of the member of the CDI staff exchanged with a seconded expert will be established in a separate agreement between the CDI and the recipient institution or company, and the CDI staff member concerned.

Art. 11 Final Report

- During the last month of secondment, the expert will draw up a final and factual report to CDI and to his/her administration, or institution or company, on the period of secondment and the results thereof.
- The expert will also be evaluated by CDI at the end of each annual period of activities.

Annex :      - Specimen of letter of appointment  
                  - Terms of reference

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DECISION No 2/96  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 30 May 1996

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

THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION,

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

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

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

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

HAS DECIDED AS FOLLOWS:

Article 1

The amendments to Internal Regulation No S3/L.IV/93 as set out in the Annex to this Decision shall be approved.

Article 2

The Regulation referred to in Article 1, as amended, shall enter into force on the date of adoption of this Decision.

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Por el Comité de cooperación industrial  
 For Udvalget for industrielt Samarbejde  
 Im Namen des Ausschusses für industrielle Zusammenarbeit  
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INTERNAL REGULATION No. 531/IV/92

Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 51 and 52	Title : - EDUCATIONAL ALLOWANCE GRANTED TO STAFF MEMBERS
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1. At his request, a staff member shall be entitled to an educational allowance for each dependent child regularly attending an educational establishment on a full-time basis.

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

This allowance shall comprise three parts :

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

2. Definitions

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

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

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

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

- public or private establishments of university level, for access to which a diploma of secondary education is required;
  - special public or private educational establishments for handicapped children.
- c) Attendance of educational and training courses of a temporary nature shall not be regarded as regular full-time attendance at an educational establishment and, therefore, shall not give an entitlement to the flat-rate reimbursement of school fees, except for vocational training or certain special training courses recognized by the Centre.

### 3. Amounts of the educational allowance (valid as from school year 1992-1993)

#### A. Educational allowance\*

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

- (i) The first half of this allowance, rounded up to the nearest Franc, shall be paid monthly to the staff member entitled to receive it, as a flat-rate amount. Upon presentation of invoices and proof of payment, the staff member shall be reimbursed for recognised compulsory costs that s/he has borne during the school year, to cover the purchase or hiring of school supplies and equipment, insurance, and transportation costs to and from the educational establishment, etc. From the practical point of view, reimbursement of these costs will be calculated and made on an annual basis.

When the staff member provides transportation for his/her child/children to and from the educational establishment, reimbursement of his/her costs is limited to the shortest or the least expensive route by public transport. This reimbursement must be substantiated by the staff member's affidavit concerning the transportation undertaken.

The educational allowance shall, however, be adjusted as follows :

---

\* The methods for calculating the flat-rate school allowance, as defined in paragraph 3A above, will be applied with effect from school year 1994-1995, for a probationary period of one year. Any changes could be made at the end of the trial period, if this produces too great a work load.

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

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

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

B. "Minerval" and/or registration fees

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

- a) In the case of primary or secondary education or technical or vocational training, the contribution by the CDI may not exceed the corresponding amount that the staff member would have had to pay in the same conditions at the European School in Brussels or at Belgian schools in the case of vocational or technical training. This limit shall not, however, be applied:

- if, despite intervention by the CDI and the staff member, the application to register his child at the European School has been refused by the latter and the application has been placed on a waiting list.

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

- only the "minerval" and registration fees, to the exclusion of other costs covered by the flat-rate educational allowance as set out under point 3.A;
  - a maximum to be fixed annually on the basis of the average school fees for a child at the European School paid out of the Community Budget;
  - individual cases shall be examined by an ad hoc committee comprising 3 persons of whom one representative of the Staff Association.
  - If, for reasons of continuity in the school curriculum, the staff member has been unable to register his child(ren) with the European School, the CDI shall contribute only on presentation of supporting documents and up to a ceiling fixed at double the maximum fees applied by the European School. These cases shall be examined by the ad hoc committee mentioned above.
- b) For staff members suffering exceptional discriminatory differences in relation to the measures applicable to the nationals of Community Member States, as regards the "minerval" and/or registration fees at establishments of primary, secondary or university establishments of the Community, such differences shall be paid by the CDI on presentation of supporting documents, up to a maximum of 30,000 BF a year.
- c) Special costs relating to certain school activities may be reimbursed following authorization by the Director if they form part of compulsory school activities organized outside the educational establishment, including training courses, organized within the framework of full-time education and including vocational and technical training.
4. Entitlement to the educational allowance shall commence on the first day of the month in which the child begins to attend a recognized educational establishment after the staff member has taken up his appointment.



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

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

DECISION No 3/96  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL CO-OPERATION  
OF 26 JULY 1996  
on the appointment of a member  
of the Executive Board  
of the Centre for the Development of Industry

THE ACP-EC COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989, and in particular Article 92 thereof,

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

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

Whereas Article 92(2) of the Convention provides that the Executive Board shall be composed, on a basis of parity, of six members;

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

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

Whereas Mr Alexander HIPPOCRATES SARRIS (Greece) has been nominated, on a proposal from the Community, to replace Mr W.A. DE JONGHE (Netherlands) in his capacity as member of the Executive Board of the CDI;

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

HAS DECIDED AS FOLLOWS:

Article 1

Mr Alexander HIPPOCRATES SARRIS is hereby appointed, on a proposal from the Community, a member of the Executive Board of the Centre for the Development of Industry within the framework of the Fourth ACP-EC Convention for a period of three years, in place of Mr W.A. DE JONGHE.

Article 2

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

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 Feito em Bruxelas, em  
 Tehty Brysselissä  
 Utfärdat i Bryssel den

26-07-1996

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  
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DECISION No 4/96  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 18 December 1996

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

THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION,

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

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

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

Whereas the Centre's Executive Board has proposed adjustments to take account of trends in the cost of living in Brussels during the period from 1 July 1994 to 30 June 1995;

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 1,47% for the period from 1 July 1994 to 30 June 1995,

HAS DECIDED AS FOLLOWS:

Sole Article

With effect from 1 July 1995, the remuneration and tax brackets laid down for staff of the Centre in Annex B to Decision No 4/95 of the Committee on Industrial Cooperation of 24 October 1995 and in Annex III to Decision No 1/92 of the Council of Ministers of 15 December 1992 shall be increased by 1,47% (Annex A).

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

18 -12- 1996

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

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K. DOWLING

P.G. ROBLEH

Los Secretarios  
 Sekretærerne  
 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 1995)

CATEGORY	LEVEL	BASIC POST	STEP					
			1	2	3	4	5	
1. DIRECTORS	1.A	Director	411 066					
	1.B	Deputy Director	364 087					
2. ADMINISTRATIVE	2.A	Principal Expert	293 619	311 236	328 853			
	2.B	Principal Expert	234 895	248 988	264 257			
	2.C	Expert	205 534	218 453	231 372			
	2.D	Expert	164 427	174 410	184 979	279 525	295 968	
3. CLERICAL	3.A	Principal assistant	137 417	145 635	153 857	163 840	173 822	
	3.B	Clerical assistant	105 702	111 575	118 622	125 670	132 716	
	3.C	Secretary	76 341	81 039	85 737	90 435	96 307	
4. SUPPORTING STAFF	4.A	Technical staff	62 248	65 770	69 295	72 818	77 515	

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

TAX SCALE  
(applicable as from 1 July 1995)

FROM	GROSS ANNUAL CEILINGS				TO	D57 + D58...	% PER BRACKET
	B58 + B57	C					
1					2 907	-	0,0
2 908	48 473	3 878			51 380	3 878	8,0
51 381	19 386	1 939			70 676	5 817	10,0
70 768	10 336	1 292			81 104	7 109	12,5
81 105	10 984	1 648			92 094	8 757	15,0
92 095	10 336	1 809			102 431	10 566	17,5
102 432	10 018	2 004			112 450	12 570	20,0
112 451	10 338	2 326			122 789	14 896	22,5
122 740	10 020	2 505			132 810	17 401	25,0
132 811	10 334	2 842			143 145	20 243	27,5
143 145	10 019	3 006			153 164	23 249	30,0
153 165	10 339	3 360			163 504	26 609	32,5
163 505	10 019	3 507			173 524	30 116	35,0
173 525	10 334	4 137			183 859	34 253	40,0
183 860					99 999 999		45,0

**DECISION No 5/96  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 18 December 1996**

approving the budget  
of the Centre for the Development of Industry (1997)

THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION,

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

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

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

Whereas, pursuant to Article 6(1) of Decision No 5/91, the Director of the Centre drew up and submitted to the Executive Board of the Centre a draft budget for the 1997 financial year;

Whereas the Executive Board, at its meeting on 4 June 1996, examined that draft and adopted it in accordance with Article 6(1) of Decision No 5/91;

Whereas the draft budget was 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 1997, as contained in the Annex hereto, is hereby approved;

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18-12-1996

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  
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**ANNEX**

**BUDGET  
OF THE  
CENTRE FOR THE DEVELOPMENT OF INDUSTRY  
FOR 1997**

1	TITLE / STAFF	BUDGET 1995 COMMITMENT AT: 3/17/95 (1)	BUDGET 1996 TOTAL (2)	BUDGET 1997 TOTAL (3)	% EVOLUTION (3)/(2)
ARTICLE 111	SALARIES	3,937,209.27	4,050,000.00	4,100,000.00	1.23%
ARTICLE 112	PROVISION FOR ADJUSTMENT IN SALARIES	0.00	60,000.00	60,000.00	0.00%
ARTICLE 113	SOCIAL CHARGES	1,568,425.42	1,650,000.00	1,640,000.00	-0.61%
ARTICLE 114	ALLOWANCES	642,915.00	560,000.00	627,000.00	11.96%
ARTICLE 115	TRAINING AND DEVELOPMENT OF STAFF	6,143.68	60,000.00	30,000.00	-50.00%
ARTICLE 116	EXPENSES FOR STAFF INTEGRATION	2,391.12	5,000.00	5,000.00	0.00%
ARTICLE 117	MISCELLANEOUS CONSULTANCIES	52,095.30	170,000.00	70,000.00	-58.82%
	TOTAL CHAPTER 11	6,229,179.79	6,555,000.00	6,532,000.00	-0.35%
	GRAND TOTAL	6,229,179.79	6,555,000.00	6,532,000.00	-0.35%

	TITLE II BUILDING, EQUIPMENT AND MISCELLANEOUS OPERATING EXPENDITURE	BUDGET 1995 COMMITMENT AT 3/1/295 (1)	BUDGET 1996 TOTAL (2)	BUDGET 1997 TOTAL (3)	% EVOLUTION (3)/(2)
ARTICLE 211	RENT	635,600.02	547,500.00	546,000.00	-0.27%
ARTICLE 212	INCIDENTAL EXPENDITURE	175,914.39	254,000.00	254,000.00	0.00%
	TOTAL CHAPTER 21	811,514.41	801,500.00	800,000.00	-0.19%
ARTICLE 221	PURCHASE OF OFFICE EQUIPMENT AND FURNITURE	139,135.26	45,000.00	45,000.00	0.00%
ARTICLE 222	RENTAL OF FURNITURE AND EQUIPMENT	53,377.80	65,000.00	65,000.00	0.00%
ARTICLE 223	MAINTENANCE OF FURNITURE AND EQUIPMENT	4,290.75	5,000.00	6,000.00	20.00%
ARTICLE 224	VEHICLES, MAINTENANCE, REPAIRS, USE	51,002.58	12,000.00	12,000.00	0.00%
ARTICLE 225	DATA PROCESSING	241,191.12	173,000.00	175,000.00	1.16%
	TOTAL CHAPTER 22	488,997.51	300,000.00	303,000.00	1.00%
ARTICLE 231	STATIONERY AND OFFICE SUPPLIES	45,355.77	60,000.00	60,000.00	0.00%
ARTICLE 232	POSTAL CHARGES AND TELECOMMUNICATIONS	244,985.68	245,000.00	252,000.00	2.86%
ARTICLE 233	BANK CHARGES AND EXCHANGE LOSSES	14,846.18	25,000.00	15,000.00	-40.00%
ARTICLE 234	OTHER OPERATING EXPENSES	162,308.13	45,000.00	45,000.00	0.00%
	TOTAL CHAPTER 23	467,497.76	375,000.00	372,000.00	-0.80%
ARTICLE 241	GENERAL REPRESENTATION AND ENTERTAINMENT EXPENSES	29,849.00	30,000.00	30,000.00	0.00%
	TOTAL CHAPTER 24	29,849.00	30,000.00	30,000.00	0.00%
	GRAND TOTAL	1,797,858.68	1,506,500.00	1,505,000.00	-0.10%



3	TITLE III INTERVENTION PROGRAMME	BUDGET 1995 COMMITMENT AT 31/12/95 (1)	BUDGET 1996 TOTAL (2)	BUDGET 1997 TOTAL (3)	% EVOLUTION (3)/(2)
ARTICLE 311	THE ACP NETWORK	1,246,308.83	1,650,000.00	1,455,000.00	-11.82%
ARTICLE 312	THE EU NETWORK	425,596.02	550,000.00	475,000.00	-13.64%
ARTICLE 313	PUBLIC RELATIONS AND COMMUNICATIONS	216,620.83	220,000.00	150,000.00	-31.82%
ARTICLE 314	SECONDED EXPERTS	44,302.51	200,000.00	175,000.00	-12.50%
ARTICLE 321	TOTAL CHAPTER 31 IDENTIFICATION AND PROMOTION OF PROJECTS IN ACP COUNTRIES	1,932,828.19	2,620,000.00	2,255,000.00	-13.93%
ARTICLE 322	IDENTIFICATION AND PROMOTION OF PROJECTS IN EUROPE	443,076.32	360,000.00	320,000.00	-11.11%
ARTICLE 323	PARTNER INTRODUCTIONS	11,979.00	40,000.00	24,000.00	-40.00%
ARTICLE 331	TOTAL CHAPTER 32 PROJECT INTERVENTIONS, DIAGNOSTIC, EXPERTISE, STUDIES	378,699.48	560,000.00	500,000.00	-10.71%
ARTICLE 332	DIRECT INTERVENTIONS	833,754.80	960,000.00	844,000.00	-12.06%
ARTICLE 333	PILOT AND DEMONSTRATION PROJECTS	1,728,116.36	1,560,000.00	1,210,000.00	-22.44%
ARTICLE 341	MISSIONS	2,219,566.46	2,405,000.00	1,970,000.00	-18.09%
ARTICLE 361	TOTAL CHAPTER 34 SECTORAL STUDIES, IN DEPTH SCRUTINY OF A SECTOR IN ACP COUNTRIES	297,574.16	250,000.00	100,000.00	-60.00%
ARTICLE 362	SECTORAL STUDIES, IN DEPTH SCRUTINY OF A SECTOR IN EU COUNTRIES	4,215,256.98	4,215,000.00	3,280,000.00	-22.19%
ARTICLE 363	PUBLICATIONS	452,359.10	380,000.00	380,000.00	0.00%
ARTICLE 364	INTERNAL INFORMATION, DOCUMENTATION	452,359.10	380,000.00	380,000.00	0.00%
ARTICLE 365	MEETINGS AND SEMINARS	96,149.65	180,000.00	125,000.00	-30.56%
ARTICLE 366	TOTAL CHAPTER 35	37,983.00	60,000.00	50,000.00	-16.67%
ARTICLE 367	PUBLICATIONS	132,050.75	225,000.00	110,000.00	-51.11%
ARTICLE 368	INTERNAL INFORMATION, DOCUMENTATION	44,728.06	60,000.00	50,000.00	-16.67%
ARTICLE 369	MEETINGS AND SEMINARS	570,134.54	300,000.00	280,000.00	-6.67%
ARTICLE 370	TOTAL CHAPTER 36	881,046.00	825,000.00	615,000.00	-25.45%
	GRAND TOTAL	8,345,245.07	9,000,000.00	7,374,000.00	-18.07%

4	TITLE IV - SUPERVISORY BODIES	BUDGET 1995 COMMITMENT AT 31/12/95 (1)	BUDGET 1996 TOTAL (2)	BUDGET 1997 TOTAL (3)	% EVOLUTION (3)/(2)
ARTICLE 411	GOVERNING BOARD	79,801.18	205,000.00	150,000.00	-26.83%
ARTICLE 412	SECRETARIAT TO GOVERNING BOARD	102,816.70	66,000.00	100,000.00	51.52%
	TOTAL CHAPTER 41	182,617.88	271,000.00	250,000.00	-7.75%
ARTICLE 421	INTERNAL AUDIT BODY	109,592.58	120,000.00	130,000.00	8.33%
ARTICLE 422	EXTERNAL AUDIT BODY	18,979.75	15,000.00	15,000.00	0.00%
	TOTAL CHAPTER 42	128,572.33	135,000.00	145,000.00	7.41%
	GRAND TOTAL	311,190.21	406,000.00	395,000.00	-2.71%

5	TITLE V BOOK LOSSES ON EXCHANGE RATES	BUDGET 1995 COMMITMENT AT 31/12/95 (1)	BUDGET 1996 TOTAL (2)	BUDGET 1997 TOTAL (3)	% EVOLUTION (3)/(2)
ARTICLE 511	BOOK LOSSES ON EXCHANGE RATES	85,540.00	0.00	50,000.00	
	TOTAL CHAPTER 61	85,540.00	0.00	50,000.00	
	TOTAL TITLE V	85,540.00	0.00	50,000.00	

6	SUMMARY OF TITLES I - II - III - IV	BUDGET 1995 COMMITMENT AT 31/12/95 (1)	BUDGET 1996 TOTAL (2)	BUDGET 1997 TOTAL (3)	% EVOLUTION (3)/(2)
	TITLE I - STAFF	6,229,179.79	6,555,000.00	6,532,000.00	-0.35%
	TITLE II - BUILDING, EQUIPMENT & MISC. OPERATING EXPENDITURE	1,797,858.68	1,506,500.00	1,505,000.00	-0.10%
	TITLE III - INTERVENTION PROGRAMME	8,345,245.07	9,000,000.00	7,374,000.00	-18.07%
	TITLE IV - SUPERVISORY BODIES	311,190.21	408,000.00	395,000.00	-2.71%
	TITLE V - BOOK LOSSES ON EXCHANGE RATES	85,840.00	0.00	50,000.00	
	GRAND TOTAL	16,769,013.75	17,467,500.00	15,856,000.00	-9.23%

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

**A. Trade**

a) Trade



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

## JOINT ACTION

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

(96/250/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,

Having regard to the conclusions of the European Council of 15 and 16 December 1995 in Madrid,

Having regard to the conclusions of the Council of 29 January and 26 and 27 February 1996,

HAS ADOPTED THE FOLLOWING JOINT ACTION:

### *Article 1*

The Union shall pursue the following objectives with respect to the African Great Lakes Region and the countries of the region:

1. to assist these countries in resolving the crisis affecting their region; and
2. to support the efforts of the UN and the Organization of African Unity (OAU), as well as those of regional leaders and other parties, aimed at finding a lasting and comprehensive peaceful solution to the political, economic and humanitarian problems facing the region.

### *Article 2*

To this end, the Special Envoy of the Union will support the efforts aimed at creating the conditions for solving the crisis, including the preparation for the holding of a Conference on Peace, Security and Stability in the Great Lakes Region, which is an important step in the process of finding a lasting and peaceful solution.

The Special Envoy will:

- work in support of the efforts of the UN and of the OAU, which are striving to bring an end to the

conflicts in the region, and of those African personalities who are assisting the two organizations;

- establish and maintain close contact with the Governments of the countries of the region, with other interested Governments and international organizations in order to identify measures which need to be taken towards solving the problems of the region;
- coordinate closely with the representatives of the UN and of the OAU in the region, which are responsible for the convening of the Conference;
- cooperate with regional leaders and other parties working towards the same objective; and
- where appropriate, establish contact with other parties who might have a role to play in achieving progress.

### *Article 3*

The Special Envoy:

- is appointed for a period of six months, subject to review after three months of mandate, including the administrative and financial aspects;
- shall report every two months, or whenever necessary, to the Council or its designated instances;
- may be called to report orally on developments, whenever the need arises; and
- may make recommendations to the Council on measures which the Union might undertake to fulfil its objectives in the region.

### *Article 4*

1. In order to cover the costs related to the mission of the Special Envoy, a sum of ECU 950 000 shall be charged to the general budget of the European Communities for 1996.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the budget.

3. A sum of up to the amount specified in paragraph 1 shall be allocated to finance the infrastructure and current expenditure of the Special Envoy, including his salary and that of his support staff. The remuneration of personnel which a Member State or the Commission may detach to the Special Envoy will be covered respectively by the Member State concerned and the Commission. Member States and the Commission may propose the detachment of personnel to the Special Envoy.

4. The Council notes that the Commission intends to provide logistical support in the region.

5. The guarantees necessary for the completion and smooth functioning of the mission of the Special Envoy and the members of his staff shall be defined with the

parties. The Member States and the Commission shall grant all necessary support to such effect.

*Article 5*

This Joint Action shall enter into force on the date of its adoption. It shall apply until 25 November 1996.

*Article 6*

This Joint Action shall be published in the Official Journal.

Done at Brussels, 25 March 1996.

*For the Council*  
*The President*  
 S. AGNELLI



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

**COMMON POSITION**

**of 3 June 1996**

**defined by the Council on the basis of Article J.2 of the Treaty on European Union, extending  
Common Position 95/544/CFSP on Nigeria**

**(96/361/CFSP)**

THE COUNCIL OF THE EUROPEAN UNION,

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

HAS DEFINED THE FOLLOWING COMMON POSITION:

1. In the light of the considerations in paragraph 3 thereof, Common Position 95/544/CFSP of 4 December 1995 defined by the Council on the basis of Article J.2 of the Treaty on European Union, on Nigeria <sup>(1)</sup> is hereby extended until 4 December 1996.
2. This common position shall be published in the Official Journal.

Done at Luxembourg, 3 June 1996.

*For the Council*  
*The President*  
C. A. CIAMPI

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<sup>(1)</sup> OJ No L 309, 21. 12. 1995, p. 1.

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

**COUNCIL DECISION**

of 15 July 1996

**extending the application of Joint Action 96/250/CFSP adopted by the Council on the basis of Article J.3 of the Treaty on the European Union, in relation to the nomination of a Special Envoy for the African Great Lakes Region**

(96/441/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 96/250/CFSP<sup>(1)</sup> 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, comes to an end on 25 September 1996;

Whereas, on the basis of the results attained so far, it is deemed necessary to extend its application until 31 July 1997,

HAS DECIDED AS FOLLOWS:

*Article 1*

The application of Joint Action 96/250/CFSP is hereby extended to 31 July 1997. The Joint Action shall be reviewed six months after the date on which this Decision is adopted.

*Article 2*

Additional financial support for the activities of the Special Envoy, commensurate with future needs, shall be the subject of a Council Decision, based on the first indent of Article J.11(2) of the Treaty.

*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, 15 July 1996.

*For the Council*  
*The President*  
D. SPRING

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<sup>(1)</sup> OJ No L 87, 4. 4. 1996, p. 1.

**COUNCIL DECISION**

**of 1 October 1996**

**concerning the financial implications arising from the extension of the mandate of the Special Envoy for the African Great Lakes Region nominated by Joint Action 96/250/CFSP**

(96/589/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular Article J.11 (2) thereof,

Having regard to 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>,

Whereas on 15 July 1996 it was decided, by Council Decision 96/441/CFSP <sup>(2)</sup>, to extend the application of Joint Action 96/250/CFSP until 31 July 1997;

Whereas such extension requires additional financial support, as provided for in Article 2 of the abovementioned Decision,

HAS DECIDED AS FOLLOWS:

*Article 1*

In order to cover the costs related to the mission of the Special Envoy for the African Great Lakes Region, an additional sum of ECU 1,3 million shall be charged to the general budget of the European Communities for 1996.

*Article 2*

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

It shall apply until 31 July 1997.

*Article 3*

This Decision shall be published in the Official Journal.

Done at Luxembourg, 1 October 1996.

*For the Council*  
*The President*  
D. SPRING

---

<sup>(1)</sup> OJ No L 87, 4. 4. 1996, p. 1.

<sup>(2)</sup> OJ No L 185, 24. 7. 1996, p. 1.

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

## JOINT ACTION

of 11 November 1996

adopted by the Council on the basis of Article J.3 of the Treaty on European Union in support of the democratic transition process in Zaire

(96/656/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.3 and J.11 thereof,

Having regard to the Conclusions of the European Council held in Florence on 21 and 22 June 1996 and, in particular, its support for the current process of transition to democracy in Zaire,

Whereas, at its meeting on 28 October 1996, the Council adopted conclusions in support of the democratic transition process in Zaire,

HAS ADOPTED THIS JOINT ACTION:

### *Article 1*

As part of an international effort coordinated by the United Nations, the European Union will contribute to the democratic transition process in Zaire.

The Union will therefore assist in preparations for elections. That assistance will involve the establishing of a European electoral unit and a contribution to the Special Fund of the United Nations.

The Union will consider and assess appropriate further measures in support of the democratic transition process in Zaire, including measures for technical assistance and the possible deployment of observers.

### *Article 2*

The Council reserves the right to amend and/or terminate at any time any action by the Union embarked on under

this Joint Action, if it deems that the Zairean parties and institutions are not respecting the obligations and principles resulting from the basic transition agreements, in particular the Protocol of Agreement and the Constitutional Act of transition, or are not giving proof of their full commitment to democratization in Zaire. To that end, the Council will monitor the conduct of the electoral process at every stage.

### *Article 3*

A European electoral unit shall be set up in Zaire which is independent of, but works in close conjunction with, the United Nations electoral unit. It will function as indicated in the Annex hereto.

### *Article 4*

An amount of ECU 4 million shall be charged to the general budget of the European Communities for 1996. That amount is intended to cover:

- the payment expenses of the European electoral unit referred to in Article 3,
- the payment of a contribution of ECU 2 million by the European Union to the Special Fund of the United Nations.

Expenditure financed from the amount referred to in the first subparagraph shall be managed in compliance with Community procedures and rules applicable to the budget.

### *Article 5*

The Council notes that the Commission intends to propose measures to help achieve the objectives of this

Joint Action, *inter alia* under the European Development Fund (EDF).

This Joint Action shall be adopted without prejudice to any decisions which the Union might take at a later date in support of the democratic transition process in Zaire.

*Article 6*

This Joint Action shall come into force on the date of its adoption. It shall apply until 31 December 1997.

*Article 7*

This Joint Action will be published in the Official Journal.

Done at Brussels, 11 November 1996.

*For the Council*

*The President*

R. QUINN

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## ANNEX

**Aims and operation of the European electoral unit**

1. The role of the electoral unit shall be to:
    - (i) monitor and assess the conduct of the electoral process in Zaïre and keep the Council regularly informed thereof, on the Presidency's authority;
    - (ii) maintain an on-the-spot dialogue with the Zaïrian Government, the institutions responsible for preparing for, and organizing, the elections, the relevant United Nations institutions and the providers of funds other than the European Union, and coordinate European assistance to the elections with them; and
    - (iii) supervise the implementation of assistance and possible observation of the elections by the Union.
  2. The European electoral unit will be directed by a high-ranking figure with experience of electoral matters.
  3. The head of the electoral unit and, in consultation with him, the staff of the unit, will be appointed by the Presidency in association with the Commission. The Commission and the Member States may propose the secondment of staff to the electoral unit. Remuneration of any staff seconded to the electoral unit by a Member State or the Commission shall be the responsibility respectively of the Member States concerned or the Commission.
  4. The head and other staff of the electoral unit should be available for the planned duration of the unit's existence.
  5. The head of the European electoral unit shall confer with the Heads of Mission of the Member States and the Commission delegation in Zaïre.
  6. The electoral unit shall be disbanded one month after the date of the elections.
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(Acts adopted pursuant to Title V of the Treaty on European Union)

## JOINT ACTION

of 22 November 1996

adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the Great Lakes Region

(96/669/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

HEREBY ADOPTS THIS JOINT ACTION:

Having regard to the Treaty on European Union, and in particular Article J.3 thereof,

### Article 1

Having regard to the conclusions of the European Council meeting in Florence on 21 and 22 June 1996,

Having regard to the common position of 24 October 1994 on the objectives and priorities of the European Union *vis-à-vis* Rwanda,

Having regard to the declarations adopted at its meeting on 28 October 1996 and at the special meeting of the Ministers for Development Cooperation and Humanitarian Aid on 7 November 1996, devoted to the situation in eastern Zaïre,

Whereas on 9 and 15 November 1996, respectively, the United Nations Security Council adopted Resolutions 1078 and 1080; whereas those Resolutions must be implemented;

Recognizing the importance of the contribution of the African States to resolving the crisis in the Great Lakes Region;

Whereas the European Union is already involved in the search for a solution to the crisis through the constructive action of its Special Envoy to the Great Lakes Region;

Whereas the European Union must integrate its efforts to resolve this crisis with the action undertaken by the international community in accordance with the relevant Security Council Resolutions;

Whereas the Council today adopted a concomitant Decision requesting the Western European Union to elaborate and implement the specific aspects of this joint action which have defence implications,

The European Union supports the urgent implementation of the relevant United Nations Security Council Resolutions, with a view to enabling the delivery of humanitarian aid to eastern Zaïre and facilitating the return by free consent of refugees to their country of origin and the return of displaced persons. The Community and its Member States will contribute to implementing those Resolutions in ways which they deem appropriate, and which they will coordinate in the manner set out in this Joint Action. The European Union reaffirms the priority which must be given to the return of the refugees to their country of origin and the need to overcome all obstacles to that end. It confirms its willingness to assist Rwanda to create the essential conditions for the return of the Rwandan refugees.

### Article 2

In the context of support for United Nations coordination, the Council notes that the Commission will ensure coordination of the efforts of the Community and its Member States with a view to providing and delivering humanitarian aid to the refugees and displaced persons in eastern Zaïre as a matter of urgency.

### Article 3

Taking into account their voluntary contributions in humanitarian and military aid, the Member States will consult and cooperate within the Council on their voluntary contributions in support of African participation in the multinational force, in accordance with the relevant United Nations Security Council Resolutions.

*Article 4*

As regards the financing of the Community contribution to the objectives of this Joint Action, the Council notes that the Commission will examine the possibilities and make appropriate proposals.

*Article 5*

The European Union will intensify its efforts to restore stability in the Great Lakes Region, in particular by encouraging the setting up of democratic institutions and respect for human rights. It reaffirms that the holding of an international conference on peace, security and development in the Great Lakes Region, under the auspices of the United Nations and the Organization of African Unity, has a decisive role to play in finding a lasting settlement of the crisis in the region. It invites all

the parties to redouble their efforts so that such a conference may be held.

*Article 6*

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

*Article 7*

This Joint Action shall be published in the Official Journal.

Done at Brussels, 22 November 1996.

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



## COUNCIL DECISION

of 22 November 1996

adopted on the basis of Article J.4 (2) of the Treaty on European Union on the elaboration and implementation of a Joint Action by the Union in the Great Lakes Region

(96/670/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.4 (2) thereof,

Having regard to the Declaration on Western European Union (WEU), set out in the Final Act signed when the Treaty on European Union was adopted,

Whereas the Council today adopted on the basis of Article J.3 of the Treaty on European Union a Joint Action on the Great Lakes Region,

Whereas the implementation of this Joint Action has defence implications and may, in particular, require the use of military means; whereas, in these circumstances, use should be made of the Western European Union,

HAS DECIDED AS FOLLOWS:

*Article 1*

The European Union hereby requests the WEU to examine as a matter of urgency how it can, for its part,

contribute to the optimum use of the operational resources available.

*Article 2*

This Decision is notified to the WEU in accordance with the conclusions adopted by the Council on 14 May 1996 on the forwarding of European Union documents to the WEU.

*Article 3*

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

It shall be published in the Official Journal.

Done at Brussels, 22 November 1996.

*For the Council**The President*

J. BURTON

**STATEMENT BY DENMARK**

**concerning the Council Decision on the implementation of the European Union Joint Action on the Great Lakes Region**

In accordance with Section C of the Decision adopted at the European Council held in Edinburgh on 11 and 12 December 1992, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications.

The Danish Government has decided that Denmark does not participate in the Council Decision requesting the WEU to elaborate and implement the action of the Union in the Great Lakes Region.

In accordance with the Edinburgh decision Denmark will not prevent the development of closer cooperation between Member States in this area. Accordingly, the position indicated does not prevent the adoption of the Council Decision.

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COUNCIL DECISION  
of 25 November 1996  
concerning the extension of common position 95/544/CFSP on Nigeria  
(96/677/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas, on 4 December 1995, the Council defined common position 95/544/CFSP<sup>(1)</sup> on Nigeria;

Whereas by common position 96/361/CFSP<sup>(2)</sup> the said common position 95/544/CFSP on Nigeria has been extended until 4 December 1996;

Whereas in the light of the considerations in paragraph 3 of the said common position 95/544/CFSP, the said common position should be further extended,

HAS DECIDED AS FOLLOWS:

1. Common position 95/544/CFSP shall be extended until 4 June 1997.
2. This Decision shall be published in the Official Journal.

Done at Brussels, 25 November 1996.

*For the Council*  
*The President*  
D. SPRING

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<sup>(1)</sup> OJ No L 309, 21. 12. 1995, p. 1.

<sup>(2)</sup> OJ No L 143, 15. 6. 1996, p. 1.



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

**A. Trade**

b) Agricultural products

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**COMMISSION REGULATION (EC) No 127/96**

of 25 January 1996

**on the exceptional allocation of a quantity additional to the tariff quota for imports of bananas during the first quarter of 1996 as a result of tropical storms Iris, Luis and Marilyn**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 3290/94 <sup>(2)</sup>, and in particular Articles 16 (3), 20 and 30 thereof,

Whereas Commission Regulation (EEC) No 1442/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 1164/95 <sup>(4)</sup>, lays down the detailed rules for applying the arrangements for importing bananas into the Community;

Whereas in August and September 1995 the tropical storms Iris, Luis and Marilyn caused severe damage to the banana plantations in the Community regions of Martinique and Guadeloupe and in the ACP States of Saint Vincent, Saint Lucia and Dominica; whereas the effects of these exceptional circumstances on production in the regions affected will be felt until July 1996 and will greatly affect imports and supplies to the Community markets during the first quarter of 1996; whereas this is likely to cause an appreciable increase in market prices in certain regions of the Community;

Whereas Article 16 (3) of Regulation (EEC) No 404/93 stipulates that where necessary, in particular to take account of the effects of exceptional circumstances affecting production or import conditions, the forecast supply balance may be adjusted and, in such a case, the tariff quota is adapted;

Whereas the adaptation of the tariff quota must permit adequate supplies to the Community market during the first quarter of 1996 and provide compensation to operators who include or directly represent banana producers who suffered damage and who, in addition, in the absence of appropriate measures, risk losing their traditional outlets on the Community market on a long-term basis;

Whereas the measures to be taken should have a specific transitional nature, within the meaning of Article 30 of Regulation (EEC) No 404/93; whereas, prior to the entry

into force of the new common market organization on 1 July 1993, existing national market organizations, in order to cope with urgent cases or exceptional circumstances such as the tropical storms cited above, included provisions ensuring supplies to the market from other suppliers while safeguarding the interests of operators who are victims of such exceptional events;

Whereas also, under the Uruguay Round of multilateral trade negotiations, the Community negotiated an agreement which provides for the implementation of a provision for the reallocation of supplies which is intended to overcome such exceptional circumstances and which will safeguard the interests of operators in the supplier countries which have suffered such damage; whereas this agreement applies from 1 January 1995;

Whereas, the Community producer regions and the ACP States which suffer such exceptional circumstances should be able to benefit from comparable measures; whereas the measures should include the granting of the right to import in compensation third-country bananas and non-traditional ACP bananas for the benefit of the operators who directly suffered damage as a result of the impossibility of supplying the Community market with bananas originating in affected producer regions; whereas, in addition, provision should be made for the quantities marketed on the Community market pursuant to this measure to be taken into consideration, in due course, for determining the reference quantities for the operators concerned for the tariff quotas for future years; whereas these measures should be to the benefit of the operators who have directly suffered actual damage, without the possibility of compensation, and as a function of the extent of the damage;

Whereas the competent authorities in the Member States where the operators concerned are established are the only authorities capable of determining those who should benefit from the measure in view of their experience and their knowledge of the actual characteristics of the trade in question and to assess the damage on the basis of the supporting documentation provided by the operators;

Whereas, in view of their objectives, the provisions of this Regulation must enter into force immediately;

Whereas the Management Committee for Bananas has not delivered an opinion within the time limit set by its chairman,

<sup>(1)</sup> OJ No L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(3)</sup> OJ No L 142, 12. 6. 1993, p. 6.

<sup>(4)</sup> OJ No L 117, 24. 5. 1995, p. 14.

HAS ADOPTED THIS REGULATION :

*Article 1*

1. The tariff quota fixed for 1996 is increased by an additional quantity of 51 350 tonnes (net weight).
2. This additional quantity of 51 350 tonnes (net weight) shall be allocated to the operators determined in accordance with Article 2 below as follows :
  - (a) 13 400 tonnes for operators supplying the Community with bananas produced in Martinique ;
  - (b) 23 500 tonnes for operators supplying the Community with bananas produced in Guadeloupe ;
  - (c) 14 450 tonnes for operators supplying the Community with bananas produced in the Windward Islands (Saint Lucia, Dominica and Saint Vincent).

*Article 2*

1. The quantities referred to in Article 1 (2) shall be allocated to the operators who :

- include or directly represent banana producers affected by the tropical storms Iris, Luis and Marilyn,
- and who, during the first quarter of 1996, are unable to supply, on their own account, the Community market with bananas originating in the regions or countries referred to in Article 1 (2) on account of the damage caused by these tropical storms.

2. The competent authorities in the Member States concerned shall determine the beneficiary operators who meet the requirements of paragraph 1 and shall make an allocation to each of them pursuant to this Regulation on the basis of :

- the quantities allocated to the producer regions or countries referred to in Article 1 (2), and of

— the damage sustained as a result of the tropical storms Iris, Luis and Marilyn.

3. The competent authorities shall assess the damage sustained on the basis of all supporting documents and information collected from the operators concerned.

*Article 3*

1. The Member States concerned shall inform the Commission by 5 February 1996 at the latest of the quantities of bananas for which a proposal for an allocation pursuant to this Regulation has been made.

2. If the overall quantity for which proposals for allocations in connection with the tropical storms Iris, Luis and Marilyn are made exceeds the quantity additional to the tariff quota fixed in Article 1 (1), the Commission shall fix a uniform percentage reduction to be applied to all allocations.

3. Tropical storms Iris, Luis and Marilyn import licences shall be issued not later than 12 February 1996 and shall be valid until 30 April 1996.

The words 'Tropical storms Iris, Luis and Marilyn licence' shall be entered in box 20 of the licence.

*Article 4*

The quantities of bananas released for free circulation issued in accordance with this Regulation on the basis of tropical storms Iris, Luis and Marilyn import licences shall be taken into consideration for the purpose of determining the reference quantity of each operator concerned, as regards 1996, for the application of Articles 3 to 6 of Regulation (EEC) No 1442/93.

*Article 5*

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 January 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*



**COMMISSION REGULATION (EC) No 486/96**  
**of 19 March 1996**  
**on the issuing of licences for traditional imports of bananas originating in the**  
**ACP States for the second quarter of 1996**  
 (Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas<sup>(1)</sup>, amended by Regulation (EC) No 3290/94<sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community<sup>(3)</sup>, as last amended by Regulation (EC) No 1164/95<sup>(4)</sup>, and in particular Article 16 (1) and (2) thereof,

Whereas Article 16 (2) of Regulation (EEC) No 1442/93 provides that where the quantities of bananas originating in one and the same ACP State listed in the Annex to Regulation (EEC) No 404/93 for which import licences are applied for exceed the quantity fixed for the period in question, the Commission is to set a single reduction percentage to all licence applications mentioning that country of origin;

Whereas Commission Regulation (EC) No 357/96<sup>(5)</sup> fixes quantities for imports of bananas into the Community for the second quarter of 1996 for imports originating in the ACP States under the traditional quantities imported;

Whereas, for Cameroon and Côte d'Ivoire the quantities requested for traditional imports of ACP bananas during the second quarter of 1996 are higher than the quantities fixed by Regulation (EC) No 357/96; whereas, as a result, a single reduction percentage should be fixed for each

application indicating this country of origin pursuant to Article 16 (2) of Regulation (EEC) No 1442/93;

Whereas, according to information held by the Commission, import licence applications covering quantities substantially exceeding those available and exceeding those fixed for the second quarter have been submitted in respect of Somalia; whereas, moreover, those applications are accompanied by documents certifying origin issued by a variety of bodies; whereas, since the reliability of such documents is doubtful and cannot authorize imports under the requisite conditions, a reducing factor should not be fixed under the present circumstances;

Whereas this Regulation should take effect without delay in order to allow licences to be issued as quickly as possible,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the second quarter of 1996, as regards licence applications for traditional imports of bananas originating in the ACP States, import licences shall be issued:

- for the quantity indicated in the licence application, multiplied by reduction coefficients of 0,9999 and 0,9999 for applications indicating the origins 'Cameroon' and 'Côte d'Ivoire';
- in the case of applications indicating other origins, for the quantities indicated in the application.

*Article 2*

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

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

Done at Brussels, 19 March 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(3)</sup> OJ No L 142, 12. 6. 1993, p. 6.

<sup>(4)</sup> OJ No L 117, 24. 5. 1995, p. 14.

<sup>(5)</sup> OJ No L 50, 29. 2. 1996, p. 19.

## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 619/96  
of 25 March 1996**

**amending 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 ACP States or in the overseas countries and territories (OCT)**

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 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> provides for concessions on imports of agricultural products originating in ACP States;

Whereas Articles 3 and 4a of the said Regulation lay down the arrangements applying to imports of beef from Namibia; whereas the quantities of meat were specified for five calendar years, i. e. up to 31 December 1995; whereas, in order not to disrupt the flow of trade from Namibia to the Community, the arrangements should be extended until 31 December 1996;

Whereas, under Article 16 of the aforementioned Regulation, 400 tonnes of seedless table grapes may be imported between 1 December and 31 January free of *ad valorem* duties; whereas Namibia has requested a concession for a further 600 tonnes to apply from 1 to 31 January;

Whereas, on account of the economic importance of seedless table grapes for the ACP States, an extra 400 tonnes should be granted exemption from *ad valorem* duties,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 715/90 is hereby amended as follows:

1. Article 4a shall be replaced by the following:

*'Article 4a*

1. Article 3 shall apply to Namibia in respect of the following quantities of boneless meat:

for the first and second calendar years:	10 500 tonnes,
for the third, fourth and fifth calendar years:	13 000 tonnes,
for the sixth calendar year :	13 000 tonnes.

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85. Regulation as last amended by Regulation (EC) No 2484/94 (OJ No L 265, 15. 10. 1994, p. 3).

2. Article 4 (2) and (3) shall also apply to Namibia. For these purposes, the quantities given in paragraph 1 shall be added to the amount stated in Article 4 (2) and (3).'

2. The entry in Article 16 for fresh or dried grapes shall be replaced by the following:

0806	Grapes, fresh or dried:		
0806 10	- Fresh:		
	- - Table grapes:		
	- - - from 1 January to 14 July		
ex 0806 10 29	- - - - Other:		
	- Seedless table grapes:		
	- from 1 to 31 January	100	TQ 400
	- from 1 February to 31 March	100	RQ 100
	- - - from 21 November to 31 December		
ex 0806 10 69	- - - - Other:		
	- Seedless table grapes:		
	- from 1 to 31 December	100	TQ 400'

#### 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 1996.

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

Done at Brussels, 25 March 1996.

*For the Council*

*The President*

S. AGNELLI

**COMMISSION REGULATION (EC) No 822/96**  
of 3 May 1996

**on the exceptional allocation of a quantity additional to the tariff quota for imports of bananas during the second quarter of 1996 as a result of tropical storms Iris, Luis and Marilyn**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas <sup>(1)</sup>, as last amended by Regulation (EC) No 3290/94 <sup>(2)</sup>, and in particular Articles 16 (3), 20 and 30 thereof,

Whereas Commission Regulation (EEC) No 1442/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 1164/95 <sup>(4)</sup>, lays down the detailed rules for applying the arrangements for importing bananas into the Community;

Whereas in August and September 1995 the tropical storms Iris, Luis and Marilyn caused severe damage to the banana plantations in the Community regions of Martinique and Guadeloupe and in the ACP States of Saint Vincent, Saint Lucia and Dominica; whereas the effects of these exceptional circumstances on production in Guadeloupe and Dominica will be felt until July 1996 and will greatly affect imports and supplies to the Community markets during the second quarter of 1996; whereas this is likely to cause an appreciable increase in market prices in certain regions of the Community;

Whereas Article 16 (3) of Regulation (EEC) No 404/93 stipulates that where necessary, in particular to take account of the effects of exceptional circumstances affecting production or import conditions, the forecast supply balance may be adjusted and, in such a case, the tariff quota is adapted;

Whereas the adaptation of the tariff quota must permit adequate supplies to the Community market during the second quarter of 1996 and provide compensation to operators who include or directly represent banana producers who suffered damage and who, in addition, in the absence of appropriate measures, risk losing their traditional outlets on the Community market on a long-term basis;

Whereas the measures to be taken should have a specific transitional nature, within the meaning of Article 30 of

Regulation (EEC) No 404/93; whereas, prior to the entry into force of the new common market organization on 1 July 1993, existing national market organizations, in order to cope with urgent cases or exceptional circumstances such as the tropical storms cited above, included provisions ensuring supplies to the market from other suppliers while safeguarding the interests of operators who are victims of such exceptional events;

Whereas also, under the Uruguay Round of multilateral trade negotiations, the Community negotiated an agreement which provides for the implementation of a provision for the reallocation of supplies which is intended to overcome such exceptional circumstances and which will safeguard the interests of operators in the supplier countries which have suffered such damage; whereas this agreement applies from 1 January 1995;

Whereas the Community producer regions and the ACP States which suffer such exceptional circumstances should be able to benefit from comparable measures; whereas the measures should include the granting of the right to import in compensation third-country bananas and non-traditional ACP bananas for the benefit of the operators who directly suffered damage as a result of the impossibility of supplying the Community market with bananas originating in affected producer regions; whereas, in addition, provision should be made for the quantities marketed on the Community market pursuant to this measure to be taken into consideration, in due course, for determining the reference quantities for the operators concerned for the tariff quotas for future years; whereas these measures should be to the benefit of the operators who have directly suffered actual damage, without the possibility of compensation, and as a function of the extent of the damage;

Whereas the competent authorities in the Member States where the operators concerned are established are the only authorities capable of determining those who should benefit from the measure in view of their experience and their knowledge of the actual characteristics of the trade in question and to assess the damage on the basis of the supporting documentation provided by the operators;

Whereas, in view of their objectives, the provisions of this Regulation must enter into force immediately;

Whereas the Management Committee for Bananas has not delivered an opinion within the time limit set by its chairman,

<sup>(1)</sup> OJ No L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(3)</sup> OJ No L 142, 12. 6. 1993, p. 6.

<sup>(4)</sup> OJ No L 117, 24. 5. 1995, p. 14.

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The tariff quota fixed for 1996 is increased by an additional quantity of 21 090 tonnes (net weight).
2. This additional quantity of 21 090 tonnes (net weight) shall be allocated to the operators determined in accordance with Article 2 below as follows:
  - (a) 12 340 tonnes for operators supplying the Community with bananas produced in Guadeloupe;
  - (b) 8 750 tonnes for operators supplying the Community with bananas produced in Dominica.

*Article 2*

1. The quantities referred to in Article 1 (2) shall be allocated to the operators who:
  - include or directly represent banana producers affected by the tropical storms Iris, Luis and Marilyn,
  - and who, during the second quarter of 1996, are unable to supply, on their own account, the Community market with bananas originating in the regions or countries referred to in Article 1 (2) on account of the damage caused by these tropical storms.
2. The competent authorities in the Member States concerned shall determine the beneficiary operators who meet the requirements of paragraph 1 and shall make an allocation to each of them pursuant to this Regulation on the basis of:
  - the quantities allocated to the producer regions or countries referred to in Article 1 (2), and of
  - the damage sustained as a result of the tropical storms Iris, Luis and Marilyn.

3. The competent authorities shall assess the damage sustained on the basis of all supporting documents and information collected from the operators concerned.

*Article 3*

1. The Member States concerned shall inform the Commission by 13 May 1996 at the latest of the quantities of bananas for which a proposal for an allocation pursuant to this Regulation has been made.
2. If the overall quantity for which proposals for allocations in connection with the tropical storms Iris, Luis and Marilyn are made exceeds the quantity additional to the tariff quota fixed in Article 1 (1), the Commission shall fix a uniform percentage reduction to be applied to all allocations.
3. Tropical storms Iris, Luis and Marilyn import licences shall be issued not later than 21 May 1996 and shall be valid until 7 July 1996.

The words 'Tropical storms Iris, Luis and Marilyn licence' shall be entered in box 20 of the licence.

*Article 4*

The quantities of bananas released for free circulation issued in accordance with this Regulation on the basis of tropical storms Iris, Luis and Marilyn import licences shall be taken into consideration for the purpose of determining the reference quantity of each operator concerned, as regards 1996, for the application of Articles 3 to 6 of Regulation (EEC) No 1442/93.

*Article 5*

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, 3 May 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## COMMISSION REGULATION (EC) No 871/96

of 14 May 1996

amending Regulation (EEC) No 2245/90 laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes 0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

kind used in animal feed covered by CN codes 2309 10 11 and 2309 10 31;

Having regard to the Treaty establishing the European Community,

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

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>, and in particular Article 3 (1) thereof,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2245/90 is amended as follows:

Having regard to Council Regulation (EC) No 3093/95 of 22 December 1995 fixing the customs duties to be applied by the Community as a result of the negotiations conducted under Article XXIV (6) of the GATT following the accession of Austria, Finland and Sweden to the European Union<sup>(2)</sup>, and in particular Article 5 thereof,

1. Article 1 is amended as follows:

(a) Paragraphs 2 and 3 are replaced by the following:

'2. Without prejudice to paragraph 1, the reduced customs duties set out in the Annex on imports of the products designated below and originating in the ACP States shall be reduced by:

- ECU 2,19 per 1 000 kg in the case of products covered by CN codes 0714 10 99 and ex 0714 90 19, with the exception of arrowroot,
- ECU 4,38 per 1 000 kg in the case of products covered by CN codes 0714 10 10 and ex 1106 20, with the exception of arrowroot flour and meal,
- 50 % in the case of products covered by CN codes 1108 14 00 and ex 1108 19 90, with the exception of arrowroot starch.

Whereas Commission Regulation (EC) No 2023/95 of 21 August 1995 adapting by way of a temporary measure the special arrangements for importing cereal substitute products and processed cereal and rice products as provided for in Regulation (EEC) No 2245/90 with a view to the implementation of the Agreement on agriculture concluded during the Uruguay Round of multilateral trade negotiations<sup>(3)</sup>, adapts as a temporary measure Commission Regulation (EEC) No 2245/90<sup>(4)</sup>; whereas it appears that some or all of the language versions of that Regulation contain errors; whereas, in particular, the Annex to Regulation (EC) No 2023/95 has not been added to Regulation (EEC) No 2245/90; whereas the corrected version of the Annex must be added to that Regulation;

3. Notwithstanding paragraph 1, the customs duties on imports of the following products originating in the ACP States shall not be levied thereon:

- sweet potatoes covered by CN code 0714 20 10,
- products covered by CN code 0714 10 91,
- arrowroot covered by CN code ex 0714 90,
- arrowroot flour and meal covered by CN code ex 1106 20,
- arrowroot starch covered by CN code ex 1108 19 90.'

Whereas Article 4 (1) of Regulation (EC) No 3093/95 lowers to zero the rates of duties for preparations of a

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(2)</sup> OJ No L 334, 30. 12. 1995, p. 1.

<sup>(3)</sup> OJ No L 198, 23. 8. 1995, p. 15.

<sup>(4)</sup> OJ No L 203, 1. 8. 1990, p. 47.

(b) The following paragraph 4 is added:

'4. Notwithstanding paragraph 1, the customs duties on imports of the following products shall not be levied thereon from 1 January 1996:

— Preparations of a kind used in animal feed covered by CN codes 2309 10 11 and 2309 10 31.'

2. The Annex to this Regulation is added.

*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 1995 to 30 June 1996.

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

Done at Brussels, 14 May 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX

CN code	Description	Applicable
1	2	3
0714	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets; sago pith:	
0714 10	-- Manioc (cassava)	
0714 10 10	-- Pellets of flour and meal	ECU 13,5/100 kg/net
	-- Other:	
ex 0714 10 91	-- -- Of a kind used for human consumption in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	ECU 13,9/100 kg/net
0714 10 99	-- -- Other	ECU 13,5/100 kg/net
0714 90	-- Other:	
	-- Arrowroot, salep and similar roots and tubers with high starch content:	
ex 0714 90 11	-- -- Of a kind used for human consumption, in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	ECU 13,9/100 kg/net
0714 90 19	-- -- Other	ECU 13,5/100 kg/net
1102	Cereal flours other than that of wheat or meslin ('):	
1102 20	-- Maize (corn) flour	
1102 20 10	-- -- Of a fat content not exceeding 1,5 % by weight	ECU 247,4/tonne
1102 20 90	-- -- Other	ECU 140,2/tonne
1102 30 00	-- Rice flour	ECU 198,5/tonne
1102 90	-- Other:	
1102 90 10	-- -- Barley flour	ECU 243,7/tonne
1102 90 30	-- -- Oat flour	ECU 234,3/tonne
1102 90 90	-- -- Other	ECU 140,2/tonne
1103	Cereal groats, meal and pellets ('):	
	-- Groats and meal:	
1103 12 00	-- -- Of oats	ECU 234,3/tonne
1103 13	-- -- Of maize (corn):	
1103 13 10	-- -- -- Of a fat content not exceeding 1,5 % by weight	ECU 247,4/tonne
1103 13 90	-- -- -- Other	ECU 140,2/tonne
1103 14 00	-- -- Of rice	ECU 198,5/tonne
1103 19	-- -- Of other cereals:	
1103 19 10	-- -- -- Of rye	ECU 243,7/tonne
1103 19 30	-- -- -- Of barley	ECU 243,7/tonne
1103 19 90	-- -- -- Other	ECU 140,2/tonne
	-- Pellets:	
1103 21 00	-- -- Of wheat	ECU 250,3/tonne
1103 29	-- -- Of other cereals:	
1103 29 10	-- -- -- Of rye	ECU 243,7/tonne
1103 29 20	-- -- -- Of barley	ECU 243,7/tonne
1103 29 30	-- -- -- Of oats	ECU 234,3/tonne
1103 29 40	-- -- -- Of maize	ECU 247,4/tonne
1103 29 50	-- -- -- Of rice	ECU 198,5/tonne
1103 29 90	-- -- -- Other	ECU 140,2/tonne



CN code	Description	Applicable
1	2	3
1104	Cereal grains otherwise worked (for example, hulled, rolled, flaked, pearled, sliced or kibbled), except rice of heading No 1006: germ of cereals, whole, rolled, flaked or ground (1):	
	– Rolled or flaked grains:	
1104 11	– – Of barley:	
1104 11 10	– – – Rolled	ECU 138,3/tonne
1104 11 90	– – – Flaked	ECU 270,9/tonne
1104 12	– – Of oats:	
1104 12 10	– – – Rolled	ECU 132,7/tonne
1104 12 90	– – – Flaked	ECU 260,6/tonne
1104 19	– – Of other cereals:	
1104 19 10	– – – Of wheat	ECU 250,3/tonne
1104 19 30	– – – Of rye	ECU 243,7/tonne
1104 19 50	– – – Of maize	ECU 247,4/tonne
	– – – Other:	
1104 19 91	– – – – Flaked rice	ECU 336,7/tonne
1104 19 99	– – – – Other	ECU 247,4/tonne
	– Other worked grains (for example, hulled, pearled, sliced or kibbled):	
1104 21	– – Of barley:	
1104 21 10	– – – Hulled (shelled or husked)	ECU 217,3/tonne
1104 21 30	– – – Hulled and sliced or kibbled ('Grütze' or 'grutten')	ECU 217,3/tonne
1104 21 50	– – – Pearled	ECU 339,6/tonne
1104 21 90	– – – Not otherwise worked than kibbled	ECU 138,3/tonne
1104 21 99	– – – Other	ECU 138,3/tonne
1104 22	– – Of oats:	
1104 22 20	– – – Hulled (shelled or husked)	ECU 234,2/tonne
1104 22 30	– – – Hulled and sliced or kibbled ('Grütze' or 'grutten')	ECU 234,2/tonne
1104 22 50	– – – Pearled	ECU 208,8/tonne
1104 22 90	– – – Not otherwise worked than kibbled	ECU 132,7/tonne
1104 22 92	– – – Clipped	ECU 132,7/tonne
1104 22 99	– – – Other	ECU 132,7/tonne
1104 23	– – Of maize:	
1104 23 10	– – – Hulled (shelled or husked), whether or not sliced or kibbled	ECU 220,1/tonne
1104 23 30	– – – Pearled	ECU 220,1/tonne
1104 23 90	– – – Not otherwise worked than kibbled	ECU 140,2/tonne
1104 23 99	– – – Other	ECU 140,2/tonne
1104 29	– – Of other cereals:	
	– – – Hulled (shelled or husked) whether or not sliced or kibbled:	
1104 29 11	– – – – Of wheat	ECU 185,3/tonne
1104 29 15	– – – – Of rye	ECU 185,3/tonne
1104 29 19	– – – – Other	ECU 185,3/tonne
	– – – Pearled:	
1104 29 31	– – – – Of wheat	ECU 222,9/tonne
1104 29 35	– – – – Of rye	ECU 222,9/tonne
1104 29 39	– – – – Other	ECU 222,9/tonne

CN code	Description	Applicable
1	2	3
	--- Not otherwise worked than kibbled:	
1104 29 51	---- Of wheat	ECU 142,1/tonne
1104 29 55	---- Of rye	ECU 138,3/tonne
1104 29 59	---- Other	ECU 140,2/tonne
	--- Other:	
1104 29 81	---- Of wheat	ECU 142,1/tonne
1104 29 85	---- Of rye	ECU 138,3/tonne
1104 29 89	---- Other	ECU 140,2/tonne
1104 30	- Germ of cereals, whole, rolled, flaked or ground:	
1104 30 10	-- Of wheat	ECU 103,6/tonne
1104 30 90	-- Other	ECU 102,7/tonne
1106	Flour and meal of the dried leguminous vegetables of heading No 0713, of sago or of roots or tubers of heading No 0714 or of the products of Chapter 8:	
1106 20	- Of sago, roots or tubers of heading No 0714:	
1106 20 10	-- Denatured (?)	ECU 135,5/tonne
1106 20 90	-- Other	ECU 219,6/tonne
1108	Starches; inulin:	
	- Starches:	
1108 11 00	-- Wheat starch	ECU 304,2/tonne
1108 12 00	-- Maize (corn) starch	ECU 219,6/tonne
1108 13 00	-- Potato starch	ECU 219,6/tonne
1108 14 00	-- Manioc (cassava) starch	ECU 219,6/tonne
1108 19	-- Other starches:	
1108 19 10	---- Rice starch	ECU 280,5/tonne
1108 19 90	---- Other	ECU 219,6/tonne
1109 00 00	Wheat gluten, whether or not dried	ECU 533/tonne
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:	
1702 30	- Glucose and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose:	
	-- Other:	
	--- Other:	
1702 30 51	---- In the form of white crystalline powder, whether or not agglomerated	ECU 27,6/100 kg/net
1702 30 59	---- Other	ECU 21,3/100 kg/net
1702 30 91	---- In the form of white crystalline powder, whether or not agglomerated	ECU 27,6/100 kg/net
1702 30 99	---- Other	ECU 21,3/100 kg/net
1702 40	- Glucose and glucose syrup, containing in the dry state at least 20 % but less than 50 % by weight of fructose:	
1702 40 90	-- Other	ECU 21,3/100 kg/net
1702 90	- Other, including invert sugar:	
1702 90 50	-- Maltodextrine and maltodextrine syrup	ECU 21,3/100 kg/net
	-- Caramel:	
	--- Other:	
1702 90 75	---- In the form of powder, whether or not agglomerated	ECU 29/100 kg/net
1702 90 79	---- Other	ECU 20,2/100 kg/net

CN code	Description	Applicable
1	2	3
2106	Food preparations not elsewhere specified or included:	
2106 90	- Other:	
	- - Flavoured or coloured sugar syrups:	
	- - - Other:	
2106 90 55	- - - - Glucose syrup and maltodextrine	ECU 21,2/100 kg/net
2302	Bran, sharps and other residues, whether or not in the form of pellets derived from the sifting, milling or other working of cereals or of leguminous plants:	
2302 10	- Of maize (corn):	
2302 10 10	- - With a starch content not exceeding 35 % by weight	ECU 56,7/tonne
2302 10 90	- - Other	ECU 123,5/tonne
2302 20	- Of rice:	
2302 20 10	- - With a starch content not exceeding 35 % by weight	ECU 56,7/tonne
2302 20 90	- - Other	ECU 123,5/tonne
2302 30	- Of wheat:	
2302 30 10	- - Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 % by weight	ECU 56,7/tonne (*)
2302 30 90	- - Other	ECU 123,5/tonne (*)
2302 40	- Of other cereals:	
2302 40 10	- - Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 % by weight	ECU 56,7/tonne (*)
2302 40 90	- - Other	ECU 123,5/tonne (*)
2303	Residues of starch manufacture and similar residues, beet-pulp, bagasse and other waste of sugar manufacture, brewing or distilling dregs and waste, whether or not in the form of pellets:	
2303 10	- Residues of starch manufacture and similar residues:	
2303 10 11	- - Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product:	
	- - - exceeding 40 % by weight	ECU 251/tonne
2309	Preparations of a kind used in animal feeding:	
ex 2309 10	- Dog or cat food, put up for retail sale:	
	- - Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products:	
	- - - Containing starch, glucose, syrup, maltodextrine or maltodextrine syrup:	
	- - - - Containing no starch or containing 10 % or less by weight of starch:	

CN code	Description	Applicable
1	2	3
2309 10 11	--- -- Containing no milk products or containing less than 10 % by weight of such products	ECU 22,9/tonne
2309 10 13	--- -- Containing not less than 10 % but less than 50 % by weight of milk products	ECU 720,4/tonne
2309 10 31	--- -- Containing no milk products or containing less than 10 % by weight of such products	ECU 69,9/tonne
2309 10 33	--- -- Containing not less than 10 % but less than 50 % by weight of milk products	ECU 767,4/tonne
2309 10 51	--- -- Containing no milk products or containing less than 10 % by weight of such products	ECU 138,6/tonne
2309 10 53	--- -- Containing not less than 10 % but less than 50 % by weight of milk products	ECU 837/tonne
ex 2309 90	--- Other:	
	--- -- Other:	
	--- -- Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702.30 51 to 1702.30 99, 1702.40 90, 1702.90 50 and 2106.90 55 or milk products:	
	--- -- Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine-syrup:	
	--- -- Containing no starch or containing 10 % or less by weight of starch:	
2309 90 31	--- -- Containing no milk products or containing less than 10 % by weight of such products	ECU 22,9/tonne
2309 90 33	--- -- Containing not less than 10 % but less than 50 % by weight of milk products	ECU 720,4/tonne
2309 90 41	--- -- Containing no milk products or containing less than 10 % by weight of such products	ECU 69,9/tonne
2309 90 43	--- -- Containing not less than 10 % but less than 50 % by weight of milk products	ECU 767,4/tonne
2309 90 51	--- -- Containing no milk products or containing less than 10 % by weight of such products	ECU 138,6/tonne
2309 90 53	--- -- Containing not less than 10 % but less than 50 % by weight of milk products	ECU 837/tonne

(<sup>1</sup>) For the purpose of distinguishing between products covered by CN codes 1102, 1103 and 1104 and those covered by CN codes 2302 10 and 2302 40, products covered by CN codes 1102, 1103 and 1104 are those having both of the following:

- a starch content (determined by the modified Ewers polarimetric method) exceeding 45 % by weight referred to dry matter,
- an ash content by weight, referred to dry matter (after deduction of any added mineral matter), not exceeding 1,6 % for rice, 2,5 % for wheat and rye, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Genm of cereals, whether or not in the form of flour, is covered in all cases by CN codes 1101 00 00 and 1102.

(<sup>2</sup>) Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

## COMMISSION REGULATION (EC) No 982/96

of 31 May 1996

**amending Regulation (EC) No 2942/95 opening and providing for the administration of Community tariff quotas 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 (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 (ACP) States or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Whereas Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(3)</sup> has been amended by Commission Regulation (EC) No 3009/95 <sup>(4)</sup>;

Whereas by Regulation (EC) No 2942/95 <sup>(5)</sup> the Commission opened Community tariff quotas for certain agricultural products at a reduced rate of duty;

Whereas in the light of the outcome of the negotiations within GATT, the rates of duty of certain products listed in the table to Regulation (EC) No 2942/95 have been amended; whereas by Regulation (EC) No 619/96 an additional quantity of 400 tonnes of table grapes was granted for the period 1 to 31 January of each year, starting on 1 January 1996;

Whereas the rates of duty and the additional rates for the products covered by the Regulation concerned are likely to be amended in future years; whereas in the interests of improving the management of the relevant Community rules, legislation should be established on a multiannual basis in which the *ad valorem* rates of duty would be automatically reduced by 50 % in parallel with developments of the customs duties contained in the combined nomenclature;

Whereas, therefore, Regulation (EC) No 2942/95 should be amended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The table contained in Regulation (EC) No 2942/95 is replaced by the table below:

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 256, 7. 9. 1987, p. 1.

<sup>(4)</sup> OJ No L 319, 30. 12. 1995, p. 1.

<sup>(5)</sup> OJ No L 308, 21. 12. 1995, p. 9.

Order No	CN code	Taric Subdivision	Description	Volume (in tonnes)	Quota duty (%)
09.1610	0808 10 10		Apples, fresh from 1 January to 31 December	1 000	50 % of the <i>ad valorem</i> duty of the CN + the specific additional duty (if it exists)
	0808 10 51	10 20 30 40 50 60			
	0808 10 53	10 20 30 40 50 60			
	0808 10 59	10 20 30 40 50 60			
	0808 10 61	10 20 30 40 50 60 70 80			
	0808 10 63	10 20 30 40 50 60 70 80			
	0808 10 69	10 20 30 40 50 60 70 80			
	0808 10 71	10 20 30 40 50 60			
	0808 10 73	10 20 30 40 50 60			

Order No	CN code	Taric Subdivision	Description	Volume (in tonnes)	Quota duty (%)
09.1610 (cont'd)	0808 10 79	10			
		20			
		30			
		40			
		50			
		60			
	0808 10 92	10			
		20			
		30			
		40			
		50			
		60			
	0808 10 94	10			
		20			
		30			
		40			
50					
60					
0808 10 98	10				
	20				
	30				
	40				
	50				
	60				
09.1612	0808 20 10		Pears, fresh from 1 January to 31 December	1 000	50 % of the <i>ad valorem</i> duty of the CN + the specific additional duty (if it exists)
	0808 20 31	11			
		12			
		13			
		14			
		15			
		16			
	0808 20 37	11			
		12			
		13			
		14			
		15			
		16			
		17			
		18			
	0808 20 41	11			
		19			
		51			
		59			
	0808 20 47	10			
		20			
		30			
		40			
		50			
60					
0808 20 51	10				
	20				
	30				
	40				
	50				
	60				

Order No	CN code	Taric Subdivision	Description	Volume (in tonnes)	Quota duty (%)
09.1612 (cont'd)	0808 20 57	10			
		20			
		30			
		40			
		50			
		60			
	0808 20 67	10			
		20			
		30			
		40			
		50			
		60			
09.1615	ex 0806 10 29	11	Seedless table grapes, from 1 to 31 January of each year	400	Exemption from the <i>ad valorem</i> duty of the CN
	ex 0806 10 69	81	From 1 to 31 December of each year	400	Exemption from the <i>ad valorem</i> duty of the CN'

*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 with effect from 1 January 1996.

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

Done at Brussels, 31 May 1996.

*For the Commission*  
Mario MONTI  
*Member of the Commission*



**COMMISSION REGULATION (EC) No 1226/96**  
of 28 June 1996

**amending Regulation (EC) No 865/90 laying down detailed rules for the application of the special arrangements for imports of grain sorghum and millet originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) in order to implement the agreement on agriculture concluded during the Uruguay Round of negotiations**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the Agreements concluded during the Uruguay Round of multilateral trade negotiations<sup>(1)</sup>, amended by Regulation No 1193/96<sup>(2)</sup>, and in particular Article 3 (1) thereof,

Whereas in order to take account of the existing import arrangements in the cereals sector and those resulting from the Agreement on Agriculture concluded during the Uruguay Round of the multilateral trade negotiations, transitional measures are needed to adjust the preferential concessions in the form of exemption from the import levy on certain cereal products from the ACP States and the OCT;

Whereas the period for the adoption of transitional measures was extended until 30 June 1997 by Regulation (EC) No 1193/96 extending the period for the adoption of the transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations; whereas, pending the adoption by the Council of definitive measures, application of the measures provided for by Regulation (EEC) No 865/90 should be extended until 30 June 1997;

Whereas Commission Regulation (EEC) No 865/90<sup>(3)</sup>, as amended by Regulation (EC) No 1420/95<sup>(4)</sup>, lays down detailed rules for the application of the preferential conditions reducing the import levy for quotas of sorghum and millet;

Whereas, given that the levies were replaced by customs duties and the advance fixing of the import charge was

abolished on 1 July 1995, the transitional adjustment of those provisions should be extended;

Whereas the rates of duties of the customs tariff within the abovementioned quotas are those applicable on the day that the declaration of release for free circulation of the import is accepted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 865/90 is hereby amended as follows for the marketing year 1996/97;

1. 'levy' is replaced by 'duty' each time that it appears;
2. the last sentence of Article 2 (b) and the last sentence of Article 4 (b) are deleted;
3. Article 3 (b) is replaced by the following:

(b) the letters "ACP" or "OCT" as the case may be in Section 8.

The licence shall oblige to import from the countries specified. The import duty shall not be increased or adjusted.'

*Article 2*

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

It shall apply from 1 July 1996 to 30 June 1997.

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 105.

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

<sup>(3)</sup> OJ No L 90, 5. 4. 1990, p. 16.

<sup>(4)</sup> OJ No L 141, 24. 6. 1995, p. 9.

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

Done at Brussels, 28 June 1996.

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

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## COMMISSION REGULATION (EC) No 1313/96

of 8 July 1996

amending Regulation (EEC) No 2245/90 laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes 0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations<sup>(1)</sup>, as amended by Regulation (EC) No 1193/96<sup>(2)</sup>, and in particular Article 3 (1) thereof,

Whereas Commission Regulation (EEC) No 2245/90<sup>(3)</sup>, as last amended by Regulation (EC) No 871/96<sup>(4)</sup>, lays down transitional measures, applicable until 30 June 1996, to facilitate the transition to the arrangements for importing cereal substitute products and processed cereal and rice products as provided for in Regulation (EEC) No 2245/90 with a view to the implementation of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations;

Whereas the period for taking the transitional measures was extended to 30 June 1997 by Regulation (EC) No 1193/96 extending the period for taking the transitional measures necessary in the agricultural sector to implement the agreements concluded under the Uruguay Round of multilateral trade negotiations; whereas, pending the adoption by the Council of a definitive measure, the aforementioned measures should be extended until 30 June 1997;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2245/90 is hereby amended as follows:

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(2)</sup> OJ No L 161, 29. 6. 1996, p. 1.

<sup>(3)</sup> OJ No L 203, 1. 8. 1990, p. 47.

<sup>(4)</sup> OJ No L 118, 15. 5. 1996, p. 3.

1. Article 1 is replaced by the following Articles:

*Article 1*

1. For the purposes of Article 14 (1) of Council Regulation (EEC) No 715/90<sup>(5)</sup>, the customs duties on imports of products listed in Annex A to Regulation (EEC) No 1766/92 and Article 1 (1) (c) of Regulation (EEC) No 1418/76 and originating in the ACP States shall be as set out in the Annex hereto.

2. Without prejudice to paragraph 1, the reduced customs duties listed in the Annex hereto on imports of the products designated hereinunder and originating in the ACP States shall be reduced by:

- ECU 2,19 per 1 000 kg in the case of products falling within CN codes 0714 10 99 and ex 0714 90 19, with the exception of arrowroot,
- ECU 4,38 per 1 000 kg in the case of products falling within CN codes 0714 10 10 and ex 1106 20, with the exception of arrowroot flour and meal,
- 50 % in the case of products falling within CN codes 1108 14 00 and ex 1108 19 90, with the exception of arrowroot starch.

3. Notwithstanding paragraph 1, the customs duties on imports of the following products originating in the ACP States shall not be levied thereon:

- sweet potatoes falling within CN code 0714 20 10,
- products falling within CN code 0714 10 91,
- arrowroot falling within CN code 0714 90 11 and ex 0714 90 19,
- arrowroot flour and meal falling within CN code ex 1106 20,
- arrowroot starch falling within CN code ex 1108 19 90.

*Article 1a*

The detailed rules for the application of the import arrangements shall be as set out in Articles 2 to 8 as regards:

- products falling within CN codes 0714 10 91 and 0714 90 11 originating in the ACP States and imported into the Community (Title I),
- products falling within CN code 0714 90 11 originating in the ACP States or the OCT and imported into the French overseas territories (Title II).

<sup>(5)</sup> OJ No L 84, 30. 3. 1990, p. 85.

2. In Articles 2 (2) and 4 (3), the words 'import duty' are replaced by 'Common Customs Tariff customs duty' each time they appear.

3. The Annex to this Regulation is added.

*Article 2*

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

It shall apply from 1 July 1996 to 30 June 1997.

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

Done at Brussels, 8 July 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX

CN code	Description	Customs duty applicable
(1)	(2)	(3)
0714	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets; sago pith:	
0714 10	– Manioc (cassava):	
0714 10 10	– – Pellets of flour and meal	ECU 12,6/100kg/net
	– – Other:	
0714 10 91	– – – Of a kind used for human consumption in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	ECU 13/100kg/net
0714 10 99	– – – Other	ECU 12,6/100kg/net
0714 90	– Other:	
	– – Arrowroot, salep and similar roots and tubers with high starch content:	
0714 90 11	– – – Of a kind used for human consumption, in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	ECU 13/100kg/net
0714 90 19	– – – Other:	ECU 12,6/100kg/net
1102	Cereal flour other than that of wheat or meslin (1):	
1102 20	– Maize (corn) flour	
1102 20 10	– – Of a fat content not exceeding 1,5 % by weight	ECU 231,2/tonne
1102 20 90	– – Other	ECU 131/tonne
1102 30 00	– Rice flour	ECU 185,6/tonne
1102 90	– Other:	
1102 90 10	– – Barley flour	ECU 227,7/tonne
1102 90 30	– – Oat flour	ECU 218,9/tonne
1102 90 90	– – Other	ECU 131/tonne
1103	Cereal groats, meal and pellets (1):	
	– Groats and meal:	
1103 12 00	– – Of oats	ECU 218,9/tonne
1103 13	– – Of maize (corn):	
1103 13 10	– – – Of a fat content not exceeding 1,5 % by weight	ECU 231,2/tonne
1103 13 90	– – – Other	ECU 131/tonne
1103 14 00	– – Of rice	ECU 185,6/tonne
1103 19	– – Of other cereals:	
1103 19 10	– – – Of rye	ECU 227,7/tonne
1103 19 30	– – – Of barley	ECU 227,7/tonne
1103 19 90	– – – Other	ECU 131/tonne
	– Pellets:	
1103 21 00	– – Of wheat	ECU 233,8/tonne
1103 29	– – Of other cereals:	
1103 29 10	– – – Of rye	ECU 227,7/tonne

CN code	Description	Customs duty applicable
(1)	(2)	(3)
1103 29 20	--- Of barley	ECU 227,7/tonne
1103 29 30	--- Of oats	ECU 218,9/tonne
1103 29 40	--- Of maize	ECU 231,2/tonne
1103 29 50	--- Of rice	ECU 185,6/tonne
1103 29 90	--- Other	ECU 131/tonne
1104	Cereal grains otherwise worked (for example, hulled, rolled, flaked, pearled, sliced or kibbled), except rice of heading No 1006: germ of cereals, whole, rolled, flaked or ground (1):	
	- Rolled or flaked grains:	
1104 11	- - Of barley:	
1104 11 10	- - - Rolled	ECU 129,3/tonne
1104 11 90	- - - Flaked	ECU 253,2/tonne
1104 12	- - Of oats:	
1104 12 10	- - - Rolled	ECU 124/tonne
1104 12 90	- - - Flaked	ECU 243,5/tonne
1104 19	- - Of other cereals:	
1104 19 10	- - - Of wheat	ECU 233,8/tonne
1104 19 30	- - - Of rye	ECU 227,7/tonne
1104 19 50	- - - Of maize	ECU 231,2/tonne
	- - - Other:	
1104 19 91	- - - - Flaked rice	ECU 314,8/tonne
1104 19 99	- - - - Other	ECU 231,2/tonne
	- Other worked grains (for example, hulled, pearled, sliced or kibbled):	
1104 21	- - Of barley:	
1104 21 10	- - - Hulled (shelled or husked)	ECU 203,2/tonne
1104 21 30	- - - Hulled and sliced or kibbled ('Grütze' or 'grutten')	ECU 203,2/tonne
1104 21 50	- - - Pearled	ECU 317,4/tonne
1104 21 90	- - - Not otherwise worked than kibbled	ECU 129,3/tonne
1104 21 99	- - - Other	ECU 129,3/tonne
1104 22	- - Of oats:	
1104 22 20	- - - Hulled (shelled or husked)	ECU 219/tonne
1104 22 30	- - - Hulled and sliced or kibbled ('Grütze' or 'grutten')	ECU 219/tonne
1104 22 50	- - - Pearled	ECU 195,3/tonne
1104 22 90	- - - Not otherwise worked than kibbled:	ECU 124/tonne
1104 22 92	- - - - Clipped	ECU 124/tonne
1104 22 99	- - - - Other	ECU 124/tonne
1104 23	- - Of maize:	
1104 23 10	- - - Hulled (shelled or husked), whether or not sliced or kibbled	ECU 205,8/tonne
1104 23 30	- - - Pearled	ECU 205,8/tonne
1104 23 90	- - - Not otherwise worked than kibbled	ECU 131/tonne
1104 23 99	- - - Other	ECU 131/tonne
1104 29	- - Of other cereals	
	- - - Hulled (shelled or husked) whether or not sliced or kibbled:	

CN code	Description	Customs duty applicable
(1)	(2)	(3)
1104 29 11	— — — — Of wheat	ECU 173,3/tonne
1104 29 15	— — — — Of rye	ECU 173,3/tonne
1104 29 19	— — — — Other	ECU 173,3/tonne
	— — — Pearled:	
1104 29 31	— — — — Of wheat	ECU 208,5/tonne
1104 29 35	— — — — Of rye	ECU 208,5/tonne
1104 29 39	— — — — Other	ECU 208,5/tonne
	— — — Not otherwise worked than kibbled:	
1104 29 51	— — — — Of wheat	ECU 132,8/tonne
1104 29 55	— — — — Of rye	ECU 129,3/tonne
1104 29 59	— — — — Other	ECU 131/tonne
	— — — Other:	
1104 29 81	— — — — Of wheat	ECU 132,8/tonne
1104 29 85	— — — — Of rye	ECU 129,3/tonne
1104 29 89	— — — — Other	ECU 131/tonne
1104 30	— Germ of cereals, whole, rolled, flaked or ground:	
1104 30 10	— — Of wheat	ECU 96,5/tonne
1104 30 90	— — Other	ECU 95,7/tonne
1106	Flour, meal and powder of the dried leguminous vegetables of heading No 0713, of sago or of roots or tubers of heading No 0714 or of the products of Chapter 8:	
1106 20	— Of sago or of roots or tubers of heading No 0714:	
1106 20 10	— — Denatured (*)	ECU 126,6/tonne
1106 20 90	— — Other	ECU 204/tonne
1108	Starches; inulin:	
	— Starches:	
1108 11 00	— — Wheat starch	ECU 283,2/tonne
1108 12 00	— — Maize (corn) starch	ECU 204/tonne
1108 13 00	— — Potato starch	ECU 204/tonne
1108 14 00	— — Manioc (cassava) starch	ECU 204/tonne
1108 19	— — Other starches:	
1108 19 10	— — — Rice starch	ECU 260,2/tonne
1108 19 90	— — — Other	ECU 204/tonne
1109 00 00	Wheat gluten, whether or not dried	ECU 485/tonne
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:	
1702 30	— Glucose and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose:	
	— — Other:	
	— — — Other:	
1702 30 51	— — — — In the form of white crystalline powder, whether or not agglomerated	ECU 25,1/100kg/net
1702 30 59	— — — — Other	ECU 19,5/100kg/net

CN code	Description	Customs duty Applicable
(1)	(2)	(3)
1702 30 91	— — — — In the form of white crystalline powder, whether or not agglomerated	ECU 25,1/100kg/net
1702 30 99	— — — — Other	ECU 19,5/100kg/net
1702 40	— Glucose and glucose syrup, containing in the dry state at least 20 % but less than 50 % by weight of fructose:	
1702 40 90	— — Other	ECU 19,5/100kg/net
1702 90	— Other, including invert sugar:	
1702 90 50	— — Maltodextrine and maltodextrine syrup	ECU 19,5/100kg/net
	— — Caramel:	
	— — — Other:	
1702 90 75	— — — — In the form of powder, whether or not agglomerated	ECU 26,4/100kg/net
1702 90 79	— — — — Other	ECU 18,4/100kg/net
2106	Food preparations not elsewhere specified or included:	
2106 90	— Other:	
	— — Flavoured or coloured sugar syrups:	
	— — — Other:	
2106 90 55	— — — — Glucose syrup and maltodextrine	ECU 19,5/100kg/net
2302	Bran, sharps and other residues, whether or not in the form of pellets derived from the sifting, milling or other working of cereals or of leguminous plants:	
2302 10	— Of maize (corn):	
2302 10 10	— — With a starch content not exceeding 35 % by weight	ECU 52,6/tonne
2302 10 90	— — Other	ECU 115,1/tonne
2302 20	— Of rice:	
2302 20 10	— — With a starch content no exceeding 35 % by weight	ECU 52,6/tonne
2302 20 90	— — Other	ECU 115,1/tonne
2302 30	— Of wheat:	
2302 30 10	— — Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 % by weight	ECU 52,6/tonne (1)
2302 30 90	— — Other	ECU 115,1/tonne (1)
2302 40	— Of other cereals:	
2302 40 10	— — Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 % by weight	ECU 52,6/tonne (1)
2302 40 90	— — Other	ECU 115,1/tonne (1)
2303	Residues of starch manufacture and similar residues, beet-pulp, bagasse and other waste of sugar manufacture, brewing or distilling dregs and waste, whether or not in the form of pellets:	
2303 10	— Residues of starch manufacture and similar residues:	
2303 10 11	— — Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product:	
	— — — exceeding 40 % by weight	ECU 221/tonne



CN code	Description	Customs duty Applicable
(1)	(2)	(3)
2309	Preparations of a kind used in animal feeding:	
ex 2309 10	- Dog or cat food, put up for retail sale:	
	- - Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55, or milk products:	
	- - - Containing starch, glucose, syrup, maltodextrine or maltodextrine syrup:	
	- - - - Containing no starch or containing 10 % or less by weight of starch:	
2309 10 11	- - - - - Containing no milk products or containing less than 10 % by weight of such products	exemption
2309 10 13	- - - - - Containing not less than 10 % but less than 50 % by weight of milk products	ECU 673,7
2309 10 31	- - - - - Containing no milk products or containing less than 10 % by weight of such products	exemption
2309 10 33	- - - - - Containing not less than 10 % but less than 50 % by weight of milk products	ECU 717,7
2309 10 51	- - - - - Containing no milk products or containing less than 10 % by weight of such products	ECU 129,02
2309 10 53	- - - - - Containing not less than 10 % but less than 50 % by weight of milk products	ECU 782,9
ex 2309 90	- Other:	
	- - Other:	
	- - - Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products:	
	- - - - Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup:	
	- - - - - Containing no starch or containing 10 % or less by weight of starch:	
2309 90 31	- - - - - Containing no milk products or containing less than 10 % by weight of such products	ECU 20,8/tonne
2309 90 33	- - - - - Containing not less than 10 % but less than 50 % by weight of milk products	ECU 673,7/tonne
2309 90 41	- - - - - Containing no milk products or containing less than 10 % by weight of such products	ECU 64,8/tonne
2309 90 43	- - - - - Containing not less than 10 % but less than 50 % by weight of milk products	ECU 717,7/tonne
2309 90 51	- - - - - Containing no milk products or containing less than 10 % by weight of such products	ECU 129/tonne
2309 90 53	- - - - - Containing not less than 10 % but less than 50 % by weight of milk products	ECU 782,9/tonne

(<sup>1</sup>) For the purpose of distinguishing between products covered by CN codes 1102, 1103 and 1104 and those covered by CN codes 2302 10 to 2302 40, products covered by CN codes 1102, 1103 and 1104 are those having both of the following:

- a starch content (determined by the modified Ewers polarimetric method) exceeding 45 % by weight referred to dry matter,
- an ash content by weight, referred to dry matter (after deduction of any added mineral matter), not exceeding 1,6 % for rice, 2,5 % for wheat and rye, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whether or not in the form of flour, is covered in all cases by CN codes 1101 00 00 and 1102.

(<sup>2</sup>) Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

## I

*(Information)*

## COUNCIL

## COMMON POSITION (EC) No 59/96

adopted by the Council on 23 July 96

with a view to adopting Council Regulation (EC) No .../96 continuing a special system of assistance to traditional ACP suppliers of bananas established by Regulation (EC) No 2686/94

(96/C 333/01)

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 Protocol 5 on bananas to 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 national market organizations have hitherto granted traditional ACP suppliers of bananas an outlet for their production on their traditional markets and enabled them to obtain from these markets an adequate income;

Whereas the common organization 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 by traditional ACP suppliers, in accordance with the Community's commitment set out above;

Whereas risks exist nevertheless that the introduction of a new market organization and the need to adapt to it could jeopardize the continuing viability of ACP supplies;

Whereas particular efforts will be needed to adapt to the new market conditions in order to take advantage of the opportunities offered;

Whereas the structure and the nature of the new market and the marketing efforts necessary to maintain a presence on this market represent new elements some of which neither the traditional ACP suppliers nor the operators handling this procedure could reasonably foresee.

Whereas technical and financial assistance, additional to that provided for in the Fourth ACP-EC Convention,

<sup>(1)</sup> OJ No C 92, 28. 3. 1996, p. 16.

<sup>(2)</sup> OJ No C 204, 15. 7. 1996, p. 37.

<sup>(3)</sup> Opinion of the European Parliament of 21 June 1996 (not yet published in the Official Journal), Council common position 23 July 1996 (not yet published in the Official Journal) and Decision of the European Parliament of ... (not yet published in the Official Journal).

<sup>(4)</sup> OJ No L 47, 25. 2. 1993, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

should therefore be provided to carry out programmes designed to assist producers to adapt to new market conditions and in particular to improve quality, to improve marketing and to improve competitiveness;

Whereas the new conditions prevailing on the market may result in temporary market disturbances, particularly in the sectors of the Community market traditionally supplied by the ACP States;

Whereas such disturbances could seriously affect the income of the ACP States from the market and therefore the continued viability of the production in question;

Whereas financial assistance should therefore be provided to permit the ACP States to remain on the market, until such time as the market stabilizes and a satisfactory economic return from the market can be received;

Whereas income support should be complementary to transfers under the export earnings stabilization system (Stabex) triggered by the same set of circumstances;

Whereas it is therefore appropriate to align calculation of income support with the calculation of Stabex transfers;

Whereas Regulation (EC) No 2686/94<sup>(1)</sup> introduced financial assistance in the form of income support;

Whereas that Regulation expired on 28 February 1996;

Whereas the statistics necessary for the calculation of Stabex transfers and income support to be granted for the preceding year are not available until the second quarter of each year, thus, in order to satisfy the overall requirements of the system, the rules laid down by Regulation (EC) No 2686/94 should continue to be applied until 31 December 1996;

Whereas that Regulation also establishes technical and financial assistance, additional to that provided for in the Fourth ACP-EC Convention and granted to programmes designed to assist producers in adapting to new market conditions,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

A special system of assistance to traditional ACP suppliers of bananas is hereby established. This assistance may consist of technical and financial assistance and/or income support.

#### *Article 2*

For the purposes of this Regulation:

- 'traditional ACP suppliers' means the ACP States listed in the Annex,
- 'bananas' means fresh or dried bananas covered by CN code 0803, excepting plantains.

### TITLE I

#### TECHNICAL AND FINANCIAL ASSISTANCE

#### *Article 3*

1. Technical and financial assistance shall be provided to traditional ACP suppliers with a view to helping them adapt to the new market conditions following the establishment of a common organization of the market in bananas.

2. This technical and financial assistance shall be provided to contribute to the carrying-out of programmes in the banana sector to achieve one or more of the following objectives:

- to improve quality,
- to adapt production, distribution or marketing methods to meet the quality standards provided for in Article 2 of Regulation (EEC) No 404/93,
- to establish producers' organizations which have as an objective the improvement of the marketing and competitiveness of their products,
- to develop a production and/or marketing strategy to meet the requirements of the market in the Community in the light of the common organization of the market in bananas,
- to assist with training, market intelligence, the development of environmentally sound production methods, improving the distribution infrastructure, improving trade and financial services to banana producers and/or improving competitiveness.

<sup>(1)</sup> OJ No L 286, 5. 11. 1994, p. 1.

3. Assistance may be given to programmes having similar objectives which are currently financed under the Fourth ACP-EC Convention or by the public authorities of the Member States parties to that Convention where such assistance would result in more rapid completion of the programme.

#### Article 4

The Commission shall decide on the eligibility of the programme and the level of assistance after consultation with the traditional ACP supplier concerned. It shall also take into account the consistency of the envisaged programme with the general development objectives of the ACP State concerned and its impact on regional cooperation with other banana producers, in particular the Community producers.

### TITLE II

#### INCOME SUPPORT

#### Article 5

1. Within the limits indicated in Article 15 (1) of Regulation (EEC) No 404/93, traditional ACP suppliers shall be eligible for income support.

2. Income support shall be paid where the reduction in income derived from exportation to the Community of bananas complying with the common standards is directly related to conditions prevailing on the market subsequent to the establishment of the common organization of the market in bananas.

#### Article 6

1. Income support shall be individually calculated for each traditional ACP supplier on the basis of the quantities exported to the Community during the year of application and the difference between the reference price and the actual price.

2. The reference price shall be the average price per tonne of bananas produced in the ACP State concerned and exported to the Community during the six calendar years preceding the entry into force of this Regulation, less the two years with the highest and the lowest figures.

The actual price shall be the average price per tonne of bananas produced in the ACP State concerned and exported to the Community during the envisaged year of application.

3. The statistics needed for the calculation of income support shall be those drawn up and published on Community imports by the Statistical Office of the European Communities.

4. Before 1 July of each year, the Commission shall determine the income support for the previous year after consultation with the ACP State concerned.

### TITLE III

#### GENERAL PROVISIONS

#### Article 7

1. Financial commitments under Title I shall be in addition to any funds available for ACP States under the provisions of the Fourth ACP-EC Convention.

2. Financial commitments made under Title II shall be complementary to funds available under the system guaranteeing the stabilization of export earnings provided for in Articles 186 *et seq.* of the Fourth ACP-EC Convention. Title II therefore only permits payments of income support in as far as transfers, made for identical quantities in accordance with Articles 186 *et seq.* of the Fourth ACP-EC Convention, do not entirely offset the effects of price decreases on the income of traditional ACP suppliers.

3. Payments of income support shall be used, in accordance with a framework of mutual obligations to be agreed between the traditional ACP supplier concerned and the Commission in each case, for the benefit of producers adversely affected by the loss of income and to enhance the economic viability of production.

4. (a) Where application of Title II gives rise to a transfer basis, the ACP State concerned shall, in the month following receipt of the notification referred to in Article 6 (4), send the Commission a substantial analysis of the sector recording the loss of earnings, the causes of the loss, the policies pursued by the authorities and the projects, programmes or operations to which the resources are to be allocated in accordance with the objectives set out in paragraph 3 hereof.

(b) Projects, programmes or operations to which the recipient ACP States undertake to allocate the transferred resources shall be examined jointly by the Commission and the ACP State concerned.

- (c) Resources shall be used to support immediate operations to sustain the economic viability of production, or adjustment operations designed to restructure production and export activities, within the framework of any consistent reform policy in the banana sector.

*Article 8*

1. The granting of assistance as defined in Article 1 shall be subject to the designation by the ACP State concerned of a representative organization entitled to act and to receive payments on its behalf within the framework of this Regulation.
2. The representative organizations shall present the following characteristics:
  - (a) be composed entirely or mainly of producers of bananas from one or more traditional ACP suppliers;
  - (b) pursue at least two of the following objectives:
    - improvement of the quality of the produce,
    - improvement of the quality of the distribution and marketing network,
    - improvement of the returns to producers,
    - improvement of the role of producers in the organization of the banana market.
3. The representative organization designated in accordance with paragraph 2 must be notified to the Commission.

*Article 9*

As far as necessary, detailed rules for the application of this Regulation shall be determined by the Commission in accordance with the procedure laid down in Article 10.

*Article 10*

The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representatives of the Commission.

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, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

*Article 11*

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

It shall apply with effect from 29 February 1996. It shall expire on 31 December 1996.

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

Done at Brussels, . . .

*For the Council*  
*The President*

*ANNEX*

**LIST PROVIDED FOR IN THE FIRST INDENT OF ARTICLE 2**

**Traditional ACP suppliers of bananas**

Belize	Jamaica
Cameroon	Madagascar
Cape Verde	Saint Lucia
Côte d'Ivoire	Saint Vincent and the Grenadines
Dominica	Somalia
Grenada	Suriname

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**STATEMENT OF THE COUNCIL'S REASONS****I. INTRODUCTION**

1. On 1 February 1996 the Commission presented a proposal <sup>(1)</sup> based on Article 130w of the EC Treaty amending Council Regulation 2686/94 establishing a special system of assistance to traditional ACP suppliers of bananas <sup>(2)</sup>.
2. The European Parliament adopted its opinion on first reading of the proposal on 21 June 1996.
3. On 7 October 1996, 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 extend the expiry date of Regulation 2686/94 from 28 February 1996 to 31 December 1996.

**III. ANALYSIS OF THE COMMON POSITION**

The Common Position adopted by the Council reproduces the content of the Commission proposal. The Council has however modified the proposal for the simple reason that it is not legally possible to prolong a regulation which has expired, as would have been the case with the present Regulation, in view of the time consuming procedures foreseen for its prolongation. The Council therefore decided to adopt a new regulation with the same text as the expired Regulation except for the changed dates of application.

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<sup>(1)</sup> OJ No C 92, 28. 3. 1996, p. 16.

<sup>(2)</sup> OJ No L 286, 5. 11. 1994, p. 1.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 16 October 1996

**authorizing 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 the Republic of Senegal**

(96/618/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 Directive 96/14/EC<sup>(2)</sup>, and in particular Article 14 (1) thereof,

Having regard to the request made by France,

Whereas, under the provisions of Directive 77/93/EEC, potatoes, other than potatoes intended for planting originating in the Republic of Senegal may not in principle be introduced into the Community because of the risk of introducing potato diseases unknown in the Community;

Whereas, information supplied by the Republic of Senegal and collected during an official visit by Commission officials carried out in that country in 1996, has shown that there are good reasons to believe that in the Republic of Senegal, potatoes can be grown under adequate health conditions and that, at present, there are no sources for the introduction of exotic potato diseases; whereas the Republic of Senegal has moreover implemented adequate health and quality standards in its potato production;

Whereas France has stated that the importation of potatoes, other than potatoes intended for planting originating

in the Republic of Senegal, would be restricted to a limited quantity and for a limited period;

Whereas the Commission will ensure that the Republic of Senegal makes available all technical information necessary to assess the phytosanitary status of the production of potatoes in Senegal;

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 authorized 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 the Republic of Senegal.

2. The following specific conditions shall be satisfied:

- (a) the potatoes shall be other than potatoes intended for planting;
- (b) they shall have been grown in the Republic of Senegal directly from seed potatoes certified in one of the Member States and imported into the Republic of Senegal exclusively from the Member States;

<sup>(1)</sup> OJ No L 26, 31. 1. 1977, p. 20.

<sup>(2)</sup> OJ No L 68, 19. 3. 1996, p. 24.



- (c) they shall have been treated for the suppression of their faculty of germination except for early potatoes;
- (d) they shall have been grown in areas known to be free from *Synchytrium endobioticum* (Schilbersky) Percival (all races other than Race 1, the common European race), and no symptoms of *Synchytrium endobioticum* (Schilbersky) Percival shall have been observed either at the place of production or in its immediate vicinity since the beginning of an adequate period;
- (e) — they shall have been grown in areas where *Pseudomonas solanacearum* (Smith) Smith is not known to occur,  
and  
— they shall have been found free, in growing season inspections and tests on soil or crop samples, as appropriate, from the following harmful organisms: *Globodera pallida* (Stone) Behrens, *Globodera rostochiensis* (Wollenweber) Behrens, *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis et al, *Pseudomonas solanacearum* (Smith) Smith, potato spindle tuber viroid, potato stolbur mycoplasma and *Synchytrium endobioticum* (Schilbersky) Percival. The results of these inspections and tests shall be kept available to the Commission, on its request;
- (f) regular planned monitoring of imports of potatoes into the Republic of Senegal and of seed potatoes and ware potatoes marketed within the Republic of Senegal is continued by means of examination and testing of representative samples by scientifically recognized methods for *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann et Kotthoff) Davis et al., *Pseudomonas solanacearum* (Smith) Smith and potato spindle tuber viroid;
- (g) 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;
- (h) 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;
- (i) prior to export the potatoes shall have been cleaned free from soil, leaves and other plant debris;
- (j) the potatoes intended for the Community shall be accompanied by a phytosanitary certificate issued in the Republic of Senegal in accordance with Article 7 of Directive 77/93/EEC, on the basis of the examination laid down therein, in particular freedom from the harmful organisms mentioned in point (e).
- The certificate shall state under 'Additional declaration', the indication 'this consignment meets the conditions laid down in Decision 96/618/EC';
- (k) the potatoes shall be introduced through points of entry situated within the territory of a Member State making use of this derogation, and designated for the purpose of this derogation by that Member State;
- (l) prior to introduction into the Community, the importer shall be officially informed of the conditions laid down in points (a) to (j); the said importer shall notify each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State 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;
- (m) the inspections required pursuant to Article 12 of Directive 77/93/EEC shall be made by the responsible official bodies referred to in the said Directive. Without prejudice to the monitoring referred to in Article 19a (3) second indent, first possibility, 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.
- (n) 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 *Pseudomonas solanacearum* in accordance with quarantine procedure No 26 for *Pseudomonas solanacearum* as established by the European and Mediterranean Plant Protection Organization (EPPO) (\*) or by some other procedure approved in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC, 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 *Pseudomonas solanacearum* was not suspected or detected in those examinations.

(\*) Bulletin OEP/PEPPO, 20, 255-262 (1990).

*Article 2*

Member States shall inform the other Member States and the Commission of any use made of the authorization. They shall provide the Commission and the other Member States, before 1 September 1997, with the information on amounts imported pursuant to this Decision during the 1996 to 1997 import trade campaign, and before 1 September 1998 with the amounts imported pursuant to this Decision during the 1997 to 1998 import trade campaign, and before these dates, a detailed technical report for each of the 1996 to 1997 and 1997 to 1998 import trade campaigns 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. The authorization granted in Article 1 shall apply in the period between 1 December 1996 to 30 April 1997 and 1 December 1997 to 30 April 1998.

2. The authorization 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, 16 October 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

*ANNEX*

**INFORMATION REQUIRED ON THE LABEL**

*(referred to in Article 1 (2) (b))*

1. Name of the authority issuing the label.
  2. Name of the exporters' organization, if available.
  3. Indication 'Senegalese potatoes for human consumption'.
  4. Variety.
  5. Place of production (name of plant protection office at regional level in which place is situated should be mentioned).
  6. Size.
  7. Declared net weight.
  8. Indication 'In accordance with EC requirements 1996'.
  9. A mark printed or stamped on behalf of the Senegalese plant protection administration.
  10. A distinguishable mark of the lot such as a code, a mark, or any other external feature easily readable.
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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 2320/96**

**of 28 November 1996**

**continuing a special system of assistance to traditional ACP suppliers of bananas established by Regulation (EC) No 2686/94**

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 Protocol 5 on bananas to 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 national market organizations have hitherto granted traditional ACP suppliers of bananas an outlet for their production on their traditional markets and enabled them to obtain from these markets and adequate income;

Whereas the common organization 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 by traditional ACP suppliers, in accordance with the Community's commitment set out above;

Whereas risks exist nevertheless that the introduction of a new market organization and the need to adapt to it could jeopardize the continuing viability of ACP supplies;

Whereas particular efforts will be needed to adapt to the new market conditions in order to take advantage of the opportunities offered;

Whereas the structure and the nature of the new market and the marketing efforts necessary to maintain a presence on this market represent new elements some of which either the traditional ACP suppliers not the operators handling this procedure could reasonably foresee;

Whereas technical and financial assistance, additional to that provided for in the fourth ACP-EC Convention, should therefore be provided to carry out programmes designed to assist producers to adapt to new market conditions and in particular to improve quality, to improve marketing and to improve competitiveness;

Whereas the new conditions prevailing on the market may result in temporary market disturbances, particularly in the sectors of the Community market traditionally supplied by the ACP States;

Whereas such disturbances could seriously affect the income of the ACP States from the market and therefore the continued viability of the production in question;

Whereas financial assistance should therefore be provided to permit the ACP States to remain on the market, until such time as the market stabilizes and a satisfactory economic return from the market can be received;

Whereas income support should be complementary to transfers under the export earnings stabilization system (Stabex) triggered by the same set of circumstances;

Whereas it is therefore appropriate to align calculation of income support with the calculation of Stabex transfers;

Whereas Regulation (EC) No 2686/94 (<sup>5</sup>) introduced financial assistance in the form of income support;

(<sup>1</sup>) OJ No C 92, 28. 3. 1996, p. 16.

(<sup>2</sup>) OJ No C 37, 15. 7. 1996, p. 37.

(<sup>3</sup>) Opinion of the European Parliament of 21 June 1996 (OJ No C 198, 8. 7. 1996, p. 260), Council common position of 23 July 1996 (OJ No C 333, 7. 11. 1996, p. 1) and European Parliament Decision of 13 November 1996 (OJ No C 362, 2. 12. 1996).

(<sup>4</sup>) OJ No L 47, 25. 2. 1993, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

(<sup>5</sup>) OJ No L 286, 5. 11. 1994, p. 1.

Whereas that Regulation expired on 28 February 1996;

Whereas the statistics necessary for the calculation of Stabex transfers and income support to be granted for the preceding year are not available until the second quarter of each year, thus, in order to satisfy the overall requirements of the system, the rules laid down by Regulation (EC) No 2686/94 should continue to be applied until 31 December 1996;

Whereas that Regulation also establishes technical and financial assistance, additional to that provided for in the fourth ACP-EC Convention and granted to programmes designed to assist producers adapt to new market conditions,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

A special system of assistance to traditional ACP suppliers of bananas is hereby established. This assistance may consist of technical and financial assistance and/or of income support.

#### *Article 2*

For the purposes of this Regulation:

- 'traditional ACP suppliers' means the ACP States listed in the Annex,
- 'bananas' means fresh or dried bananas covered by CN code 0803, excepting plantains.

### TITLE I

#### **Technical and financial assistance**

#### *Article 3*

1. Technical and financial assistance shall be provided to traditional ACP suppliers with a view to helping them adapt to the new market conditions following the establishment of a common organization of the market in bananas.

2. This technical and financial assistance shall be provided to contribute to the carrying-out of programmes in the banana sector to achieve one or more of the following objectives:

- to improve quality,
- to adapt production, distribution or marketing methods to meet the quality standards provided for in Article 2 of Regulation (EEC) No 404/93,
- to establish producers' organizations which have as an objective the improvement of the marketing and competitiveness of their products,

— to develop a production and/or marketing strategy to meet the requirements of the market in the Community in the light of the common organization of the market in bananas,

— to assist with training, market intelligence, the development of environmentally sound production methods, improving the distribution infrastructure, improving trade and financial services to banana producers and/or improving competitiveness.

3. Assistance may be given to programmes having similar objectives which are currently financed under the fourth ACP-EC Convention or by the public authorities of the Member States parties to that Convention where such assistance would result in more rapid completion of the programme.

#### *Article 4*

The Commission shall decide on the eligibility of the programme and the level of assistance after consultation with the traditional ACP supplier concerned. It shall also take into account the consistency of the envisaged programme with the general development objectives of the ACP State concerned and its impact on regional cooperation with other banana producers, in particular the Community producers.

### TITLE II

#### **Income support**

#### *Article 5*

1. Within the limits indicated in Article 15 (1) of Regulation (EEC) No 404/93, traditional ACP suppliers shall be eligible for income support.

2. Income support shall be paid where the reduction in income derived from the exportation to the Community of bananas complying with the common standards is directly related to conditions prevailing on the market subsequent to the establishment of the common organization of the market in bananas.

#### *Article 6*

1. Income support shall be individually calculated for each traditional ACP supplier on the basis of the quantities exported to the Community during the year of application and the difference between the reference price and the actual price.

2. The reference price shall be the average price per tonne of bananas produced in the ACP State concerned and exported to the Community during the six calendar years preceding the entry into force of this Regulation, less the two years with the highest and the lowest figures.

The actual price shall be the average price per tonne of bananas produced in the ACP State concerned and exported to the Community during the envisaged year of application.

3. The statistics needed for the calculation of income support shall be those drawn up and published on Community imports by the Statistical Office of the European Communities.

4. Before 1 July of each year, the Commission shall determine the income support for the previous year after consultation with the ACP-State concerned.

### TITLE III

#### General provisions

##### *Article 7*

1. Financial commitments under Title I shall be in addition to any funds available to ACP States under the provisions of the fourth ACP-EC Convention.

2. Financial commitments made under Title II shall be complementary to funds available under the system guaranteeing the stabilization of export earnings provided for in Articles 186 *et seq.* of the fourth ACP-EC Convention. Title II therefore only entitles to payments of income support in as far as transfers, made for identical quantities in accordance with Articles 186 *et seq.* of the fourth ACP-EC Convention, do not entirely offset the effects of price decreases on the income of traditional ACP suppliers.

3. Payments of income support shall be used, in accordance with a framework of mutual obligations to be agreed between the traditional ACP supplier concerned and the Commission in each case, for the benefit of producers adversely affected by the loss of income and be used to enhance the economic viability of production.

4. (a) Where application of Title II gives rise to a transfer basis, the ACP State concerned shall, in the month following receipt of the notification referred to in Article 6 (4), send the Commission a substantial analysis of the sector recording the loss of earnings, the cause of the loss, the policies pursued by the authorities and the projects, programmes or operations to which the resources are to be allocated in accordance with the objectives set out in paragraph 3 hereof,

(b) Projects, programmes or operations to which the recipient ACP States undertake to allocate the transferred resources shall be examined jointly by the Commission and the ACP State concerned.

(c) Resources shall be used to support immediate operations to sustain the economic viability of production, or adjustment operations designed to restructure production and export activities, within the framework of any consistent reform policy in the banana sector.

##### *Article 8*

1. The granting of assistance as defined Article 1 shall be subject to the designation by the ACP State concerned of a representative organization entitled to act and to receive payments on its behalf within the framework of this Regulation.

2. The representative organizations shall present the following characteristics:

(a) be composed entirely or mainly of producers of bananas in one or more traditional ACP suppliers;

(b) pursue at least two of the following objectives:

- improvement of the quality of the produce,
- improvement of the quality of the distribution and marketing network,
- improvement of the returns to producers,
- improvement of the role of producers in the organization of the banana market.

3. The representative organization designated in accordance with paragraph 2 must be notified to the Commission.

##### *Article 9*

As far as necessary, detailed rules for the application of this Regulation shall be determined by the Commission in accordance with the procedure laid down in Article 10.

##### *Article 10*

The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representatives of the Commission.

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, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

##### *Article 11*

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

It shall apply with effect from 29 February 1996. It shall expire on 31 December 1996.

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

Done at Brussels, 28 November 1996.

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

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ANNEX

LIST PROVIDED FOR IN THE FIRST INDENT OF ARTICLE 2

Traditional ACP suppliers of bananas

Belize	Jamaica
Cameroon	Madagascar
Cape Verde	Saint Lucia
Côte d'Ivoire	Saint Vincent and the Grenadines
Dominica	Somalia
Grenada	Suriname

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**COMMISSION REGULATION (EC) No 2411/96**  
of 18 December 1996

**amending Regulation (EC) No 2763/94 opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States (ACP)**

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 the overseas countries and territories (OCT) <sup>(1)</sup>, extended by Regulation (EEC) No 444/92 <sup>(2)</sup>, as last amended by Commission Regulation (EC) No 619/96 <sup>(3)</sup>, and in particular Article 27 thereof,

Whereas Commission Regulation (EC) No 2763/94 <sup>(4)</sup>, as last amended by Commission Regulation (EC) No 2941/95 <sup>(5)</sup>, opened zero or reduced-duty Community tariff quotas for 1995 in respect of certain agricultural products including fresh or chilled tomatoes;

Whereas the tariff applying to these products has been changed as a result of GATT negotiations;

Whereas both the rates of *ad valorem* duty and the rates of specific duty for products subject to the Regulation are liable to change over the years; whereas in the interests of more efficient management of the Community legislation in this field a multiannual regulation should be adopted

providing for automatic reduction of *ad valorem* duties to 40 % of the rates in the combined nomenclature with effect from 1 January 1997;

Whereas Regulation (EC) No 2763/94 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The table and Annex in Regulation (EC) No 2763/94 shall be amended in accordance with the Annex to this Regulation.

*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 January 1997.

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

Done at Brussels, 18 December 1996.

*For the Commission*

Mario MONTI

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 52, 27. 2. 1992, p. 7.

<sup>(3)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(4)</sup> OJ No L 294, 15. 11. 1994, p. 6.

<sup>(5)</sup> OJ No L 308, 21. 12. 1995, p. 6.



## ANNEX

Order No	CN code	Taric subdivision	Description	Quota volume (tonnes)	Quota duty (%)
09.1601	0702 00 15	19 29 39 49 59 69	Tomatoes other than cherry tomatoes, fresh or chilled, from 15 November of one year to 30 April of the following year	2 000	40 % of CN <i>ad valorem</i> duty (1)
	0702 00 20	13 63 17 67 23 73 27 77 33 83 37 87			
	0702 00 45	12 32 52 14 34 54 17 37 57 22 42 62 24 44 64 27 47 67			
0702 00 50	19 29 39 49 59 69				

Order No	CN code	Taric subdivision	Description	Quota volume (tonnes)	Quota duty (%)
09.1613	0702 00 15	11	Cherry tomatoes, fresh or chilled, from 15 November of one year to 30 April of the following year	2 000	0 (*)
		21			
		31			
		41			
		51			
		61			
	0702 00 20	11			
		15			
		21			
		25			
		31			
		35			
		61			
		65			
		71			
		75			
		81			
	85				
	0702 00 45	11			
		13			
		16			
		21			
		23			
		26			
		31			
		33			
		36			
41					
43					
46					
51					
53					
0702 00 50	11				
	21				
	31				
	41				
	51				
	61				

(\*) The specific duty applies.

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

**A. Trade**

c) Cereals



**COMMISSION REGULATION (EC) No 261/96**

of 12 February 1996

**on the issuing of standing invitations to tender for the sale of common wheat of  
breadmaking quality held by the French and German intervention agencies for  
export to certain ACP countries in the 1995/96 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1863/95<sup>(2)</sup>, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93<sup>(3)</sup>, as amended by Regulation (EC) No 120/94<sup>(4)</sup>, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, with a view to supplying the markets of the ACP countries, favoured partners of the Community, significant quantities of common wheat are required; whereas these markets are usually supplied on the basis of regular contracts to ensure stable prices for the ACP countries over a certain period; whereas it is therefore necessary to issue a specific invitation to tender to ensure that users in these countries have access to common wheat of breadmaking quality under conditions appropriate to the highly competitive situation on the world market;

Whereas the French and German intervention agencies hold significant stocks of common wheat of high bread-making quality; whereas part of the wheat coming from the intervention stocks held by the aforementioned agencies should therefore be resold to the ACP countries to meet their quantitative and qualitative needs; whereas the common wheat successfully tendered for must be exported to the countries of destination by 31 July 1996 at the latest;

Whereas the specific nature of the operation and the accounting position of the common wheat in question require greater flexibility in the mechanisms and obligations governing the resale of intervention stocks and also require exclusion of any refund, tax or monthly increase; whereas special procedures must be laid down to ensure

that the operations and their monitoring are properly effected; whereas to that end provision should be made for a security lodgment scheme which ensures that the aims are met while avoiding excessive costs for the operators; whereas derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, in addition to the conditions laid down in Article 30 of Commission Regulation (EEC) No 3719/88<sup>(5)</sup>, as last amended by Regulation (EC) No 2137/95<sup>(6)</sup>, provision should be made for the release for consumption in the ACP State(s) laid down in the Regulation;

Whereas, where removal of the wheat is delayed by more than five days, or the release of one of the securities required is delayed, for reasons imputable to the intervention agency the Member State concerned will have to pay compensation;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Two standing invitations to tender are hereby issued for the export of:

- 30 000 tonnes of common wheat of breadmaking quality, held by the French intervention agency,
- 400 000 tonnes of common wheat of breadmaking quality, held by the German intervention agency.

2. The common wheat must be exported to an ACP State or to several States within one of the groups of ACP States listed in Annex I.

3. The regions in which the 30 000 tonnes of French and 400 000 tonnes of German common wheat of bread-making quality are stored are listed in Annex II.

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 179, 29. 7. 1995, p. 1.

<sup>(3)</sup> OJ No L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ No L 21, 26. 1. 1994, p. 1.

<sup>(5)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(6)</sup> OJ No L 214, 8. 9. 1995, p. 21.

4. The intervention agencies concerned shall prepare a notice of invitation to tender indicating for each lot or, where appropriate, each part lot:

- the location,
- and at least the following features:
  - specific weight,
  - moisture content,
  - Hagberg falling number,
  - impurity contents and sprouted grains,
  - protein content.

5. They shall publish the notice of invitation to tender at least two days before the date set for the first partial invitation to tender.

#### *Article 2*

Subject to the provisions of this Regulation, the sales of common wheat of breadmaking quality referred to in Article 1 shall take place in accordance with the procedure and conditions laid down by Regulation (EEC) No 2131/93.

#### *Article 3*

1. The time limit for submitting tenders for the first partial invitations to tender shall be 9 a.m. (Brussels time) on Thursday 15 February 1996.

2. The time limit for submitting tenders for the second partial invitation to tender shall be 9 a.m. (Brussels time) on the following Thursday.

The time limit for the last partial invitation to tender shall be 28 March 1996.

3. Tenders must be submitted to the intervention agency in question.

#### *Article 4*

1. Tenders shall only be admissible if:

- the tenderer provides written proof from an official body in the 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 of breadmaking quality for export to an ACP State or to several States within one of the groups of ACP states listed in Annex I. That contract may cover only those deliveries to be made during the period February 1996 to September 1996 for quantities traditionally supplied, such proof shall be lodged with the inter-

vention agency at least two working days before the date of the first invitation to tender,

- 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. Where on the basis of the said contract the tenderer simultaneously participates in invitations to tender in the two Member States concerned, he shall be required to mention this in his bid.

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. No export refund or export tax or monthly increase shall be applied for exports carried out pursuant to this Regulation.

2. The validity of the export licences issued in accordance with this Regulation shall expire on 31 July 1996.

3. The licence obliges the operator to export to the ACP State or States for which the licence application was submitted. However, up to a limit of 20 % of the quantity for which the licence was issued, the operator may effect his contract at another destination on condition that it belongs to the same group of countries listed in Annex I.

4. The export licences shall be issued as soon as the successful tenderers have been selected.

5. Article 9 of Regulation (EEC) No 3719/88 notwithstanding, the rights deriving from the licence referred to in this Article shall not be transferable.

#### *Article 6*

1. The intervention agency, the storer and the successful tenderer, if he so wishes, shall, by common agreement, either before or at the moment of removal from storage, as the successful tenderer chooses, take reference samples at the rate of at least one sample for every 500 tonnes, and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The Commission must be informed of the findings of the analyses in the event of a dispute.

Reference samples shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples were taken on removal from storage. If the final result of the sample analyses indicates a quality :

(a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established ;

(b) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender, with the difference remaining within a limit of up to :

- 2 kg/hl for the specific weight, which must not, however, be less than 72 kg/hl,
  - one percentage point for the moisture content,
  - 20 percentage points for the Hagberg falling index,
  - one percentage point for the protein content,
  - half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Commission Regulation (EEC) No 689/92<sup>(1)</sup>
- and
- half a percentage point for the impurities referred to in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established ;

(c) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender with the difference surpassing the limit referred to in point (b), the successful tenderer may :

- either accept the lot as established,
- or refuse to take over the lot in question. The successful tenderer shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex V ; however, if he requests the intervention agency to supply him with another lot of intervention bread-making wheat of the quality laid down, and that without additional charges, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex V ;

(d) below the minimum characteristics required for intervention, the successful tenderer may not remove the

lot in question. He shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex V ; however, he may request the intervention agency to supply him with another lot of intervention bread-making wheat of the quality laid down, without additional charges. In this case, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex V.

2. However, if the bread-making wheat is removed before the results of the analysis are known, all risks shall be borne by the successful tenderer from the time of removal of the lot, without prejudice to the forms of recourse the successful tenderer may have against the storer.

3. If, after successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for replacement, he shall be released from all his obligations, including the securities once he has informed the Commission and the intervention agency forthwith in accordance with Annex V.

4. The costs of the taking of samples and the analyses referred to in paragraph 1, except those where the final result of the analyses produces a quality inferior to the minimum characteristics required for intervention, shall be borne by the EAGGF up to a maximum of one analysis per 500 tonnes with the exception of the transilage costs.

The cost of transilage and of any additional analyses requested by the successful tenderer shall be borne by him.

#### Article 7

The successful tenderer shall pay for the common wheat before removing it at the price indicated in the tender. The final date for removal is 24 July 1996. The payment due for each of the lots to be removed shall be indivisible.

#### Article 8

1. The security lodged pursuant to Article 13 (4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.

<sup>(1)</sup> OJ No L 74, 20. 3. 1992, p. 18.

2. The obligation to export and import into one of the countries of destination listed in Annex I shall be covered by a security amounting to ECU 60 per tonne of which ECU 20 per tonne shall be lodged upon issue of the export licence, with the balance of ECU 40 being lodged before removal of the cereals.

Article 15 (2) of Commission Regulation (EEC) No 3002/92 (1) notwithstanding:

- the amount of ECU 20 per tonne must be released within 20 working days of the date on which the successful tenderer supplies proof that the wheat removed has left the customs territory of the Community,
- the amount of ECU 40 per tonne must be released within 15 working days of the date on which the successful tenderer supplies proof of entry for consumption into the ACP State or States referred to in Article 5 (3). This proof shall be supplied in accordance with Articles 18 and 47 of Commission Regulation (EEC) No 3665/87 (2).

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to 0,015 ECU/10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

#### Article 9

Article 12 of Regulation (EEC) No 3002/92 notwithstanding, the documents relating to the sale of common wheat in accordance with this Regulation and in particular the export licence, the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, the export declaration and, where appropriate, the T5 control copy must bear the words:

- Trigo blando panificable de intervención sin aplicación de restitución ni gravamen, destinado a (nombre del Estado o de los Estados ACP), Reglamento (CE) n° 261/96
- Bageegnet blød hvede fra intervention uden restitutionsydelse eller -afgift bestemt for (navnet på det eller de pågældende AVS-lande), forordning (EF) nr. 261/96

— Interventions-Brotweichweizen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Bestimmung (Name des AKP-Staates oder der AKP-Staaten), Verordnung (EG) Nr. 261/96

— Μαλακός αρτοποιήσιμος σίτος παρέμβασης, χωρίς εφαρμογή επιστροφής ή φόρου προοριζόμενος για (όνομα της χώρας ΑΚΕ ή των χωρών ΑΚΕ), κανονισμός (ΕΚ) αριθ. 261/96

— Intervention common wheat of breadmaking quality without application of refund or tax, bound for (name of the ACP State or States), Regulation (EC) No 261/96

— Blé tendre d'intervention panifiable ne donnant pas lieu à restitution ni à taxe, destiné à (nom de l'État ACP ou des États ACP), règlement (CE) n° 261/96

— Frumento tenero d'intervento panificabile senza applicazione di restituzione di tassa, destinato al (nome del paese o dei paesi ACP), regolamento (CE) n. 261/96

— Zachte tarwe van bakkwaliteit uit interventie, zonder toepassing van restitutie of belasting, bestemd voor (naam van de ACS-Staat of de ACS-Staten), Verordening (EG) nr. 261/96

— Trigo mole panificável de intervenção sem aplicação de uma restituição, ou imposição destinado a (nome do Estado ou dos Estados ACP), Regulamento (CE) n° 261/96

— Interventioleipävehnä, jolle ei makseta vientitukea eikä vientimaksua ja jonka määräpaikka on (AKT-maan nimi tai AKT-maiden nimet), asetus (EY) N:o 261/96

— Interventionsvete av brödkvalitet, ej utan bidrag eller avgift avsett för (AVS-statens eller AVS-staternas namn), förordning (EG) nr 261/96.

#### Article 10

1. The French and German intervention agencies shall inform the Commission of the tenders received within three hours of the expiry of the time limit for submitting tenders. The information must be sent in the form laid down in Annex III to one of the telex or fax numbers listed in Annex IV.

2. They shall inform the Commission on a monthly basis of the quantities of common wheat removed pursuant to this Regulation.

#### Article 11

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

(1) OJ No L 301, 17. 10. 1992, p. 17.

(2) OJ No L 351, 14. 12. 1987, p. 1.



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

Done at Brussels, 12 February 1996.

*For the Commission*  
FRANZ FISCHLER  
*Member of the Commission*

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## ANNEX I

## Groups of ACP States signatories to the Lomé Convention

Group I	Group II	Group III
Mauritania Mali Niger Senegal Burkina Faso Gambia Guinea-Bissau Guinea Cape Verde Sierra Leone Liberia Côte d'Ivoire Ghana Togo	Chad Central African Republic Benin Cameroon Equatorial Guinea São Tomé and Príncipe Gabon Congo Zaire Rwanda Burundi	Seychelles Comoros Madagascar Mauritius Angola Zambia Malawi Mozambique Namibia Botswana Zimbabwe Lesotho Swaziland

## ANNEX II

(tonnes)

Region of storage	Quantities
FRANCE :	
Châlons-sur-Marne	4 000
Rouen	26 000
GERMANY :	
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	234 993
Hessen/Rheinland-Pfalz/ Baden-Württemberg/ Saarland/Bayern	37 413
Berlin/Brandenburg/ Mecklenburg-Vorpommern	12 824
Sachsen/Sachsen-Anhalt/ Thüringen	114 770

## ANNEX III

Standing invitation to tender for the export of 30 000 tonnes of common wheat of breadmaking quality held by the French intervention agency and 400 000 tonnes of common wheat of breadmaking quality held by the German intervention agency

(Regulation (EC) No 261/96)

1	2	3	4	5	6	7
Registration number of the tenderer	Lot number	Quantity in tonnes	Offer price (ECU/tonne) (1)	Increases (+) Reductions (-) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

(1) This price includes the increases and reductions relating to the lot for which the tender is submitted.

## ANNEX IV

The only telex and fax numbers in Brussels to be used are :

DG VI/C/1 :

- telex : 22037 AGREC B,  
22070 AGREC B (Greek characters),
- fax : 296 49 56,  
295 25 15,  
or 296 10 97.

## ANNEX V

Communication of refusal of lots under the standing invitation to tender for the export of 430 000 tonnes of bread-making wheat held by the French and German intervention agency

(Article 6 of Regulation (EC) No 261/96)

- Name of successful tenderer :
- Date of award of contract :
- Date of refusal of lot by successful tenderer :

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			<ul style="list-style-type: none"> <li>— Specific weight (kg/hl)</li> <li>— % sprouted grains</li> <li>— % miscellaneous impurities (Schwarzbesatz)</li> <li>— % of matter which is not wheat of unimpaired quality</li> <li>— Other</li> </ul>

**COMMISSION REGULATION (EC) No 1143/96**

of 25 June 1996

**opening an invitation to tender for the refund or the tax for the export of  
common wheat to all third countries**

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of 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 95/96<sup>(4)</sup>, and in particular Article 4 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened, in respect of common wheat, to tender for the export refund or tax provided for in Article 4 of Regulation (EC) No 1501/95;

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 it is necessary to provide for a specific period of validity for licences issued under that invitation to tender; whereas that period of validity must meet the needs of the world market for the 1996/97 marketing year;

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 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 or export tax provided for in Article 4 of Regulation (EC) No 1501/95.

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ No L 18, 24. 1. 1996, p. 10.

2. The tendering procedure shall concern common wheat for export to all third countries.

3. The invitation shall remain open until 29 May 1997. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

*Article 2*

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

*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. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88<sup>(5)</sup>, 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>(6)</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 fourth month following that of issue.

*Article 5*

1. The Commission shall decide, pursuant to the procedure laid down in Article 23 of Regulation (EEC) No 1766/92:

<sup>(5)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(6)</sup> OJ No L 162, 30. 6. 1994, p. 47.

- 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, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

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 6*

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 I, to the telex or fax numbers in Annex II.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

#### *Article 7*

The time limits fixed for the submission of tenders shall correspond to Belgian time.

#### *Article 8*

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

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

Done at Brussels, 25 June 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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*ANNEX I***Weekly tender for the refund or the tax for the export of common wheat to all third countries**

(Regulation (EC) No 1143/96)

(Closing date for the submission of tenders (date/time))

1 Number of tenderer	2 Quantity in tonnes	3	
		A Amount of export tax in ECU per tonne	B Amount of export refund in ECU per tonne
1			
2			
3			
etc.			

*ANNEX II*

The only numbers to use to call Brussels (DG VI-C-1) are:

- telex:           — 22037 AGREC B,  
                  — 22070 AGREC B (Greek characters);
- fax:             — 295 25 15,  
                  — 296 49 56.

## COMMISSION REGULATION (EC) No 1383/96

of 17 July 1996

opening an invitation to tender for the refund or the tax for the export of common wheat to Ceuta, Melilla and certain ACP States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(3)</sup>, as last amended by Regulation (EC) No 95/96<sup>(4)</sup>, and in particular Article 4 thereof,

Whereas, with a view to supplying the markets of the ACP countries, favoured partners of the Community, and the markets of Ceuta and Melilla, significant quantities of common wheat are required; whereas these markets are usually supplied on the basis of regular contracts to ensure stable prices for Ceuta, Melilla and the ACP countries over a certain period; whereas it is therefore necessary to issue a specific invitation to tender to ensure that users in Ceuta, Melilla and certain ACP States have access to common wheat under conditions appropriate to the highly competitive situation on the world market;

Whereas the detailed procedural rules governing invitations to tender are as regards the fixing of the export refund, or export tax in Regulation (EC) No 1501/95; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of ECU 12 per tonne when they submit their tenders;

Whereas, in order to ensure the smooth operation of the export tendering procedure it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

Whereas provision should be made for a security lodgment scheme which ensures that the aims are met while avoiding excessive costs for the operators; whereas derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EC) No 1501/95;

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 2137/95<sup>(6)</sup>, provision should be made for the release for consumption in Ceuta, Melilla or the ACP State(s) laid down in the 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 or export tax concerning common wheat, as provided for in Article 4 of Regulation (EC) No 1501/95.
2. The common wheat must be exported to Ceuta, Melilla, to an ACP State or to several States within one of the groups of ACP States listed in Annex I.
3. The invitation shall remain open until 5 September 1996. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

*Article 2*

A tender shall be valid only if it relates to an amount of not less than 500 tonnes for Ceuta and Melilla, or not less than 1 000 tonnes for the ACP States listed in Annex I.

*Article 3*

The security referred to in Article 5 (3a) of Regulation (EC) No 1501/95 shall be ECU 12 per tonne.

*Article 4*

1. Tenders shall only be admissible if:
  - the tenderer provides written proof from an official body in Ceuta, Melilla or in the ACP country of destination or a company having its overseas subsidiary in Ceuta, Melilla or the said country, that he has concluded for the quantity in question a commercial supply contract for common wheat for export to Ceuta, Melilla, to an ACP State or to several States

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ No L 18, 24. 1. 1996, p. 10.

<sup>(5)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(6)</sup> OJ No L 214, 8. 9. 1995, p. 21.

within one of the groups of ACP states listed in Annex I. That contract may cover only those deliveries to be made during the period July 1996 to November 1996 for quantities traditionally supplied; such proof shall be lodged with the competent authorities at least two working days before the date of the partial invitation to tender against which the tender is to be submitted,

- they are accompanied by an application for an export licence for the destination in question.

The proof provided for in the first indent shall also indicate the quality provided for in the contract, the time limit for delivery and the price terms.

The Member State shall send the Commission a copy of the said proof forthwith, for information.

2. Tenders may not exceed the quantity laid down in the commercial contract submitted. The tenderers may not submit simultaneously several bids on the basis of the same contract.

When transmitting the tenders submitted, the Member States shall inform the Commission of the above, mentioning if necessary the names of the tenderers involved.

#### *Article 5*

1. The licence obliges the operator to export to Ceuta, Melilla or the ACP State or States for which the licence application was submitted. However, for ACP States and up to a limit of 30 % of the quantity for which the licence was issued, the operator may effect his contract at another destination on condition that it belongs to the same group of countries listed in Annex I.

2. The export licences shall be issued as soon as the successful tenderers have been selected.

3. Article 9 of Regulation (EEC) No 3719/88 notwithstanding, the rights deriving from the licence referred to in this Article shall not be transferable.

#### *Article 6*

The obligation to export and import into Ceuta, Melilla or one of the countries of destination listed in Annex I shall be covered by a security amounting to ECU 20 per tonne, lodged upon issue of the export licence.

Article 13 of Regulation (EC) No 1501/95 notwithstanding, the amount of ECU 20 per tonne must be released within 15 working days of the date on which the successful tenderer supplies proof of entry for consumption into Ceuta, Melilla or the ACP State or States referred to in Article 1 (2). This proof shall be supplied in accordance with Articles 18 and 47 of Commission Regulation (EEC) No 3665/87 (1).

#### *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 (2) export licences issued in connection with the invitations to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

#### *Article 8*

1. The Commission shall decide, pursuant to the procedures laid down in Article 23 of Regulation (EEC) No 1766/92:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to fix a minimum export tax, taking into account in particular the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

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*.

(1) OJ No L 351, 14. 12. 1987, p. 1.

(2) OJ No 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, 17 July 1996.

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

ANNEX I

Groups of ACP States signatories to the Lomé Convention

Group I	Group II	Group III
Mauritania	Chad	Seychelles
Mali	Central African Republic	Comoros
Niger	Benin	Madagascar
Senegal	Cameroon	Mauritius
Burkina Faso	Equatorial Guinea	Angola
Gambia	São Tomé and Príncipe	Zambia
Guinea-Bissau	Gabon	Malawi
Guinea	Congo	Mozambique
Cape Verde	Zaire	Namibia
Sierra Leone	Rwanda	Botswana
Liberia	Burundi	Zimbabwe
Côte d'Ivoire		Lesotho
Ghana		Swaziland
Togo		

## ANNEX II

**Weekly tender for the refund or the tax for the export of common wheat to Ceuta, Melilla  
and certain ACP-States**

(Regulation (EC) No 1383/96)

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:

- telex:           — 22037 AGREC B,  
                  — 22070 AGREC B (Greek characters);
- fax:             — 295 25 15,  
                  — 296 49 56.

## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 1748/96**  
**of 9 September 1996**  
**amending Regulation (EC) No 1383/96 opening an invitation to tender for the**  
**refund or the tax for the export of common wheat to Ceuta, Melilla and certain**  
**ACP States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of the Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(3)</sup>, as last amended by Regulation (EC) No 95/96<sup>(4)</sup>, and in particular Article 4 thereof,

Whereas Commission Regulation (EC) No 1383/96<sup>(5)</sup> opens an invitation to tender relating to the export of common wheat to Ceuta, Melilla and certain ACP States;

Whereas for economical reasons, it is appropriate to extend the period during which this invitation to tender remains open; whereas Article 4 of Regulation (EC) No 1383/96 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1383/96 is hereby amended as follows:

1. Article 1 (3) is replaced by the following:

'3. The invitation shall remain open until 31 October 1996. During the period of its validity, weekly

awards shall be made for which the quantities and time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.'

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

'1. Tenders shall only be admissible if:

— the tenderer provides written proof from an official body in Ceuta, Melilla or in the ACP country of destination or a company having its overseas subsidiary in Ceuta, Melilla or the said country, that he has concluded for the quantity in question a commercial supply contract for common wheat for export to Ceuta, Melilla, to an ACP State or to several States within one of the groups of ACP states listed in Annex I. That contract may cover only those deliveries to be made during the period July 1996 to February 1997 for quantities traditionally supplied; such proof shall be lodged with the competent authorities at least two working days before the date of the partial invitation to tender against which the tender is to be submitted,

— they are accompanied by an application for an export licence for the destination in question.

The proof provided for in the first indent shall also indicate the quality provided for in the contract, the time limit for delivery and the price terms.

The Member State shall send the Commission a copy of the said proof forthwith, for information.'

*Article 2*

(1) OJ No L 181, 1. 7. 1992, p. 21.  
 (2) OJ No L 126, 24. 5. 1996, p. 37.  
 (3) OJ No L 147, 30. 6. 1995, p. 7.  
 (4) OJ No L 18, 24. 1. 1996, p. 10.  
 (5) OJ No L 179, 18. 7. 1996, p. 17.

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 September 1996.

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

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 1796/96**  
of 17 September 1996  
**amending Regulation (EC) No 1143/96 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 African, Caribbean and Pacific States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Regulation (EC) No 1143/96 is amended as follows:

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

1. The title is replaced by the following:

'opening an invitation to tender for the refund for the export of common wheat to all third countries except Ceuta, Melilla and certain ACP States.'

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of the Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(3)</sup>, as last amended by Regulation (EC) No 95/96<sup>(4)</sup>, and in particular Article 4 thereof,

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

'1. Tenders shall be invited for the export refund provided for in Article 4 of Regulation (EC) No 1501/95.'

3. Article 5 is replaced by the following:

*Article 5*

1. The Commission shall decide, pursuant to the procedure 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 make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.'

Whereas Commission Regulation (EC) No 1143/96<sup>(5)</sup>, as amended by Regulation (EC) No 1384/96<sup>(6)</sup>, opens 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 African, Caribbean and Pacific (ACP) States;

Whereas the market conditions which led to the introduction of the export tax on common wheat no longer apply; whereas Regulation (EC) No 1143/96 should therefore be amended;

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

4. Annex I is replaced by 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*.

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.  
<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.  
<sup>(3)</sup> OJ No L 147, 30. 6. 1995, p. 7.  
<sup>(4)</sup> OJ No L 18, 24. 1. 1996, p. 10.  
<sup>(5)</sup> OJ No L 151, 26. 6. 1996, p. 14.  
<sup>(6)</sup> OJ No L 179, 18. 7. 1996, p. 21.

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

Done at Brussels, 17 September 1996.

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

—  
 ANNEX

ANNEX I

**Weekly tender for the refund for the export of common wheat to all third countries except Ceuta, Melilla and certain ACP States**

(Regulation (EC) No 1143/96)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tender	Quantity in tonnes	Amount of export refund in ecu per tonne
1		
2		
3		
etc.		

**COMMISSION REGULATION (EC) No 2117/96  
of 4 November 1996**

**amending Regulation (EC) No 1143/96 opening an invitation to tender for the refund 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 organization of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>,

Regulation (EC) No 1143/96 is amended as follows:

1. The title is replaced by the following:

‘opening an invitation to tender for the refund 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 for the export of common wheat to all third countries’.

4. Annex III is deleted.

*Article 2*

Whereas Commission Regulation (EC) No 1383/96<sup>(3)</sup>, as amended by Regulation (EC) No 1748/96<sup>(4)</sup>, opens an invitation to tender relating to the export of common wheat to Ceuta, Melilla and certain ACP States to close on 31 October 1996; 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 1143/96<sup>(5)</sup>, as last amended by Regulation (EC) No 1796/96<sup>(6)</sup>, should therefore be amended;

This Regulation shall enter into force on the day following 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, 4 November 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.  
<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.  
<sup>(3)</sup> OJ No L 147, 30. 6. 1995, p. 7.  
<sup>(4)</sup> OJ No L 18, 24. 1. 1996, p. 10.  
<sup>(5)</sup> OJ No L 179, 18. 7. 1996, p. 17.  
<sup>(6)</sup> OJ No L 229, 10. 9. 1996, p. 1.  
<sup>(7)</sup> OJ No L 151, 26. 6. 1996, p. 14.  
<sup>(8)</sup> OJ No L 236, 18. 9. 1996, p. 1.





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

**A. Trade**

d) Beef and veal



## COMMISSION DECISION

of 20 December 1995

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(96/39/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 ACP States or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 2484/94 <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 1636/95 of 5 July 1995 temporarily adapting the special import arrangements in the beef sector provided for in Regulation (EEC) No 715/90 with the view to the implementation of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations <sup>(3)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 1636/95 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 third countries;

Whereas the applications for import licences submitted between 1 and 10 December 1995, expressed in terms of boned meat, in accordance with Regulation (EC) No 1636/95, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities in respect of which licences may be applied for from 1 January 1996, should be fixed within the scope of the total quantity of 39 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 December 1995 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

*Germany:*

- 100,000 tonnes originating in Botswana,
- 90,000 tonnes originating in Madagascar;

*Italy:*

- 210,000 tonnes originating in Madagascar;

*United Kingdom:*

- 100,000 tonnes originating in Botswana,
- 100,000 tonnes originating in Swaziland,
- 224,760 tonnes originating in Zimbabwe,
- 100,000 tonnes originating in Namibia.

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 265, 15. 10. 1994, p. 3.

<sup>(3)</sup> OJ No L 155, 6. 7. 1995, p. 25.

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 1636/95 during the first 10 days of January 1996 for the following quantities of boned beef and veal:

— Botswana :	18 916 tonnes,
— Kenya :	142 tonnes,
— Madagascar :	7 579 tonnes,
— Swaziland :	3 363 tonnes,
— Zimbabwe :	9 100 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 20 December 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION DECISION**  
**of 19 January 1996**  
**on import licences in respect of beef and veal products originating in Botswana,**  
**Kenya, Madagascar, Swaziland and Zimbabwe**

(96/108/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 ACP States or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 2484/94 <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 1636/95 of 5 July 1995 temporarily adapting the special import arrangements in the beef sector provided for in Regulation (EEC) No 715/90 with the view to the implementation of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations <sup>(3)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 1636/95 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 third countries;

Whereas the applications for import licences submitted between 1 and 10 January 1996, expressed in terms of boned meat, in accordance with Regulation (EC) No 1636/95, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland and Zimbabwe the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities in respect of which licences may be applied for from 1 February 1996, should be fixed within the scope of the total quantity of 39 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION :

*Article 1*

The following Member States shall issue on 21 January 1996 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin :

*Germany :*

- 30,000 tonnes originating in Botswana,
- 75,000 tonnes originating in Madagascar;

*Netherlands :*

- 50,000 tonnes originating in Botswana,
- 3,813 tonnes originating in Madagascar;

*United Kingdom :*

- 630,000 tonnes originating in Botswana,
- 30,000 tonnes originating in Swaziland,
- 180,000 tonnes originating in Zimbabwe.

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 265, 15. 10. 1994, p. 3.

<sup>(3)</sup> OJ No L 155, 6. 7. 1995, p. 25.

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 1636/95 during the first 10 days of February 1996 for the following quantities of boned beef and veal:

— Botswana :	18 206,000 tonnes,
— Kenya :	142,000 tonnes,
— Madagascar :	7 500,187 tonnes,
— Swaziland :	3 333,000 tonnes,
— Zimbabwe :	8 920,000 tonnes.

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*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 January 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

**COMMISSION DECISION**  
**of 20 February 1996**  
**on import licences in respect of beef and veal products originating in Botswana,**  
**Kenya, Madagascar, Swaziland and Zimbabwe**

(96/189/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 2916/95<sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 1636/95 of 5 July 1995 temporarily adapting the special import arrangements in the beef sector provided for in Regulation (EEC) No 715/90 with the view to the implementation of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations<sup>(3)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 1636/95 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 1996, expressed in terms of boned meat, in accordance with Regulation (EC) No 1636/95, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland and Zimbabwe 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 1996, should be fixed within the scope of the total quantity of 39 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 February 1996 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

*Germany:*

- 55,000 tonnes originating in Botswana,
- 205,000 tonnes originating in Madagascar;

*Denmark:*

- 15,000 tonnes originating in Madagascar;

*Greece:*

- 10,000 tonnes originating in Zimbabwe;

*United Kingdom:*

- 180,000 tonnes originating in Botswana,
- 10,000 tonnes originating in Swaziland,
- 592,820 tonnes originating in Zimbabwe.

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 305, 19. 12. 1995, p. 49.

<sup>(3)</sup> OJ No L 155, 6. 7. 1995, p. 25.

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 1636/95 during the first 10 days of March 1996 for the following quantities of boned beef and veal:

— Botswana:	17 971,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 280,187 tonnes,
— Swaziland:	3 323,000 tonnes,
— Zimbabwe:	8 317,180 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 20 February 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION DECISION

of 19 March 1996

on import licences in respect of beef and veal products originating in Botswana,  
Kenya, Madagascar, Swaziland and Zimbabwe

(96/237/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 2916/95<sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 1636/95 of 5 July 1995 temporarily adapting the special import arrangements in the beef sector provided for in Regulation (EEC) No 715/90 with the view to the implementation of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations<sup>(3)</sup>, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 1636/95 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 1996, expressed in terms of boned meat, in accordance with Regulation (EC) No 1636/95, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland and Zimbabwe 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 1996, should be fixed within the scope of the total quantity of 39 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 March 1996 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

*Germany:*

- 350,000 tonnes originating in Botswana,
- 238,000 tonnes originating in Madagascar;

*Greece:*

- 36,000 tonnes originating in Zimbabwe;

*United Kingdom:*

- 350,000 tonnes originating in Botswana,
- 60,000 tonnes originating in Swaziland,
- 705,000 tonnes originating in Zimbabwe.

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 305, 19. 12. 1995, p. 49.

<sup>(3)</sup> OJ No L 155, 6. 7. 1995, p. 25.

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 1636/95 during the first 10 days of April 1996 for the following quantities of boned beef and veal:

— Botswana:	17 271,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 042,187 tonnes,
— Swaziland:	3 263,000 tonnes,
— Zimbabwe:	7 576,180 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 March 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**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**

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 originating in the ACP States or in the overseas countries and territories <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2916/95 <sup>(2)</sup>, and in particular Article 2 and 4 thereof,

Having regard to 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>(3)</sup>, and in particular Articles 2 and 4 thereof,

Whereas, under the mid-term review of the Fourth ACP-EC Convention, the arrangements for the importation of beef and veal from certain ACP States provided for the reduction in the specific customs duty referred to in Protocol 7 to the Convention to be increased from 90 % to 92 %; whereas in the case of Namibia the quantities benefiting from the specific import arrangements were fixed at 13 000 tonnes; whereas these changes to the arrangements constitute clear and unconditional commitments;

Whereas by its Decision No 6/95 the ACP-EC Council of Ministers adopted as transitional measures valid until the entry into force of the Agreement amending the Lomé Convention the provisions permitting some of the amendments to the Convention to enter into force in advance; whereas under that Decision the provisions concerning beef and veal are to apply from 1 January 1996;

Whereas arrangements to implement these measures should be adopted; whereas it is appropriate to bring together in a single Commission Regulation all the provisions concerning the arrangements for the importation of beef and veal from the ACP States, including those concerning the application for and issue of import licences, and to repeal Commission Regulation (EC) No 1636/95 of 5 July 1995 temporarily adapting the special import arrangements in the beef sector provided for in Council Regulation (EEC) No 715/90 with the view to the implementa-

tion of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations <sup>(4)</sup>;

Whereas the arrangements 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>(5)</sup>, as last amended by Regulation (EC) No 2137/95 <sup>(6)</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>(7)</sup>, as last amended by Regulation (EC) No 2856/95 <sup>(8)</sup>;

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 beef and veal products 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 of Regulation (EEC) No 715/90. In the case of Namibia, import licences shall be issued for an annual quantity not exceeding 13 000 tonnes.

2. For the purpose of this Regulation, 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 under CN codes 0206, 0210 and 1602.

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 305, 19. 12. 1995, p. 49.

<sup>(3)</sup> OJ No L 327, 30. 12. 1995, p. 32.

<sup>(4)</sup> OJ No L 155, 6. 7. 1995, p. 25.

<sup>(5)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(6)</sup> OJ No L 214, 8. 9. 1995, p. 21.

<sup>(7)</sup> OJ No L 143, 27. 6. 1995, p. 35.

<sup>(8)</sup> OJ No L 299, 12. 12. 1995, p. 10.

### Article 2

1. The specific rate of customs duty fixed in the Common Customs Tariff shall be reduced by 92 % for products referred to in Annex I and being imported under the present Regulation.

2. Notwithstanding Article 8 (4) of Commission Regulation (EEC) No 3719/88, the reduction referred to in paragraph 1 shall not apply on quantities exceeding those indicated in the import licence.

### Article 3

1. Applications for import licences and the licences themselves for products to be imported free of *ad valorem* customs duty pursuant to Article 2 of Regulation (EEC) No 715/90 and qualifying for a reduction of the specific rate of customs duties fixed in the Common Customs Tariff in accordance with Article 3 of the said Regulation shall contain:

(a) under the heading 'notes' and in Section 24 respectively, one of the following:

- Producto ACP — Reglamentos (CEE) n° 715/90 y (CE) n° 589/96
- AVS-produkt — forordning (EØF) nr. 715/90 og (EF) nr. 589/96
- AKP-Erzeugnis — Verordnungen (EWG) Nr. 715/90 und (EG) Nr. 589/96
- Προϊόν ΑΚΕ — Κανονισμοί (ΕΟΚ) αριθ. 715/90 και (ΕΚ) αριθ. 589/96
- ACP product — Regulations (EEC) No 715/90 and (EC) No 589/96
- Produit ACP — règlements (CEE) n° 715/90 et (CE) n° 589/96
- Prodotto ACP — regolamenti (CEE) n. 715/90 e (CE) n. 589/96
- ACS-produkt — Verordningen (EEG) nr. 715/90 en (EG) nr. 589/96
- Produto ACP — Regulamentos (CEE) n° 715/90 e (CE) n° 589/96
- AKT-tuote — asetys (ETY) N:o 715/90 ja (EY) N:o 589/96
- AVS-produkt — förordning (EEG) nr 715/90 och (EG) nr 589/96;

(b) in Section 8, the name of the State in which the product originates.

2. The licence shall carry with it an obligation to import from the State in question.

3. Applications for licences may be lodged only during the first 10 days of each month.

4. Member States shall notify valid applications to the Commission not later than the second working day following the end of the period for the submission of applications.

Such notifications shall include the quantities applied for in respect of each third country concerned, broken down by CN code or group of CN codes, as the case may be.

5. Where no valid applications have been lodged Member States shall so notify the Commission within the deadline referred to in paragraph 4.

### Article 4

1. The Commission shall decide in respect of each third country concerned to what extent applications can be accepted. If the quantities of products originating in a third country in respect of 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 by applications relating to a third country is lower than that available for that country, the Commission shall determine the amount of the balance remaining.

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 import duty reduction 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. Before the fifth day of each month, the Member States shall notify the Commission of the quantity of products for which ACP import licences were issued during the previous calendar month.

2. The notifications provided for in this Article shall be made in accordance with Annex II.

### Article 7

Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply, subject to the provisions of this Regulation.

### Article 8

Regulation (EC) No 1636/95 is hereby repealed.

### Article 9

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

Articles 1 and 2 shall apply from 1 January 1996.

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

Done at Brussels, 2 April 1996.

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

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## ANNEX I

## Products referred to in Article 4 (1)

Código NC KN-kode KN-Code Κωδικός 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 n° 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 nr. 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. Nr. L 256 vom 7. 9. 1987, S. 1).

*NB:* Οι κωδικοί της συνδιασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87 του Συμβουλίου (ΕΕ αριθ. 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 No 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 n° 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 n. 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 nr. 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 n° L 256 de 7. 9. 1987, p. 1).

*HUOM:* Tuotekoodit ja niihin liittyvät alaviitteet määntellään neuvoston asetuksessa (ETY) N:o 2658/87 (EYVL N:o L 256, 7.9.1987, s. 1).

*Anm:* KN-numren och fotnoterna definieras i rådets ändrade förordning (EEG) nr 2658/87 (EGT nr L 256, 7.9.1987, s. 1).

## ANNEX II

## Licences comprising ACP products

(referred to in Regulation (EC) No 589/96)

*(in tonnes)*

CN code							
	Code	Madagascar	Botswana	Swaziland	Kenya	Zimbabwe	Namibia
		370	391	393	346	382	389
— 0102 90 05							
— 0102 90 21, 0102 90 29							
— 0102 90 41 to 0102 90 79							
— 0201 10 00, 0201 20 20							
— 0201 20 30							
— 0201 20 50							
— 0201 20 90							
— 0201 30, 0206 10 95							
— 0202 10, 0202 20 10							
— 0202 20 30							
— 0202 20 50							
— 0202 20 90							
— 0202 30 10							
— 0202 30 50							
— 0202 30 90, 0206 29 91							
— 0210 20 10							
— 0210 20 90, 0210 90 41							
— 0210 90 90							
— 1602 50 10, 1602 90 61							

## COMMISSION DECISION

of 18 April 1996

on import licences in respect of beef and veal products originating in Botswana,  
Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(96/303/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) (\*), as last amended by Regulation (EC) No 619/96 (\*\*), and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (\*), in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 April 1996, expressed in terms of boned 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 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 1996, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries (\*), as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 March 1996 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

*Germany:*

- 400,000 tonnes originating in Botswana,
- 225,000 tonnes originating in Madagascar,
- 118 000 tonnes originating in Namibia;

*Netherlands:*

- 300,000 tonnes originating in Botswana;

*United Kingdom:*

- 930,000 tonnes originating in Botswana,
- 55,000 tonnes originating in Swaziland,
- 850,000 tonnes originating in Namibia.

(\*) OJ No L 84, 30. 3. 1990, p. 85.

(\*\*) OJ No L 89, 10. 4. 1996, p. 1.

(\*) OJ No L 84, 3. 4. 1996, p. 22.

(\*) OJ No L 302, 31. 12. 1972, p. 28.



*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 1996 for the following quantities of boned beef and veal:

— Botswana:	15 641,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	6 817,187 tonnes,
— Swaziland:	3 208,000 tonnes,
— Zimbabwe:	7 576,180 tonnes,
— Namibia:	11 545,006 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 April 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION DECISION**  
of 15 May 1996  
**on import licences in respect of beef and veal products originating in Botswana,  
Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

(96/338/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories <sup>(3)</sup>, in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 May 1996, expressed in terms of boned 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 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 1996, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 May 1996 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

*Germany:*

- 650,000 tonnes originating in Botswana,
- 98,000 tonnes originating in Madagascar,
- 600,000 tonnes originating in Namibia;

*Denmark:*

- 15,000 tonnes originating in Madagascar;

*Netherlands:*

- 250,000 tonnes originating in Botswana;

*United Kingdom:*

- 1 370,000 tonnes originating in Botswana,
- 60,000 tonnes originating in Swaziland,
- 800,000 tonnes originating in Zimbabwe,
- 1 160,000 tonnes originating in Namibia.

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 84, 3. 4. 1996, p. 22.

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of June 1996 for the following quantities of boned beef and veal:

— Botswana:	13 371,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	6 704,187 tonnes,
— Swaziland:	3 148,000 tonnes,
— Zimbabwe:	6 776,180 tonnes,
— Namibia:	9 785,006 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 15 May 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION DECISION

of 19 June 1996

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(96/395/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)<sup>(1)</sup>, as last amended by Regulation (EC) No 619/96<sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories<sup>(3)</sup>, in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 June 1996, expressed in terms of boned 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 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 1996, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 June 1996 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

*Germany:*

- 350,000 tonnes originating in Botswana,
- 60,000 tonnes originating in Madagascar,
- 450,000 tonnes originating in Namibia;

*Netherlands:*

- 100,000 tonnes originating in Botswana;

*United Kingdom:*

- 785,000 tonnes originating in Botswana,
- 84,000 tonnes originating in Swaziland,
- 759,000 tonnes originating in Zimbabwe,
- 700,000 tonnes originating in Namibia.

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 84, 3. 4. 1996, p. 22.

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of July 1996 for the following quantities of boned beef and veal:

— Botswana:	12 136,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	6 644,187 tonnes,
— Swaziland:	3 064,000 tonnes,
— Zimbabwe:	6 017,180 tonnes,
— Namibia:	8 635,006 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 June 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION DECISION**  
**of 18 July 1996**  
**on import licences in respect of beef and veal products originating in Botswana,**  
**Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

(96/485/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)<sup>(1)</sup>, as last amended by Regulation (EC) No 619/96<sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories<sup>(3)</sup>, in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 July 1996, expressed in terms of boned 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 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 1996, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 July 1996 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

*Germany:*

- 980,000 tonnes originating in Botswana,
- 241,930 tonnes originating in Madagascar,
- 900 000 tonnes originating in Namibia;

*United Kingdom:*

- 1 250,000 tonnes originating in Botswana,
- 110,000 tonnes originating in Swaziland,
- 1 600,000 tonnes originating in Zimbabwe,
- 1 400,000 tonnes originating in Namibia.

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 84, 3. 4. 1996, p. 22

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of August for the following quantities of boned beef and veal:

— Botswana:	9 906,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	6 402,257 tonnes,
— Swaziland:	2 954,000 tonnes,
— Zimbabwe:	4 417,180 tonnes,
— Namibia:	6 335,006 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 July 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 20 August 1996

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(96/512/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories <sup>(3)</sup>, in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 August 1996, expressed in terms of

boned 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 these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities in respect of which licences may be applied for from 1 September 1996, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 August 1996 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 84, 3. 4. 1996, p. 22.

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.



*Germany:*

- 200,000 tonnes originating in Botswana,
- 120,000 tonnes originating in Madagascar,
- 70,000 tonnes originating in Namibia;

*Netherlands:*

- 320,000 tonnes originating in Botswana;

*United Kingdom:*

- 440,000 tonnes originating in Botswana,
- 70,000 tonnes originating in Swaziland,
- 100,000 tonnes originating in Zimbabwe,
- 700,000 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 1996 for the following quantities of boned beef and veal:

- Botswana: 8 946,000 tonnes,
- Kenya: 142,000 tonnes,
- Madagascar: 6 282,257 tonnes,
- Swaziland: 2 884,000 tonnes,
- Zimbabwe: 4 317,180 tonnes,
- Namibia: 5 565,006 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 20 August 1996.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 18 September 1996

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(96/561/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)<sup>(1)</sup>, as last amended by Regulation (EC) No 619/96<sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories<sup>(3)</sup>, in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 September 1996, expressed in terms of

boned 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 these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities in respect of which licences may be applied for from 1 October 1996, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 September 1996 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 84, 3. 4. 1996, p. 22.

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.

*Germany:*

— 105,000 tonnes originating in Madagascar

*Denmark:*

— 15,000 tonnes originating in Madagascar

*United Kingdom:*

— 300,000 tonnes originating in Botswana

— 430,000 tonnes originating in Namibia.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of October 1996 for the following quantities of boned beef and veal:

— Botswana:	8 646,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	6 162,257 tonnes,
— Swaziland:	2 884,000 tonnes,
— Zimbabwe:	4 317,180 tonnes,
— Namibia:	5 135,006 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 September 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

**COMMISSION DECISION**  
**of 25 September 1996**  
**amending Decision 92/25/EEC concerning animal health conditions and**  
**veterinary certification for the importation of fresh meat from Zimbabwe**  
 (Text with EEA relevance)

(96/585/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 the Act of Acces-  
 sion of Austria, Finland and Sweden, and in particular  
 Articles 14, 15 and 16 thereof,

Whereas Commission Decision 92/25/EEC<sup>(2)</sup>, as last  
 amended by Decision 94/171/EC<sup>(3)</sup>, lays down the  
 animal health conditions and veterinary certification of  
 imports of fresh meat from Zimbabwe; whereas this Deci-  
 sion provides that Member States shall authorize imports  
 of de-boned fresh meat of bovine animals from the veteri-  
 nary regions of Mashonaland West province, Mashonaland  
 East province, Mashonaland Central province, Manicaland  
 province (including only the Makoni district), Midlands  
 province (including only the Gweru, Kwekwe, Shurugwi,  
 Chirimanzu and Zvishavane districts), Masvingo province  
 (including only the district of Gutu) and Matebeleland  
 South province (including only the district of Insiza);

Whereas the situation has improved in relation to foot-  
 and-mouth disease and it is now possible to amend  
 further the regionalization in Zimbabwe, thereby allowing  
 importation into the Community of fresh de-boned meat  
 from the Masvingo district of Masvingo province;

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 92/25/EEC is amended as follows:

1. In Article 1 (1), the words 'including only the district  
 of Gutu' shall be replaced by the words 'including only  
 the districts of Gutu and Masvingo'.
2. The Annex is replaced by the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 25 September 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ No L 10, 16. 1. 1992, p. 52.

<sup>(3)</sup> OJ No L 78, 22. 3. 1994, p. 41.

## ANNEX

## ANIMAL HEALTH CERTIFICATE

for de-boned fresh meat <sup>(1)</sup> of domestic animals of the bovine species, excluding offals, intended for consignment to the European Economic Community

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

Country destination: .....

Reference number of the public health certificate <sup>(2)</sup>: .....

Exporting country: Zimbabwe (veterinary regions of Mashonaland West province, Mashonaland East province, Mashonaland Central province, Manicaland province (including only Makoni district), Midlands province (including only the Gweru, Kwekwe, Shurugwi, Chirimanzu and Zvishavane districts), Masvingo province (including only the districts of Gutu and Masvingo) and Matebeleland South province (including only the district of Insiza)).

Ministry: .....

Department: .....

Reference: .....

(Optional)

## I. Identification of meat

Meat of domestic animals of the bovine species

Nature of cuts <sup>(3)</sup>: .....

Nature of packaging: .....

Number of cuts or packages: .....

Net weight: .....

## II. Origin of meat

Address(es) and veterinary approval number(s) of the approved slaughterhouse(s) <sup>(4)</sup>: .....

.....

Address(es) and veterinary approval number(s) of the approved cutting plant(s) <sup>(4)</sup>: .....

.....

Address(es) and veterinary approval number(s) of the approved cold store(s) <sup>(4)</sup>: .....

.....

## III. Destination of meat

The meat will be sent from: .....

(Place of loading)

to: .....

(Country and place of destination)

by the following means of transport <sup>(5)</sup>: .....

Name and address of consignor: .....

Name and address of consignee: .....

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

<sup>(2)</sup> Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC and Chapter 10 of Annex 1 to Council Directive 92/118/EEC

<sup>(3)</sup> Only de-boned fresh meat from bovine animals, from which all bones and the major accessible lymphatic glands have been removed, is authorized for importation.

<sup>(4)</sup> For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

**IV. Attestation of health**

I, the undersigned, official veterinarian, certify that:

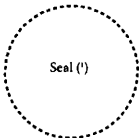
1. the de-boned fresh meat described above is obtained from:

- (a) animals which were born and reared in the Republic of Zimbabwe and, have remained in the veterinary regions of Mashonaland West province, Mashonaland East province, Mashonaland Central province, Manicaland province (including only the Makoni district), Midlands province (including only the Gweru, Kwekwe, Shurugwi, Chirimanzu and Zvishavane districts), Masvingo province (including only the districts of Gutu and Masvingo) and Matebeleland South province (including only the district of Insiza) for at least 12 months preceding slaughter or since birth in the case of animals less than 12 months old;
- (b) animals which bore, in accordance with the legal provisions, a mark indicating their region of origin that is for the veterinary region of Mashonaland West province, northern part, brand 'L', for Mashonaland West province, southern part, brand 'HL', for Mashonaland East province, brand 'H' or 'JJ', Mashonaland Central province, brand 'C', for Manicaland province (including only the Makoni district), brand 'UM', for Midlands province (including only the districts of Gweru, Kwekwe, Shurugwi and Chirimanzu), brand 'J', and for Midlands province (including only the district of Zvishavane), brand 'JCZ' or 'Z', for Masvingo province the district of Gutu brand 'TF' or 'T' and for the district of Masvingo brand 'L' and for Matebeleland South province (including only the district of Insiza), brand 'MY' or 'Y';
- (c) animals which have not been vaccinated against foot-and-mouth disease during the preceding 12 months;
- (d) animals which on the way to the slaughterhouse and while awaiting slaughter therein have not come into contact with animals not satisfying the requirements laid down in the Decisions of the European Community currently in force as regards export of their meat to a Member State, and if they were conveyed by vehicle or container the latter was cleaned and disinfected before loading;
- (e) animals which when subjected to an ante-mortem health inspection at the slaughterhouse during the 24 hours preceding slaughter which included examination of the mouth and feet showed no symptoms of foot-and-mouth disease;
- (f) animals which have been slaughtered on different days from those on which animals which do not comply with the conditions required for export of their meat to the European Community were slaughtered;
- (g) in the case of fresh meat from sheep and goats, animals which have not come from a holding which for animal health reasons is subject to prohibition as a result of an outbreak of ovine or caprine brucellosis during the previous six weeks;
- (h) animals which were slaughtered between ..... and ..... (dates of slaughter);

2. the de-boned fresh meat described above:

- (a) originates from carcasses which have matured at a room temperature of more than + 2 °C for at least 24 hours after slaughter and before the bones were removed;
- (b) has had the major lymphatic glands removed;
- (c) has, during all stages of its production, de-boning, and storage been kept strictly separate from meat not conforming to the requirements laid down in the decisions of the European Community currently in force as regards export of meat to a Member State (with the exception of meat packed in boxes or cartons and kept in special storage areas).

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



.....  
 (Signature of official veterinarian)  
 .....  
 (Name in capital letters, title and qualification of signatory)

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

## COMMISSION DECISION

of 18 October 1996

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(96/625/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories <sup>(3)</sup>, in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 October 1996, expressed in terms of boned 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 these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities in respect of which licences may be applied for from 1 November 1996, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from

third countries <sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 October 1996 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

*Germany:*

— 193,950 tonnes originating in Madagascar

*United Kingdom:*

— 250,000 tonnes originating in Botswana  
 — 840,000 tonnes originating in Namibia  
 — 550,000 tonnes originating in Zimbabwe.

*Article 2*

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of November 1996 for the following quantities of boned beef and veal:

— Botswana: 8 396,000 tonnes,  
 — Kenya: 142,000 tonnes,  
 — Madagascar: 5 968,307 tonnes,  
 — Swaziland: 2 884,000 tonnes,  
 — Zimbabwe: 3 767,180 tonnes,  
 — Namibia: 4 295,006 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 October 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 84, 3. 4. 1996, p. 22.

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.

## COMMISSION DECISION

of 20 November 1996

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(96/667/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)<sup>(1)</sup>, as last amended by Regulation (EC) No 619/96<sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories<sup>(3)</sup>, in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 November 1996, expressed in terms of boned 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 these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities in respect of which licences may be applied for from 1 December 1996, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from

third countries<sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 November 1996 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

*Germany:*

- 120,000 tonnes originating in Madagascar,
- 130,000 tonnes originating in Namibia;

*United Kingdom:*

- 800,000 tonnes originating in Botswana,
- 30,000 tonnes originating in Swaziland,
- 700,000 tonnes originating in Zimbabwe,
- 340,000 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 November 1996 for the following quantities of boned beef and veal:

- |               |                   |
|---------------|-------------------|
| — Botswana:   | 7 596,000 tonnes, |
| — Kenya:      | 142,000 tonnes,   |
| — Madagascar: | 5 868,307 tonnes, |
| — Swaziland:  | 2 854,000 tonnes, |
| — Zimbabwe:   | 3 067,180 tonnes, |
| — Namibia:    | 3 825,006 tonnes. |

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 20 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 84, 3. 4. 1996, p. 22.

<sup>(4)</sup> OJ No L 302, 31. 12. 1972, p. 28.



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

**A. Trade**

e) Pigmeat



**COMMISSION REGULATION (EC) No 1216/96**  
of 28 June 1996

**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>, and in particular Article 3 (1) thereof,

Whereas, in order to take account of existing import arrangements in the pigmeat sector and those resulting from the Agricultural Agreement concluded during the Uruguay Round of multilateral trade negotiations, transitional measures are needed to adjust the preferential concessions in the form of exemption from the import duty for certain pigmeat products from the ACP States and the OCT;

Whereas Commission Regulation (EEC) No 904/90 of 10 April 1990<sup>(2)</sup>, as last amended by Regulation (EEC) No 1592/95<sup>(3)</sup>, lays down detailed rules for the application of preferential conditions in the form of a reduction in the import levy for pigmeat quotas; whereas, since the levies are being replaced by customs duties from 1 July 1995, transitional adjustments to these rules have been made;

Whereas the period for the adoption of transitional measures was extended until 30 June 1997 by Council

Regulation (EC) No 1193/96 of 26 June 1996 extending the period for the adoption of the transitional measures required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations<sup>(4)</sup>; 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 1996 to 30 June 1997.

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

Done at Brussels, 28 June 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(2)</sup> OJ No L 93, 10. 4. 1990, p. 23.

<sup>(3)</sup> OJ No L 150, 1. 7. 1995, p. 93.

<sup>(4)</sup> See page 1 of this Official Journal.



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

**A. Trade**

f) Poultrymeat



**COMMISSION REGULATION (EC) No 1215/96**  
of 28 June 1996

**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>, and in particular Article 3 (1) thereof,

Whereas, in order, to take account of existing import arrangements in the poultrymeat sector and those resulting from the Agricultural Agreement concluded during the Uruguay Round of multilateral trade negotiations, transitional measures are needed to adjust the preferential concessions in the form of exemption from the import duty for certain poultrymeat products from the ACP States and the OCT;

Whereas Commission Regulation (EEC) No 903/90<sup>(2)</sup>, as last amended by Regulation (EC) No 2916/95<sup>(3)</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 1997 by Council

Regulation (EC) No 1193/96 of 26 June 1996 extending the period for the adoption of the transitional measures required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations<sup>(4)</sup>; 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 1996 to 30 June 1997.

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

Done at Brussels, 28 June 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(2)</sup> OJ No L 93, 10. 4. 1990, p. 20.

<sup>(3)</sup> OJ No L 305, 19. 12. 1995, p. 49.

<sup>(4)</sup> See page 1 of this Official Journal.

**COMMISSION REGULATION (EC) No 1447/96**  
of 24 July 1996

**on import licences for poultrymeat products originating in the African,  
Caribbean and Pacific States or in the overseas countries and territories**

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

Having regard Council Regulation (EEC) No 715/90 of  
5 March 1990 on the arrangements applicable to agricul-  
tural 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>(1)</sup>,  
as last amended by Regulation (EC) No 619/96 <sup>(2)</sup>, and in  
particular Article 27 thereof,

Whereas Article 4 (5) of Commission Regulation (EEC)  
No 903/90 <sup>(3)</sup>, as last amended by Regulation (EC) No  
1215/96 <sup>(4)</sup>, provides that the Commission is to decide to  
what extent quantities may be awarded in respect of  
applications for import licences; whereas, however,  
imports must not exceed the quotas;

Whereas licence applications have been lodged from 1 to  
10 July 1996,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for import licences lodged in accordance  
with Regulation (EEC) No 903/90 for the period 1 July to  
30 September 1996 shall be accepted in full.

*Article 2*

This Regulation shall enter into force on 25 July 1996.

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

Done at Brussels, 24 July 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 93, 10. 4. 1990, p. 20.

<sup>(4)</sup> OJ No L 161, 29. 6. 1996, p. 48.



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

A. Trade

g) Milkproducts



**COMMISSION REGULATION (EC) No 714/96**

of 19 April 1996

**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 1802/95 <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 1996 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 1996 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 20 April 1996.

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

Done at Brussels, 19 April 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 114, 5. 5. 1990, p. 21.

<sup>(4)</sup> OJ No L 174, 26. 7. 1995, p. 27.

## COMMISSION REGULATION (EC) No 1220/96

of 28 June 1996

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>, and in particular Article 3 (1) thereof,

Whereas Commission Regulation (EC) No 1677/95<sup>(2)</sup> lays down transitional measures until 30 June 1996 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 special arrangements for imports of milk and milk products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)<sup>(3)</sup>, as last amended by Regulation (EC) No 1802/95<sup>(4)</sup>, 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 1997 by Council Regulation (EC) No 1193/96 extending the period for the adoption of the transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations<sup>(5)</sup>; whereas, pending the adoption by the Council of definitive measures, the measures provided for by Regulation (EC) No 1677/95 should be extended until 30 June 1997;

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

HAS ADOPTED THIS REGULATION:

## Article 1

Article 3 (d) of Regulation (EEC) No 1150/90 is hereby replaced by the following:

(d) the heading "notes" and Section 24 of licence applications and licences shall show respectively one of the following:

- Derecho de aduana reducido en un 50 %, Producto ACP/PTOM  
Reglamento (CEE) n° 715/90
- Told nedsat med 50 %, AVS/OLT-varer  
forordning (EØF) nr. 715/90
- Zoll, ermäßigt um 50 %, AKP/ÜLG-  
Erzeugnis  
Verordnung (EWG) Nr. 715/90
- Δασμός μειωμένος κατά 50 %, προϊόν  
AKE/YXE  
Κανονισμός (ΕΟΚ) αριθ. 715/90
- Customs duty reduced by 50 %, ACP/OCT-  
Product  
Regulation (EEC) No 715/90
- Droit de douane réduit de 50 %, produit  
ACP/PTOM  
règlement (CEE) n° 715/90
- Dazio doganale ridotto del 50 %, prodotto  
ACP/PTOM  
regolamento (CEE) n. 715/90
- Douanerecht verminderd met 50 %, ACS/  
LGO-produkt  
Verordening (EEG) nr. 715/90
- Direito aduaneiro reduzido de 50 %, produto  
ACP/PTOM  
Reglamento (CEE) n° 715/90
- Tullia alennettu viidelläkymmenellä prosen-  
tilla, AKT/MMA-tuote  
Asetus (ETY) N:o 715/90
- Nedsättning med 50 % av tullsatsen, produkt  
AVS/ULT  
Förordning (EEG) nr 715/90.

## Article 2

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

It shall apply from 1 July 1996 to 30 June 1997.

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(2)</sup> OJ No L 159, 11. 7. 1995, p. 5.

<sup>(3)</sup> OJ No L 114, 5. 5. 1990, p. 21.

<sup>(4)</sup> OJ No L 174, 26. 7. 1995, p. 27.

<sup>(5)</sup> See page 1 of this Official Journal.

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

Done at Brussels, 28 June 1996.

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

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**COMMISSION REGULATION (EC) No 1387/96**  
**of 17 July 1996**  
**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 Commission Regulation (EC) No 619/96 <sup>(2)</sup>, and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 <sup>(3)</sup>, as last amended by Regulation (EC) No 1220/96 <sup>(4)</sup>, provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas applications for licences have been made for a total quantity not greater than that available; whereas, therefore, all applications submitted should be accepted,

HAS ADOPTED THIS REGULATION:

*Article 1*

Licence applications lodged pursuant to Article 4 of Regulation (EEC) No 1150/90 from 1 to 10 July 1996 and notified to the Commission are hereby accepted.

*Article 2*

This Regulation shall enter into force on 18 July 1996.

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

Done at Brussels, 17 July 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 89, 10. 4. 1996, p. 1.

<sup>(3)</sup> OJ No L 114, 5. 5. 1990, p. 21.

<sup>(4)</sup> OJ No L 161, 29. 6. 1996, p. 57.

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

B. Financial and technical cooperation





**COUNCIL RECOMMENDATION**

of 11 March 1996

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 1994

(96/209/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 1994 and the Court of Auditors' report relating to the financial year 1994 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 1994 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 1994.

Done at Brussels, 11 March 1996.

*For the Council*

*The President*

L. DINI

<sup>(1)</sup> OJ No L 175, 1. 7. 1986, p. 1.

<sup>(2)</sup> OJ No L 86, 31. 3. 1986, p. 210.

<sup>(3)</sup> OJ No L 178, 2. 7. 1986, p. 13.

<sup>(4)</sup> OJ No L 325, 20. 11. 1996, p. 42.

<sup>(5)</sup> OJ No C 303. 14. 11. 1995, pp. 252 to 293.

**COUNCIL RECOMMENDATION**

of 11 March 1996

**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 1994**

(96/210/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Union, 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 1994 and the Court of Auditors' report relating to the financial year 1994 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 1994 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 1994.

Done at Brussels, 11 March 1996.

*For the Council*

*The President*

L. DINI

<sup>(1)</sup> OJ No L 263, 19. 9. 1991, p. 1.

<sup>(2)</sup> OJ No L 229, 17. 8. 1991, p. 288.

<sup>(3)</sup> OJ No L 266, 21. 9. 1991, p. 1.

<sup>(4)</sup> OJ No C 303, 14. 11. 1995, pp. 252 to 293.

**EUROPEAN PARLIAMENT RESOLUTION**

of 17 April 1996

**refusing discharge to the Commission in respect of the implementation of the European Development Funds for the 1994 financial year**

(96/380/EC)

THE EUROPEAN PARLIAMENT,

- Having regard to the EC Treaty,
  - Having regard to the fourth 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 1994 financial year (COM(95)0180),
  - Having regard to the annual report of the Court of Auditors concerning the financial year 1994 and the replies of the institutions <sup>(2)</sup>,
  - Having regard to the Statement of Assurance relating to the sixth and seventh European Development Funds for the financial year 1994, together with the relative special report and the replies of the Commission <sup>(3)</sup>,
  - Having regard to the recommendations of the Council of 11 March 1996 (C4-0198/96 and C4-0199/96) <sup>(4)</sup>,
  - Having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A4-0096/96),
- A. whereas the Court of Auditors was unable to provide a positive statement of assurance on the activities of the sixth and seventh EDFs for the financial year 1994,
1. Shares the Court of Auditors' opinion that the continuing difficulties besetting the Commission's financial management of the European Development Funds can in large part be attributed to the legal framework under which they are managed, in particular the fact that they are not legally Community expenditure and are not managed in accordance with regular budgetary provisions;
  2. Reiterates its view that the situation whereby the European Parliament is called upon to reach an annual discharge decision for the EDFs without at the same time possessing either the corresponding budgetary or legislative powers is an anomalous one; believes that, especially in view of the facts coming to light in the current discharge procedure, this situation can no longer be tolerated;
  3. Considers that democratic accountability for the expenditure carried out under the European Development Funds is seriously compromised by the legal and financial framework governing them; refuses from now on to be implicated in providing any illusion of accountability through the granting of discharge, or thereby to assume any responsibility for a system for which it cannot legislate;
  4. Calls again for the integration of EDF funds into the development cooperation section of the general budget of the European Communities;
  5. Reminds the Member States of their prime responsibility in creating the unsatisfactory situation outlined in this resolution;
  6. Recognizes the Commission's attempts to improve EDF financial management within the context of the existing legal framework, and encourages it to pursue those improvements; believes however that such improvements can only be of a superficial nature until the legal framework is changed;
  7. Deplores the manner in which the Commission subsidized the operations of the Cultural Foundation without proper checks as to the use made of funding, without requiring proper justification of many of the amounts requested and without informing the EDF discharge authority as to serious financial problems as and when they arose; believes that considerable loss to the European taxpayer has occurred as a result;
  8. Deplores the Commission's use of public funds totalling ECU 738 606 to wind up the Foundation, pay off its creditors and meet its related staff costs; notes furthermore that the Commission was under no legal obligation to reach this decision, which was therefore of an exclusively political nature; affirms its total disagreement with that decision;

<sup>(1)</sup> OJ No L 229, 17. 8. 1991.

<sup>(2)</sup> OJ No C 303, 14. 11. 1995.

<sup>(3)</sup> OJ No C 352, 30. 12. 1995, pp. 93 and 97.

<sup>(4)</sup> OJ No L 68, 19. 3. 1996, pp. 30 and 31.

9. Believes that one of the important reasons the Commission was able to behave as it did in the case of the Cultural Foundation was that EDF procedures do not at present ensure transparency or accountability in respect of the discharge authority;
10. Refuses discharge to the Commission in respect of the implementation of the sixth and seventh European Development Funds for the 1994 financial year;
11. Instructs its President to forward this resolution to the Commission, the Council and the Court of Auditors and to have it published in the *Official Journal of the European Communities* (L series).

*The Secretary-General*  
Enrico VINCI

*The President*  
Klaus HÄNSCH

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

**Fisheries**



## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 498/96  
of 19 March 1996**

**on the conclusion of the Protocol defining, for the period 21 May 1995 to 20 May 1998, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Madagascar on fishing off Madagascar**

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, in accordance with the Agreement between the European Economic Community and the Government of the Republic of Madagascar on fishing off Madagascar <sup>(3)</sup>, the two parties have held negotiations with a view to determining the amendments or additions to be made to the Agreement at the end of the period of application of the first Protocols;

Whereas, as a result of these negotiations, a new Protocol was initiated on 18 May 1995 defining, for the period 21 May 1995 to 20 May 1998, the fishing opportunities and the financial contribution provided for by the said Agreement;

Whereas it is in the Community's interest to approve this Protocol,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol defining, for the period 21 May 1995 to 20 May 1998, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Madagascar on fishing off Madagascar is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

*Article 2*

The President of Council is hereby authorized to designate the persons empowered sign the Protocol in order to bind the Community <sup>(4)</sup>.

*Article 3*

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

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

Done at Brussels, 19 March 1996.

*For the Council*

*The President*

W. LUCHETTI

<sup>(1)</sup> OJ No C 201, 8. 8. 1992, p. 19.

<sup>(2)</sup> OJ No C 65, 4. 3. 1996.

<sup>(3)</sup> OJ No L 73, 18. 3. 1986, p. 26.

<sup>(4)</sup> The date of entry into force of the Protocol will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

## PROTOCOL

**defining, for the period 21 May 1995 to 20 May 1998, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Madagascar on fishing off Madagascar**

### *Article 1*

Pursuant to Article 2 of the Agreement, licences authorizing simultaneous fishing in Madagascar's fishing zone shall be granted to 42 freezer tuna seiners and 16 surface longliners for a period of three years beginning on 21 May 1995.

In addition, at the request of the Community, authorization 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 ECU 1 350 000 for the duration of the Protocol, payable in three equal annual instalments. This amount is to cover an annual catch of 9 000 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 proportionately increased.

### *Article 3*

1. The Community shall also, during the period referred to in Article 1, contribute ECU 375 000 to finance a Malagasy scientific programme to improve knowledge of the highly migratory species existing in the Indian Ocean around Madagascar.

At the request of the Government of Madagascar, this contribution may take the form of assistance with the costs of international meetings to improve knowledge of those species and the management of fishery resources.

2. The competent Malagasy authorities shall send the Commission a summary report on the use of those funds.

3. The Community contribution to the scientific programme shall be paid into the account indicated by the Malagasy authorities.

### *Article 4*

1. The two parties hereby agree that increasing the skills and knowledge of those concerned with sea fishing is essential to the success of their cooperation. The Community shall therefore facilitate the entry of Malagasy nationals to establishments in its Member States and, for this purpose, shall make available to them study or practical training awards lasting a maximum of five years in the various scientific, technical and economic fields and in related activities linked to the development of the fisheries and aquaculture sectors, as judged necessary by the Government of Madagascar. The total cost of these grants may not exceed ECU 450 000. The grants may also be used in any other State linked to the Community by a Cooperation Agreement.

2. The amount referred to in paragraph 1 shall be payable as and when used.

### *Article 5*

Should the Community not make the payments referred to in Articles 2 and 3 of this Protocol, the Fisheries Agreement may be suspended.

### *Article 6*

The Annex to the Agreement between the European Economic Community and the Government of the Republic of Madagascar on fishing off Madagascar is hereby repealed and replaced by the Annex to this Protocol.

### *Article 7*

This Protocol shall enter into force on the date of its signature.

It shall apply from 21 May 1995.



## ANNEX

**CONDITIONS GOVERNING FISHING ACTIVITIES BY COMMUNITY VESSELS IN  
MADAGASCAR'S FISHING ZONE**

**1. Formalities concerning applications for, and the issue of, licences**

The procedure for applications for, and the issue of, licences authorizing 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. The application must be made on the form provided by Madagascar for this purpose, in accordance with the specimen given in Appendix 1; it shall be accompanied by proof of payment of the advance due from the shipowner;

- (b) the licence 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 European Commission 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 the licence to the representative of the Commission of the European Communities in Madagascar;
- (d) the licence must be kept on board at all times; however, on reception of notification of payment of the advance sent to the Malagasy authorities by the European Commission, the vessel shall be entered on a list of vessels authorized 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 in Madagascar by an agent;
- (f) before the entry into force of the Protocol, the Malagasy authorities shall supply full details of the bank accounts to be used for the payment of fees.

**2. Validity of, and payment for, licences**

- (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 Madagascar's jurisdiction. Licences shall be issued on advance payment to the Malagasy Treasury of an annual sum of ECU 1 500 per tuna seiner and an annual sum of ECU 500 per surface longliner.
- (c) At the end of each calendar year, the European Commission 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 Oceanographical Institute) or USTA (Antsirana Tuna Statistical Unit). 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 abovementioned advance, the balance shall not be recoverable by the shipowner.

### 3. Declaration of catches

- (a) Vessels authorized to fish in Madagascar's fishing zone pursuant to 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 form shall be sent to the competent authorities within 45 days of the end of fishing activities in Madagascar's fishing zone.

The form must be filled in legibly and signed by the captain of the ship.

- (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. Radio communications

The captain shall give notification, at least 24 hours in advance, either via the coastal radio station at Antsiranana or by telex or fax, of his intention of bringing his vessel into 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 boats 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.

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 boat.

Should a tuna boat with a Malagasy observer on board leave Madagascar's fishing zone, every step shall be taken to ensure that the observer returns to Madagascar as soon as possible, at the shipowner's expense.

### 6. Employment of seamen

At least two Malagasy seamen shall be employed by the tuna seiner fleet for the duration of the fishing season.

In the event that the 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 by the agents and the seamen concerned.

### 7. Fishing zones

Community vessels shall have access to all waters under Madagascar's jurisdiction outside the zone of two nautical miles.

Should the Malagasy authorities decide to install experimental fish concentration devices (FCDs), they shall inform the European Commission 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. Transhipment**

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.).

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*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:

.....

.....



## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 19 March 1996

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Supplement to the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania, for the period 15 November 1995 to 31 July 1996

(96/227/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 Republic of Mauritania on fishing off the coast of Mauritania<sup>(1)</sup>, and in particular Article 13 thereof,

Having regard to the proposal from the Commission,

Whereas negotiations have been held between the Community and the Islamic Republic of Mauritania, in accordance with the second paragraph of Article 13 of the abovementioned Agreement, to determine the additions to be introduced into the Annex to the Agreement and into the Protocol for the period 15 November 1995 to 31 July 1996;

Whereas, as a result of these negotiations, a Supplement to the Protocol in force was initialled on 11 November 1995;

Whereas, under that Supplement to the Protocol, Community fishermen have additional fishing rights in the waters under the sovereignty or jurisdiction of Mauritania;

Whereas, in order to permit these fishing activities by Community vessels, it is essential that the Supplement to the Protocol be approved as soon as possible; whereas, for

this reason, the two Parties initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the Supplement to the Protocol from 15 November 1995; whereas this Agreement should be approved subject to a final decision under Article 43 of the Treaty;

Whereas these fishing opportunities should be allocated to Member States in accordance with Article 8 (4) (iii) of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture<sup>(2)</sup>; whereas, in view of the loss of fishing opportunities in Moroccan waters, it is equitable to allot all the fishing opportunities to vessels flying the Spanish flag,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Supplement to the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania, for the period 15 November 1995 to 31 July 1996, is hereby approved on behalf of the Community.

<sup>(1)</sup> OJ No L 388, 31. 12. 1987, p. 3.

<sup>(2)</sup> OJ No 389, 31. 12. 1992, p. 1. Regulation as last amended by the 1994 Act of Accession.

The texts of the Agreement in the form of an Exchange of Letters and of the Supplement to the Protocol are attached to this Decision.

*Article 2*

The fishing opportunities set out in the Supplement to the Protocol shall be granted to vessels flying the Spanish flag.

Should applications for licences from Spain not exhaust the fishing opportunities set out in the Supplement to the Protocol, the Commission shall make it possible for the other Member States to make applications.

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*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, 19 March 1996.

*For the Council*

*The President*

W. LUCHETTI

**AGREEMENT**

**in the form of an Exchange of Letters concerning the provisional application of the supplement to the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania, for the period 15 November 1995 to 31 July 1996**

*A. Letter from Mauritania*

Sir,

With reference to the Supplement to the Protocol initialled on 11 November 1995 setting out, in accordance with Article 3 of the Protocol in force, additional fishing opportunities and the related financial contribution for the period 15 November 1995 to 31 July 1996, I have the honour to inform you that the Islamic Republic of Mauritania is prepared to apply this Supplement to the Protocol provisionally from 15 November 1995 pending its entry into force in accordance with Article 7 of the Supplement provided that the Community is disposed to do the same.

This is on the understanding that the financial compensation specified in Article 2 of the Supplement to the Protocol must be paid by 25 January 1996.

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 Islamic Republic  
of Mauritania*



*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 Supplement to the Protocol initialled on 11 November 1995 setting out, in accordance with Article 3 of the Protocol in force, additional fishing opportunities and the related financial contribution for the period 15 November 1995 to 31 July 1996, I have the honour to inform you that the Islamic Republic of Mauritania is prepared to apply this Supplement to the Protocol provisionally from 15 November 1995 pending its entry into force in accordance with Article 7 of the Supplement provided that the Community is disposed to do the same.

This is on the understanding that the financial compensation specified in Article 2 of the Supplement to the Protocol must be paid by 25 January 1996.

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 this provisional application.

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

*On behalf of the Council  
of the European Communities*

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**SUPPLEMENT TO THE PROTOCOL SETTING OUT THE FISHING OPPORTUNITIES AND FINANCIAL CONTRIBUTION PROVIDED FOR IN THE AGREEMENT BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE ISLAMIC REPUBLIC OF MAURITANIA ON FISHING OFF THE COAST OF MAURITANIA, FOR THE PERIOD 15 NOVEMBER 1995 TO 31 JULY 1996**

*Article 1*

From 15 November 1995 to 31 July 1996 further fishing opportunities are hereby granted, pursuant to Article 3 of the Protocol, to cephalopod fishing vessels: 5 250 GRT/month annual average, which may vary by a margin of 5 % above or below that figure, for not more than 18 vessels. Should the figure be exceeded within the 5 % limit the shipowners shall pay the fees for the additional GRT.

*Article 2*

1. The total financial compensation for the period referred to in Article 1 shall be ECU 7 259 000.
2. The use to which this compensation is put shall be the sole responsibility of Mauritania.
3. The compensation shall be paid into an account opened with a financial institution or any other body designated by Mauritania.

*Article 3*

Of the amount of total financial compensation provided for in Article 2 (1) Mauritania shall allocate, for the period referred to in Article 1, the sum of ECU 350 000 towards the financing of scientific and technical programmes to improve biological and fishery resource information as regards the Mauritanian fishing zone. This sum shall be made available to Mauritania and the corresponding amounts shall be transferred to the accounts indicated by the Mauritanian authorities (CNROP in Nouadhibou).

The Community reserves the right to request the other contracting party to provide any information that may be useful for scientific purposes.

*Article 4*

1. Of the amount of total financial compensation provided for in Article 2 (1), Mauritania shall allocate, for the period referred to in Article 1, the sum of ECU 150 000 to study and practical training in the various scientific, technical and economic disciplines relating to fisheries. To this end, the Community shall make it easier for nationals of Mauritania to find places in establishments in its Member States.
2. Part of the amount referred to in paragraph 1 may be allocated to cover the costs of participating in international meetings or training courses on fisheries.

*Article 5*

Should the Community fail to make the payments provided for in Article 2, Mauritania reserves the right to suspend the application of this Supplement to the Protocol.

*Article 6*

The Annex to the Agreement between the European Community and Mauritania on fishing off the coast of Mauritania shall be supplemented by the Annex to this Supplement to the Protocol.

*Article 7*

This Supplement to the Protocol shall enter into force on the date on which it is signed.

It shall apply with effect from 15 November 1995.

## ANNEX

**CONDITIONS FOR CEPHALOPOD FISHING BETWEEN 15 NOVEMBER 1995 AND 31 JULY 1996 SUPPLEMENTING THOSE SET OUT IN THE ANNEX TO THE PROTOCOL**

**1. Inspection**

Each vessel concerned will undergo only one inspection in port for the period from 15 November 1995 to 31 July 1996.

**2. Replacement of a vessel**

Each vessel may be replaced by another of equal or smaller gross registered tonnage subject to the following conditions:

- (a) at least three months after the licence was issued;
- (b) during a given period of three months by reason of *force majeure*.

**3. Licence fee and period**

- (a) licences shall be issued for periods of three, six or 8,5 months. Three-month licences shall be renewable;
- (b) the fee to be paid by the shipowner shall be ECU 348 per gross registered ton per year. It shall be payable in proportion to the period of the licence.

**4. Signing-on of Mauritan seamen**

Each vessel shall employ Mauritanian seamen to make up 35 % of the non-officer crew engaged in manning the vessel or fishing activities, of whom 25 % shall in any circumstances be on board.

In respect of the 10 % who may not be on board, the shipowner shall pay compensation of ECU 200/month per seaman to the Mauritanian authorities at the same time as the licence fee. Such compensation shall be used for the training of Mauritanian fishermen.

**5. On-board observers**

Each vessel shall take on board not more than one observer, within the 25 % limit of Mauritanian fishermen.

**6. Fishing zone**

The fishing zone in which Community vessels are permitted shall be identical to that laid down by national regulations for Mauritanian vessels.

**7. Authorized mesh size**

The minimum authorized mesh size is 70 mm.

**8. Special provisions**

- (a) Community shipowners shall own the catches in their entirety and be free to decide upon their sale and unloading in the port of their choice. However, the Community and Mauritania will encourage their own operators concerned to establish permanent joint consultation in order to prevent any competition liable to destabilize the market.
- (b) Community vessels are required to abide by Mauritanian regulations in force for the protection of juveniles. However, should any juveniles be caught the shipowner will be liable to a fine of not less than the value of the juvenile specimens caught and marketed by him. Vessels fishing for cephalopods may catch fish and crustaceans and keep them on board.
- (c) The competent Community authorities shall inform the Mauritanian authorities on a case-by-case basis in writing 10 days in advance of inspection visits which they have decided to conduct in a Community port. The Mauritanian authorities shall give five days' notice of their intention to send an observer. The observer should not be sent for a period exceeding 15 days.  
To this end the Community will make the necessary arrangements for the Mauritanian authorities to be informed in real time of landings performed by vessels operating in Mauritanian waters.
- (d) Community shipowners shall be free to choose the local agents for their vessels although they must be of Mauritanian nationality.
- (e) The European Union and Mauritania, in their concern for the conservation of resources, shall endeavour to cooperate to strengthen the system for the surveillance of the Mauritanian EEZ.

# COMMISSION

## COMMISSION DECISION

of 30 April 1996

concerning certain protective measures with regard to fishery products originating in Mauritania

(Text with EEA relevance)

(96/293/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by Directive 95/52/EC<sup>(2)</sup>, and in particular Article 19 thereof,

Whereas an expert of the Commission went to Mauritania to check the conditions of production and processing of fishery products exported to the Community; whereas according to the observations of this expert, the official guarantees given by the Mauritanian authorities are not adhered to and the conditions of production and storage of fishery products show serious defects as regards hygiene and control which can constitute risks to public health;

Whereas it is necessary to suspend the import of all fishery products originating in Mauritania pending improvement of the conditions of hygiene and control of production;

Whereas it is necessary to obtain, from the competent authority of Mauritania, guarantees that the requirements of Council Directive 91/493/EEC<sup>(3)</sup>, as last amended by Directive 95/71/EC<sup>(4)</sup>, are respected; whereas in view of these guarantees it may be possible to re-examine this Decision in order to reauthorize imports of fishery products from this country;

Whereas the measures provided for in this Decision are in accordance with the Permanent Veterinary Committee,

HAS ADOPTED THIS DECISION:

### *Article 1*

Member States shall prohibit the import of consignments of fishery products in whatever form originating in Mauritania, with the exception of direct landings from fishing vessels in the Community.

### *Article 2*

Member States shall amend the measures that they apply to imports to comply with this Decision. They shall inform the Commission thereof.

### *Article 3*

This Decision shall be re-examined before the 13 July 1996.

### *Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 30 April 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 265, 8. 11. 1995, p. 16.

<sup>(3)</sup> OJ No L 268, 24. 9. 1991, p. 15.

<sup>(4)</sup> OJ No L 332, 30. 12. 1995, p. 40.

**COUNCIL REGULATION (EC) No 1258/96**

of 25 June 1996

**on the conclusion of the supplement to the protocol setting out the fishing opportunities and financial contribution provided for in the agreement between the European Economic Community and the Islamic Republic of Mauritania, on fishing off the coast of Mauritania, for the period 15 November 1995 to 31 July 1996**

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 paragraph 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, in accordance with the second paragraph of Article 13 of the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania <sup>(2)</sup>, the two parties negotiated to determine the additions to be introduced into the Annex to the agreement and into the protocol for the period 15 November 1995 to 31 July 1996;

Whereas, as a result of these negotiations, a supplement to the protocol setting out, for the period 15 November 1995 to 31 July 1996, the fishing opportunities and financial contribution provided for in the agreement was initialled on 11 November 1995;

Whereas it is in the Community's interest to approve this supplement to the protocol;

Whereas these fishing opportunities should be allocated to Member States in accordance with Article 8 (4) (iii) of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture <sup>(3)</sup>; whereas, in view of the loss of fishing opportunities in Moroccan waters, it is equitable to allot all the fishing opportunities to vessels flying the Spanish flag,

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

Done at Luxembourg, 25 June 1996.

HAS ADOPTED THIS REGULATION:

*Article 1*

The supplement to the protocol setting out the fishing opportunities and financial contribution provided for in the agreement between the European Economic Community and the Islamic Republic of Mauritania, on fishing off the coast of Mauritania, for the period 15 November 1995 to 31 July 1996, is hereby approved on behalf of the Community.

The text of the supplement to the protocol is attached to this Regulation.

*Article 2*

The fishing opportunities set out in the supplement to the protocol shall be allocated to vessels flying the Spanish flag.

Should applications for licences lodged by Spain not exhaust the fishing opportunities set out in the supplement to the protocol the Commission shall make it possible for the other Member States to make applications.

*Article 3*

The President of the Council is hereby authorized to designate the persons empowered to sign the supplement to 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*.

*For the Council*

*The President*

M. PINTO

<sup>(1)</sup> OJ No C 166, 10. 6. 1996.

<sup>(2)</sup> OJ No L 388, 31. 12. 1987, p. 1.

<sup>(3)</sup> OJ No L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

## SUPPLEMENT TO THE PROTOCOL

**setting out the fishing opportunities and financial contribution provided for in the agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania, for the period 15 November 1995 to 31 July 1996**

### *Article 1*

From 15 November 1995 to 31 July 1996 further fishing opportunities are hereby granted, pursuant to Article 3 of the Protocol, to cephalopod fishing vessels: 5 250 GRT/month annual average, which may vary by a margin of 5 % above or below that figure, for not more than 18 vessels. Should the figure be exceeded within the 5 % limit the shipowners shall pay the fees for the additional GRT.

### *Article 2*

1. The total financial compensation for the period referred to in Article 1 shall be ECU 7 259 000.
2. The use to which this compensation is put shall be the sole responsibility of Mauritania.
3. The compensation shall be paid into an account opened with a financial institution or any other body designated by Mauritania.

### *Article 3*

Of the amount of total financial compensation provided for in Article 2 (1) Mauritania shall allocate, for the period referred to in Article 1, the sum of ECU 350 000 towards the financing of scientific and technical programmes to improve biological and fishery resource information as regards the Mauritanian fishing zone. This sum shall be made available to Mauritania and the corresponding amounts shall be transferred to the accounts indicated by the Mauritanian authorities (CNROP in Nouadhibou).

The Community reserves the right to request the other contracting party to provide any information that may be useful for scientific purposes.

### *Article 4*

1. Of the amount of total financial compensation provided for in Article 2 (1), Mauritania shall allocate, for the period referred to in Article 1, the sum of ECU 150 000 to study and practical training in the various scientific, technical and economic disciplines relating to fisheries. To this end, the Community shall make it easier for nationals of Mauritania to find places in establishments in its Member States.
2. Part of the amount referred to in paragraph 1 may be allocated to cover the costs of participating in international meetings or training courses on fisheries.

### *Article 5*

Should the Community fail to make the payments provided for in Article 2, Mauritania reserves the right to suspend the application of this Supplement to the Protocol.

### *Article 6*

The Annex to the Agreement between the European Community and Mauritania on fishing off the coast of Mauritania shall be supplemented by the Annex to this Supplement to the Protocol.

### *Article 7*

This Supplement to the Protocol shall enter into force on the date on which it is signed.

It shall apply with effect from 15 November 1995.

## ANNEX

**CONDITIONS FOR CEPHALOPOD FISHING BETWEEN 15 NOVEMBER 1995 AND 31 JULY 1996 SUPPLEMENTING THOSE SET OUT IN THE ANNEX TO THE PROTOCOL****1. Inspection**

Each vessel concerned will undergo only one inspection in port for the period from 15 November 1995 to 31 July 1996.

**2. Replacement of a vessel**

Each vessel may be replaced by another of equal or smaller gross registered tonnage subject to the following conditions:

- (a) at least three months after the licence was issued;
- (b) during a given period of three months by reason of *force majeure*.

**3. Licence fee and period**

- (a) licences shall be issued for periods of three, six or 8,5 months. Three-month licences shall be renewable;
- (b) the fee to be paid by the shipowner shall be ECU 348 per gross registered ton per year. It shall be payable in proportion to the period of the licence.

**4. Signing-on of Mauritanian seamen**

Each vessel shall employ Mauritanian seamen to make up 35 % of the non-officer crew engaged in manning the vessel or fishing activities, of whom 25 % shall in any circumstances be on board.

In respect of the 10 % who may not be on board, the shipowner shall pay compensation of ECU 200/month per seaman to the Mauritanian authorities at the same time as the licence fee. Such compensation shall be used for the training of Mauritanian fishermen.

**5. On-board observers**

Each vessel shall take on board not more than one observer, within the 25 % limit of Mauritanian fishermen.

**6. Fishing zone**

The fishing zone in which Community vessels are permitted shall be identical to that laid down by national regulations for Mauritanian vessels.

**7. Authorized mesh size**

The minimum authorized mesh size is 70 mm.

**8. Special provisions**

- (a) Community shipowners shall own the catches in their entirety and be free to decide upon their sale and unloading in the port of their choice. However, the Community and Mauritania will encourage their own operators concerned to establish permanent joint consultation in order to prevent any competition liable to destabilize the market.
- (b) Community vessels are required to abide by Mauritanian regulations in force for the protection of juveniles. However, should any juveniles be caught the shipowner will be liable to a fine of not less than the value of the juvenile specimens caught and marketed by him. Vessels fishing for cephalopods may catch fish and crustaceans and keep them on board.
- (c) The competent Community authorities shall inform the Mauritanian authorities on a case-by-case basis in writing 10 days in advance of inspection visits which they have decided to conduct in a Community port. The Mauritanian authorities shall give five days' notice of their intention to send an observer. The observer should not be sent for a period exceeding 15 days.  
To this end the Community will make the necessary arrangements for the Mauritanian authorities to be informed in real time of landings performed by vessels operating in Mauritanian waters.
- (d) Community shipowners shall be free to choose the local agents for their vessels although they must be of Mauritanian nationality.
- (e) The European Union and Mauritania, in their concern for the conservation of resources, shall endeavour to cooperate to strengthen the system for the surveillance of the Mauritanian EEZ.

## COMMISSION DECISION

of 28 June 1996

## laying down special conditions governing the import of fishery and aquaculture products originating in Mauritania

(Text with EEA relevance)

(96/425/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products<sup>(1)</sup>, as last amended by Directive 95/71/EC<sup>(2)</sup>, and in particular Article 11 thereof,

Whereas a group of Commission experts has conducted an inspection visit to Mauritania to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of Mauritania legislation on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas the 'Ministère des Pêches et de l'Économie Maritime — Centre National de Recherches Océanographiques et des Pêches — Département Valorisation et Inspection Sanitaire (MPEM—CNROP—DVIS)', the competent authority in Mauritania, is capable of effectively verifying the application of the laws in force;

Whereas the procedure for obtaining the health certificate referred to in Article 11 (4) (a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it;

Whereas, pursuant to Article 11 (4) (b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products, giving the name of the third country and the approval number of the establishment and freezer vessel of origin;

Whereas, pursuant to Article 11 (4) (c) of Directive 91/493/EEC, a list of approved establishments and freezer vessels must be drawn up; whereas that list must be drawn up on the basis of a communication from the MPEM—CNROP—DVIS to the Commission; whereas it is therefore for the MPEM—CNROP—DVIS to ensure compliance with the provisions laid down to that end in Article 11 (4) of Directive 91/493/EEC;

Whereas the MPEM—CNROP—DVIS has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC

and regarding fulfilment of requirements equivalent to those laid down by that Directive for the approval of establishments and the 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 'Ministère des Pêches et de l'Économie Maritime — Centre National de Recherches Océanographiques et des Pêches — Département Valorisation et Inspection Sanitaire (MPEM—CNROP—DVIS)' is recognized as the competent authority in Mauritania for verifying and certifying compliance of fishery products with the requirements of Directive 91/493/EEC.

*Article 2*

Fishery and aquaculture products originating in Mauritania 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 set out in Annex A hereto;
2. the products must come from approved establishments or 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 'Mauritania' and the approval number of the establishment or freezer vessel of origin in indelible letters.

*Article 3*

1. The certificate referred to in point 1 of Article 2 must be drawn up in at least one official language of the Member State where the checks are carried out.

2. The certificate must bear the name, capacity and signature of the representative of the 'Ministère des Pêches et de l'Économie Maritime — Centre National de Recherches Océanographiques et des Pêches — Département Valorisation et Inspection Sanitaire (MPEM—CNROP—DVIS)', and the latter's official stamp in a colour different from that of the other indications on the certificate.

<sup>(1)</sup> OJ No L 268, 24. 9. 1991, p. 15.

<sup>(2)</sup> OJ No L 332, 30. 12. 1995, p. 40.



*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 28 June 1996.

*For the Commission*  
FRANZ FISCHLER  
*Member of the Commission*

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## ANNEX A

## HEALTH CERTIFICATE

for fishery or aquaculture products originating in Mauritania and intended for export to the European Community with the exception of bivalve molluscs, echinoderms, tunicates and marine gastropods in any form

Reference No: .....

Country of dispatch: MAURITANIA

Competent authority: 'MINISTÈRE DES PÊCHES ET DE L'ÉCONOMIE MARITIME —  
CENTRE NATIONAL DE RECHERCHES OCÉANOGRAPHIQUES ET  
DES PÊCHES — DÉPARTEMENT VALORISATION ET INSPECTION  
SANITAIRE (MPEM—CNROP—DVIS)'

## I. Details identifying the products

Description of fishery or aquaculture product<sup>(1)</sup>

— species (scientific name): .....

— presentation of product<sup>(2)</sup> and type of treatment: .....

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) or freezer vessel(s) approved by the MPEM—CNROP—DVIS for exports to the Community:

.....

.....

.....

.....

## III. Destination of products

The fishery products or aquaculture products<sup>(1)</sup> 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 inapplicable

<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc.



## ANNEX B

## 1. LIST OF APPROVED ESTABLISHMENTS

Approval number	Establishment	Locality
01.001	MAURAL (*)	NOUAKCHOTT
01.002	SPPAM	NOUAKCHOTT
01.003	SOCIMAR	NOUAKCHOTT
01.004	SODIAP	NOUAKCHOTT
01.005	É <sup>e</sup> KALDE FRÈRES	NOUAKCHOTT
01.006	MAURIEX	NOUAKCHOTT
02.001	SOPAC	NOUADHIBOU
02.002	SMEF	NOUADHIBOU

(\*) Export of whole fish only.

## 2. LIST OF APPROVED FREEZER VESSELS

Approval number	Name	Name of shipowner	
421	CAP 1	CAP	NOUADHIBOU
555	TICHIT 3	É <sup>e</sup> CHERIF HAMAHALLAH	NOUADHIBOU
574	BURMAPÊCHE 1	BURMA PÊCHE	NOUADHIBOU
575	BURMAPÊCHE 5	BURMA PÊCHE	NOUADHIBOU
591	RAJA 2	SOMAPÊCHE RAJA	NOUADHIBOU
596	CIPA 1	CIPA	NOUADHIBOU
598	CIPA 2	CIPA	NOUADHIBOU
602	ARPECO 1	ARPECO	NOUADHIBOU
604	ANAJIM	M L O LOULEIDA	NOUADHIBOU
614	SIPÊCHE 1	SIPÊCHE	NOUADHIBOU
617	AL VALAH	COPAM SA	NOUADHIBOU
618	ZAID	COPAM SA	NOUADHIBOU
619	CHOR	COPAM SA	NOUADHIBOU
624	ARPECO 5	ARPECO	NOUADHIBOU
626	ERRACHID 1	MIZANE SA	NOUADHIBOU
630	MFC 1	MFC	NOUADHIBOU
631	MFC 2	MFC	NOUADHIBOU
632	MESSOUD 1	MIZANE SA	NOUADHIBOU
633	TICHIT 5	É <sup>e</sup> CHERIF HAMAHALLAH	NOUADHIBOU
638	RABIH WASSALAM	SP SA	NOUADHIBOU
642	BARAKAT 1	BARAKAT	NOUADHIBOU
646	RAJA 1	SOMAPÊCHE RAJA	NOUADHIBOU
650	ARPECO 3	ARPECO	NOUADHIBOU
652	ISMAIL 2	SID'AHMED OULD BNEIJARA	NOUADHIBOU
654	TICHIT 6	É <sup>e</sup> CHERIF HAMAHALLAH	NOUADHIBOU
655	MOURABITOUNE 1	MAUSOV SEM	NOUADHIBOU
656	MOURABITOUNE 2	MAUSOV SEM	NOUADHIBOU
657	MOURABITOUNE 3	MAUSOV SEM	NOUADHIBOU

Approval number	Name	Name of shipowner	
658	BURMAPÊCHE 3	BURMA PÊCHE	NOUADHIBOU
660	ENNAJAH 3	MAURIPECO	NOUADHIBOU
661	ENNAJAH 2	MAURIPECO	NOUADHIBOU
683	YOUNESS 1	MD CHEIKH OULD DIDDA	NOUADHIBOU
692	N'TID 1	AHMED O MOGUEYA	NOUADHIBOU
693	N'TID 2	AHMED O MOGUEYA	NOUADHIBOU
699	MACIPEC 1	SCORE	NOUADHIBOU
708	CPMC 4	COPEMAC	NOUADHIBOU
710	CPMC 6	COPEMAC	NOUADHIBOU
779	SAID 1	MD LEMINE OULD ADMED SAL.	NOUADHIBOU

**COMMISSION DECISION**  
of 28 June 1996  
**amending Decision 96/293/EC concerning certain protective measures with  
regard to fishery products originating in Mauritania**  
(Text with EEA relevance)

(96/426/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC, of 10 December 1990, laying down the principles governing the organization of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 19 thereof,

Whereas the knowledge of serious defects as regard hygiene and control of fishery products in Mauritania led the Commission to adopt Decision 96/293/EC<sup>(2)</sup>, in order to suspend the import of such products originating in Mauritania;

Whereas a mission of experts of the Commission went recently to Mauritania to evaluate the measures taken by the authorities of Mauritania; whereas according to the observations of these experts, it is necessary to maintain the protection measures with regard to bivalve molluscs, echinoderms, tunicates and marine gastropods in any form whatsoever;

Whereas it is necessary to amend Decision 96/239/EC accordingly;

Whereas the measures provided for by this Decision are in conformity with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

Article 1 of Decision 96/293/EC is replaced by the following:

*'Article 1*

Member States shall prohibit the import of bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form originating in Mauritania.'

*Article 2*

Member States shall amend the measures that they apply to imports to comply with this Decision. They shall inform the Commission thereof.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 28 June 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 111, 4. 5. 1996, p. 22.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 26 November 1996

on the conclusion of an Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania

(96/731/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 Republic of Mauritania on fishing off the coast of Mauritania, which entered into force on 14 June 1988 <sup>(1)</sup>, and in particular Article 13 thereof,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture <sup>(2)</sup>, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas on 18 January 1996 the Islamic Republic of Mauritania terminated the said fisheries Agreement and called on the Community, pursuant to the second subparagraph of Article 13 thereof, to enter into negotiations leading to the conclusion of a new Agreement;

Whereas on 20 June 1996, in the wake of the negotiations, the Community and the Islamic Republic of Mauritania initialled an Agreement on cooperation in the sea fisheries sector which provides fishing opportunities

for Community fishermen in waters over which Mauritania has sovereignty or jurisdiction;

Whereas, in order to manage them efficiently, the fishing opportunities available to the Community in Mauritania's fishing zone should be allocated between the Member States in accordance with Article 8 of Regulation (EEC) No 3760/92;

Whereas the fishing activities covered by this Decision are subject to the controls provided for in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(3)</sup>;

Whereas, to ensure implementation of the provisions of the Cooperation Agreement, it is necessary for Member States to ensure that shipowners comply with their obligations and provide the Commission with all relevant information;

Whereas, to prevent any interruption of Community vessels' fishing activities, the Parties have also initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the Cooperation Agreement from 1 August 1996 and whereas it is therefore imperative that the Agreement in the form of an Exchange of Letters be concluded at the earliest opportunity, pending conclusion of the Cooperation Agreement on the basis of Article 43 of the Treaty,

<sup>(1)</sup> OJ No L 388, 31. 12. 1987, p. 2.

<sup>(2)</sup> OJ No L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

<sup>(3)</sup> OJ No L 261, 20. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 2870/95 (OJ No L 301, 14. 12. 1995, p. 1).

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an Exchange of Letters and of the Cooperation Agreement, hereinafter referred to as 'the Agreement', are attached to this Decision.

*Article 2*

The fishing opportunities arising from the provisional application of the Agreement shall be allocated according to the table in the Annex to this Decision. As far as cephalopods are concerned, the annual allocation of the opportunities between Member States as from 1 August 1997 will be decided upon by 30 June each year according to the procedure provided for in Article 18 of Regulation (EEC) No 3760/92.

Where, in a fishing category, a Member State draws up licence applications for less than its allocated tonnage, the Commission shall offer shipowners from the other Member States the opportunity to submit applications.

*Article 3*

1. Member States shall:

- (a) check that the data given on the licence application forms provided for in Appendix 1 to Annex I to the Agreement match those in the Community register of fishing vessels established by Commission Regulation (EC) No 109/94<sup>(1)</sup>, and report to the Commission any changes in those data at the time of subsequent applications.

They shall likewise verify the accuracy of the other data necessary for the drawing-up of licences;

- (b) submit licence applications to the Commission in accordance with Article 3 (1) of Regulation (EC) No

3317/94<sup>(2)</sup>, no later than two working days before the deadline laid down in point 2.1 of Chapter II of Annex I to the Agreement;

- (c) provide the Commission each month with a list of vessels whose licences have been suspended with, by port, the date on which a licence was handed over and the date on which it was restored;
- (d) transmit to the Commission the summaries of the inspection reports referred to in point 2 of Chapter IV of Annex II to the Agreement. The summaries shall describe the inspections carried out, the results obtained and the action taken;
- (e) transmit to the Commission each month a copy of the scientific observers' reports provided for in point 14 of Chapter V of Annex II to the Agreement.

They shall notify the Commission immediately of any infringements revealed by the information contained in these reports and the action taken.

They shall enter the scientific data contained in these reports in an electronic database. The Commission shall have access to these databases;

- (f) transmit to the Commission, and at the same time to Mauritania's competent authorities, a copy of the notice of the inspection missions planned under point 4 of Chapter VI of Annex II to the Agreement and, where relevant, of the notification that an observer will be taking part.

They shall transmit to the Commission a copy of the reports of the observers appointed by their supervisory authorities pursuant to point 3 of Chapter VI of Annex II to the Agreement;

- (g) adopt the provisions needed to take appropriate action and initiate administrative proceedings, as provided for in point 15 of Chapter V of Annex II to the Agreement.

*Article 4*

The President of the Council 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, 26 November 1996.

*For the Council*  
*The President*  
E. KENNY

<sup>(1)</sup> Commission Regulation (EC) No 109 of 19 January 1994 concerning the fishing vessel register of the Community (OJ No L 19, 22. 1. 1994, p. 5). Regulation as amended by Regulation (EC) No 493 (OJ No L 72, 21. 3. 1996, p. 12).

<sup>(2)</sup> Council Regulation (EC) No 3317 of 22 December 1994 laying down general provisions concerning the authorization of fishing in the waters of a third country under a fisheries agreement (OJ No L 350, 31. 12. 1994, p. 13).



## ANNEX

## Provisional allocation of fishing opportunities between Member States

Fishing categories	Member State	Tonnage/Permitted number of vessels				
		1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Crustaceans other than crawfish (GRT)	Spain	4 000	4 000	4 000	4 000	4 000
	Italy	1 000	1 000	1 000	1 000	1 000
	Portugal	500	500	500	500	500
Black hake (GRT)	Spain	8 500	8 500	8 500	8 500	8 500
Demersal species other than black hake — trawl net (GRT)	Spain	5 500	5 500	5 500	5 500	5 500
Demersal species other than black hake — other gear (GRT)	Spain	1 200	1 200	1 200	1 200	1 200
	Portugal	2 000	2 000	2 000	2 000	2 000
	France	1 000	1 000	1 000	1 000	1 000
Cephalopods (vessels)	Spain	22	p.m.	p.m.	p.m.	p.m.
	Italy	3				
Crawfish (GRT)	Portugal	300	300	300	300	300
Pelagic species (vessels)		22	22	22	22	22
Tuna seiners (vessels)	Spain	22	22	22	22	22
	France	18	18	18	18	18
Pole-and-line tuna vessels and surface longliners (vessels)	Spain	7	7	7	7	7
	Portugal	3	3	3	3	3
	France	7	7	7	7	7

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**  
**concerning the provisional application of the Agreement on cooperation in the sea fisheries**  
**sector between the European Community and the Islamic Republic of Mauritania**

*A. Letter from the European Community*

Sir,

With reference to the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania, initialled in Brussels on 20 June 1996, I have the honour to inform you that the European Community is ready to apply this Agreement on a provisional basis from 1 August 1996, pending its entry into force, provided that the Islamic Republic of Mauritania is disposed to do likewise.

This is on the understanding that, in that case, in accordance with Article 3 of the Protocol, the first instalment of the financial compensation specified in Article 2 of the Protocol shall be paid by 30 November 1996 at the latest. However, the Community shall do its utmost to act sooner.

I should be obliged if you would acknowledge receipt of this letter on such provisional application and confirm your agreement with its contents.

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

*On behalf of  
the Council of the European Union*

*B. Letter from the Government of the Islamic Republic of Mauritania*

Gentlemen,

I am in receipt of your letter of today's date which reads as follows:

'With reference to the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania, initialled in Brussels on 20 June 1996, I have the honour to inform you that the European Community is ready to apply this Agreement on a provisional basis from 1 August 1996; pending its entry into force, provided that the Islamic Republic of Mauritania is disposed to do likewise.

This is on the understanding that, in that case, in accordance with Article 3 of the Protocol, the first instalment of the financial compensation specified in Article 2 of the Protocol shall be paid by 30 November 1996 at the latest. However, the Community shall do its utmost to act sooner.

I should be obliged if you would acknowledge receipt of this letter on such provisional application and confirm your agreement with its contents.'

I have the honour to confirm that the contents of your letter are acceptable to the Government of the Islamic Republic of Mauritania and that your letter and this one constitute an Agreement in accordance with your proposal.

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

*For the Government of  
the Islamic Republic of Mauritania*

## AGREEMENT

**on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania**

THE EUROPEAN COMMUNITY,

hereinafter referred to as the 'Community', and

THE ISLAMIC REPUBLIC OF MAURITANIA,

hereinafter referred to as 'Mauritania',

hereinafter referred to as the 'Contracting Parties',

CONSIDERING the close and privileged relations between the Community and Mauritania and both Parties' desire to create an effective partnership in the framework of the Euro-Mediterranean project and taking account of the spirit of cooperation resulting from the Lomé Convention;

AWARE of the role played by the sea fisheries sector and related industries in the economic and social development of Mauritania and various regions of the Community and taking account of both Parties' determination to modernize and reorganize their fishing fleets, each for its part;

RECALLING that the Community and Mauritania are signatories to the United Nations Convention on the Law of Sea and that, in accordance with that Convention, Mauritania has established an exclusive economic zone extending 200 nautical miles from its shores within which it exercises its sovereign rights for the purpose of exploring, exploiting, conserving and managing the resources of the said zone;

TAKING ACCOUNT of the code of conduct on responsible fishing adopted by the Council of the Food and Agriculture Organization;

AWARE of the importance they attach to the conservation and rational exploitation of fishery resources and the protection of the marine environment;

DETERMINED to ensure, in their mutual interest, the conservation, rational management and sustainable development of the fishery resources of their coastal waters and to cooperate in the establishment of a system of controls covering all fishing activities so as to guarantee the effectiveness of the measures for the development and conservation of such resources;

CONVINCED that the achievement of their respective economic and social objectives in the fisheries sector will be furthered by close cooperation in scientific and technical research in that sector on terms ensuring the conservation and rational exploitation of stocks;

TAKING INTO ACCOUNT the fact that sea fishing activities constitute a complete economic cycle and anxious to establish stronger links by means of close and far-reaching cooperation between the two partners embracing all aspects of the cycle with a view to promoting its growth together;

TAKING ACCOUNT of the objectives and guidelines contained in Mauritania's fisheries sector development policy;

DESIROUS of developing the various aspects of their cooperation on sea fishing activities and related industries on mutually advantageous terms;

DESIROUS of determining the procedures for cooperation in the sea fisheries sector and related industries,

HAVE AGREED AS FOLLOWS:

## Article 1

### Purpose and definitions

1. This Agreement establishes the principles, rules and procedures for cooperation between the Community and Mauritania in the conservation and development of fishery resources and in the creation of added value directly or by processing and sets out the conditions for the fishing activities of vessels flying the flag of a Member State of the Community in the waters over which Mauritania has sovereignty or jurisdiction.

2. For the purposes of this Agreement, the Annexes and Protocol thereto:

- (a) 'Mauritania's fishing zone' means the waters over which the Islamic Republic of Mauritania has sovereignty of jurisdiction;
- (b) 'Community vessels' means fishing vessels flying the flag of a Member State and registered in the Community which operate in the framework of this Agreement;
- (c) 'the Ministry' shall mean Mauritania's Ministry of Fisheries and the Marine Economy;
- (d) 'Surveillance authority' shall mean the delegation responsible for fisheries surveillance and protection in Mauritania;
- (e) 'Mauritanian law' shall mean Mauritanian rules and regulations;
- (f) 'Commission' shall mean the Commission of the European Communities;
- (g) 'the Delegation' shall mean the Delegation of the Commission of the European Communities to Mauritania.

## Article 2

### Areas of cooperation

1. The Contracting Parties shall cooperate, either bilaterally or within the framework of the competent international organizations, or, where appropriate, on a regional or subregional basis, with a view to ensuring the conservation and rational exploitation of fishery stocks in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea.

2. The Contracting Parties shall step up scientific and technical cooperation between their institutions specializing in the fisheries sector.

3. The Contracting Parties shall promote economic, commercial and industrial cooperation in the fisheries sector. To this effect they shall facilitate the exchange and dissemination of information on fishing techniques and gear, on the conservation and industrial processing of fishery products and on methods for the protection of the marine environment.

4. With a view to ensuring the sustainable development of the sea fisheries sector and in accordance with the provisions of Article 7 of this Agreement, the Community shall provide Mauritania with a financial contribution to build up health inspection and scientific research in its fisheries sector and implement the policy for the development of its fisheries.

## Article 3

### Development activities

The Contracting Parties shall undertake operations conducive to the sustainable development of Mauritania's fisheries sector and designed to strengthen the solidarity of the common interests of their respective operators, notably by:

- the modernization of the inshore fishing fleet and of fisheries-related industries,
- the development of small-scale fishing,
- the development of port infrastructure and the improvement of conditions for the reception of fishing fleets in Mauritanian ports,
- undertaking aquaculture projects,
- protection of the marine environment,
- commissioning specific studies,
- developing research into new fishing methods conducive to the rational exploitation of fish stocks,
- the improvement and development of distribution networks for fishery products,
- improving assistance and rescue services at sea,
- monitoring the exploitation of fishery resources,
- stepping up surveillance at sea,
- improving administrative procedures for managing this Agreement,
- encouraging the establishment and development of associations of undertakings and joint ventures in the fisheries and aquaculture sectors and related industries.

Such programmes and operations may be eligible for a financial contribution from the Community.

## Article 4

### Training for seamen

The Community shall pay particular attention to Mauritania's needs in the matter of training for seamen by developing and strengthening its human resources and the infrastructure and facilities of its maritime training establishments in Mauritania. To those ends it shall make

a financial contribution to Mauritania in accordance with Article 7 of this Agreement.

#### Article 5

##### Fishing opportunities

The fishing opportunities accorded by Mauritania to Community vessels in Mauritania's fishing zone and the financial compensation referred to in Article 7 shall be set out in the Protocol to this Agreement.

#### Article 6

##### General conditions for the exercise of fishing activities

1. The exercise of fishing activities by Community vessels shall be subject to the holding of a licence issued by the competent Mauritanian authorities at the request of the competent Community authorities. On the issue of a licence, fees and contributions to observers' expenses shall be incurred, payable by the shipowner.

2. The Community shall make available to Mauritania all relevant information on the activities of those of its vessels authorized to fish in Mauritania's fishing zone, notably information on the quantities landed as set out in the Annexes.

3. The procedures for the issue of licences and for the payment of fees and contributions to scientific observers' expenses, and any other conditions to which fishing activities by Community vessels in Mauritania's fishing zone may be subject, are set out in the Annexes.

4. The Contracting Parties shall ensure the proper implementation of these procedures and conditions by appropriate administrative cooperation between their competent authorities.

#### Article 7

##### Compensation and financial contribution

The Community shall accord Mauritania, in return for the fishing opportunities referred to in Article 5 of this Agreement:

- financial compensation, and
- the financial contributions referred to in Articles 2, 3 and 4.

The above financial compensation and financial contributions are set out in the Protocol to this Agreement.

#### Article 8

##### Compliance with the conditions for the exercise of fishing activities

1. The Community undertakes to take all steps necessary to ensure that its vessels comply with the provisions of this Agreement and Mauritanian law in accordance with the United Nations Convention on the Law of the Sea.

2. The Mauritanian authorities shall notify the Delegation in good time of any new rules and regulations relating to fishing. Community vessels shall have one month within which to comply with any such new rules and regulations.

3. Measures taken by Mauritania to regulate fishing shall not discriminate against Community vessels in relation to vessels of third countries, nor be such as to impede the full exercise of any fishing rights accorded to the Community pursuant to this Agreement.

4. Measures involving the partial cessation of fishing activities or the biological recovery of particular species shall be applied to all fleets landing those species as their principal catch.

5. Should Mauritania decide, as a result of changes in the state of its resources, to adopt conservation measures other than those referred to in paragraph 4, which affect the activities of Community vessels, consultations shall be arranged between the Contracting Parties with a view to adapting the Protocol and Annexes to this Agreement.

The aim of such consultations shall be to evaluate the scientific grounds for the measures and, where appropriate, to adapt the Community's financial contribution in line with any adaptation to the fishing opportunities laid down in the Protocol.

#### Article 9

##### Administrative cooperation

The Contracting Parties, desirous of ensuring the effectiveness of the measures for the development and conservation of fishery resources shall:

- develop administrative cooperation to ensure that their vessels respect the provisions of this Agreement and Mauritanian law on sea fishing, each for its part,
- cooperate to prevent and combat illegal fishing, in particular through the exchange of information and close administrative cooperation.

The practical arrangements for the implementation of administrative cooperation are set out in the Annexes.

The application of the practical arrangements for administrative cooperation shall be examined by both Parties within the Joint Committee provided for in Article 10 of this Agreement.

#### Article 10

##### Joint Committee

A Joint Committee shall be set up to ensure that this Agreement is applied correctly. The Joint Committee shall, *inter alia*:

- supervise the implementation, interpretation and proper working of the Agreement, and the settlement of disputes,
- constitute the necessary point of contact in matters of common interest regarding the fisheries sector,
- evaluate the results of the cooperation between the Contracting Parties with regard to supervision as set out in the Annexes hereto,
- examine the conduct of landings and transshipments by Community vessels in Mauritanian ports,
- examine the application of arrangements for cooperation to combat illegal fishing and for administrative cooperation to ensure respect for Mauritanian law and the provisions of this Agreement.

The Joint Committee shall meet once a year, alternately in Mauritania and the Community, or in extraordinary session at the request of either of the Contracting Parties.

#### Article 11

##### Dispute settlement

The Contracting Parties shall consult each other on any dispute concerning the interpretation or application of this Agreement.

#### Article 12

##### Annexes and Protocol

The Protocol and the fishing datasheets included therein and the Annexes and their Appendices shall form an integral part of this Agreement.

#### Article 13

##### Law of the Sea

Nothing contained in this Agreement shall affect or prejudice in any manner the views of either Contracting Party with respect to any question relating to the Law of the Sea.

#### Article 14

##### Area of application

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied under the conditions laid down in that Treaty and, on the other hand, to the territory of the Islamic Republic of Mauritania.

#### Article 15

##### Duration and validity

1. This Agreement shall be valid for five years commencing on 1 August 1996.
2. Should the Agreement not be terminated by either Party through notice of termination given six months before the expiry of that period of five years, it shall remain in force for additional periods of five years, provided that notice of termination has not been given at least six months before the expiry of each such five-year period.
3. Should the Agreement be denounced, the Contracting Parties shall enter into negotiations.
4. Before the expiry of the Protocol, negotiations shall take place between the Contracting Parties to determine by mutual agreement the amendments or additions to be made to the Annexes or the Protocol.

#### Article 16

##### Final provisions

This Agreement, drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Arabic languages, each of these texts being equally authentic, shall enter into force on the date on which the Contracting Parties notify each other of the completion of the procedures necessary for that purpose.

**PROTOCOL**

**setting out fishing opportunities and the financial compensation and financial contributions for the period 1 August 1996 to 31 July 2001**

*Article 1*

For a five-year period from 1 August 1996, the fishing opportunities provided for in Article 5 of the Agreement shall be as set out in the datasheets contained in this Protocol.

*Article 2*

1. The total financial compensation provided for in Article 7 of the Agreement shall be set for the period referred to in Article 1 of this Protocol at ECU 266,8 million. This financial compensation shall be payable in five annual instalments as follows:

- Year 1: ECU 55 160 000
- Year 2: ECU 54 360 000
- Year 3: ECU 53 560 000
- Year 4: ECU 52 160 000
- Year 5: ECU 51 560 000.

2. Mauritania shall have sole responsibility for the allocation of the total amount of financial compensation.

*Article 3*

1. The total financial compensation shall be paid into an account held by the Central Bank of Mauritania opened with a financial institution designated by Mauritania.

2. The annual payments provided for in Article 2 (1) of this Protocol shall be made not later than 1 August of each year. The payment relating to the first year shall be made no later than 30 November 1996.

*Article 4*

Where the state of fish stocks so allows, the fishing opportunities referred to in Article 1 of this Protocol may be increased at the Community's request. In that event the financial compensation referred to in Article 2 of this Protocol shall be adjusted by common agreement.

*Article 5*

Of the total amount of financial compensation referred to in Article 2 of this Protocol, Mauritania shall allocate an amount of ECU 600 000 per year in the form of a financial contribution, as laid down in Article 2 of the Agreement, to help build up health inspections and fisheries research and implement the policy for the development of Mauritania's fish stocks.

*Article 6*

1. Of the total amount of financial compensation referred to in Article 2 of this Protocol, Mauritania shall allocate an amount of ECU 250 000 per year in the form of a financial contribution, as laid down in Article 4 of the Agreement, towards sea-going training schemes to develop and strengthen human resources, infrastructure and facilities in sea training institutes in Mauritania.

2. Of the total amount of financial compensation referred to in Article 2 of this Protocol, Mauritania shall allocate an amount of ECU 200 000 per year to the Ministry to cover expenses relating to seminars, participation in international meetings and training visits.

*Article 7*

Should the Commission fail to make the annual payments referred to in Article 2 of this Protocol, Mauritania reserves the right to suspend the application of the Agreement.

*Article 8*

The Contracting Parties shall foster cooperation in the fisheries sector. They shall encourage the integration of Community and Mauritanian private sector concerns through associations of undertaking, joint ventures and other forms of partnership to exploit fisheries resources and process and market fishery products.

*Article 9*

Community shipowners shall own the authorized catches by their vessels in their entirety and be free to decide upon their sale. However, the Contracting Parties will encourage their own operators concerned to establish permanent joint consultation in order to prevent any competition liable to destabilize the market.

*Article 10*

Community shipowners shall be free to choose the agents for their vessels, although they must be of Mauritanian nationality.

The names and addresses of such agents must be forwarded to the Ministry.

*Article 11*

This Protocol shall apply from 1 August 1996.

*Fishing data sheet No 1***FISHING CATEGORY: FISHING VESSELS SPECIALIZING IN CRUSTACEANS OTHER THAN CRAWFISH****1. Fishing zone****1.1. North of latitude 19° 21 N: nine nautical miles from the baseline of Cap Blanc-Cap Timiris.**

During a period laid down annually by decree of the Minister responsible for sea fishing, fishing is not authorized within the lines between the following points:

20° 46 N	17° 03 W
19° 50 N	17° 03 W
19° 21 N	16° 45 W.

**1.2. South of latitude 19° 21 N: six nautical miles from the low-water mark.****2. Authorized gear: Bottom shrimp trawl**

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

**3. Minimum authorized mesh size: 50 mm.****4. Biological recovery: Two months: March and April.**

The Contracting Parties may decide by common agreement to adjust the above period of biological recovery.

**5. By-catches: 20 % fish and 15 % cephalopods.****6. Authorized tonnage/Fees:**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Authorized tonnage (GRT)	5 500	5 500	5 500	5 500	5 500
Fees in ecus per GRT/annum	290	304	320	335	352

**7. Comments: —**



*Fishing datasheet No 2***FISHING CATEGORY: BLACK HAKE TRAWLERS <sup>(1)</sup> AND BOTTOM LONGLINERS****1. Fishing zone****1.1. North of latitude 19° 21 N: the lines between the following points:**

20° 36 N	17° 36 W
20° 03 N	17° 36 W
19° 50 N	17° 12,8 W
19° 50 N	17° 03 W
19° 04 N	16° 34 W.

**1.2. South of latitude 19° 21 N: 18 nautical miles from the low-water mark.**

- 2. Authorized gear: — Bottom longline,  
— Bottom trawl for hake.**

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

**3. Minimum authorized mesh size: 60 mm for the trawl net.****4. Biological recovery: two months: September and October.**

The Contracting Parties may decide by common agreement to adjust the above period of biological recovery.

**5. By-catches: 35 % fish, 0 % cephalopods and 0 % crustaceans.****6. Authorized tonnage/Fees**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Authorized tonnage (GRT)	8 500	8 500	8 500	8 500	8 500
Fees in ecus per GRT/annum	149	149	149	149	149

**7. Comments: <sup>(1)</sup> This category does not include freezer trawlers.**

*Fishing datasheet No 3***FISHING CATEGORY: VESSELS FISHING FOR DEMERSAL SPECIES OTHER THAN BLACK HAKE WITH GEAR OTHER THAN TRAWLS****1. Fishing zone**

- 1.1. North of latitude 19°21 N: 3 nautical miles from the baseline of Cap Blanc-Cap Timiris.
- 1.2. South of latitude 19°21 N: 3 nautical miles from the low-water mark.

2. **Authorized gear:** <sup>(1)</sup> — longline,  
— fixed gillnet,  
— handline.

The technical characteristics of the nets used, the length of netting and the minimum distances between netting and from the coast are to be defined by 31 December 1996 by common agreement of the technical experts appointed by the two Parties.

Should the technical experts fail to reach agreement by 31 December 1996, a meeting of the Joint Committee will be called in order to reach a definitive solution to the matter by 28 February 1997.

3. **Minimum authorized mesh size:** 120 mm for the gillnet.
4. **Biological recovery:** two months: September and October.

The Contracting Parties may decide by common agreement to adjust the above period of biological recovery.

5. **By-catches** 0 % cephalopods and 0 % crustaceans.

**6. Authorized tonnage/Fees**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Authorized tonnage (GRT)	4 200	4 200	4 200	4 200	4 200
Fees in ecus per GRT/annum < 100 GRT	140	147	154	162	170
Fees in ecus per GRT/annum > 100 GRT	210	221	232	243	255

7. **Comments:** <sup>(1)</sup> Notification of the type of fishing gear to be used should be made when applying for the quarterly licence.

## Fishing datasheet No 4

**FISHING CATEGORY: TRAWLERS FISHING FOR DEMERSAL SPECIES OTHER THAN BLACK HAKE****1. Fishing zone****1.1. North of latitude 19°21' N: the lines between the following points:**

20°36' N	17°36' W
20°03' N	17°36' W
19°50' N	17°12,8' W
19°50' N	17°03' W
19°04' N	16°34' W.

**1.2. South of latitude 19°21' N: 18 nautical miles from the low-water mark.****2. Authorized gear: trawl net.**

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

**3. Minimum authorized mesh size: 70 mm****4. Biological recovery: two months: September and October.**

The Contracting Parties may decide by common agreement to adjust the above period of biological recovery.

**5. By-catches: 10 % of which a maximum of 5 % shrimps and 5 % cephalopods.****6. Authorized tonnage/Fees:**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Authorized tonnage (GRT)	5 500	5 500	5 500	5 500	5 500
Fees in ecus per GRT/annum	164	172	181	190	199

**7. Comments:**

7.1. 1 500 GRT in this category are reserved for 3 freezer trawlers which are no longer allowed to fish in the 'black hake' category, now reserved for wet trawlers.

7.2. Black hake may be kept on board but must not constitute the majority of species in catches kept on board at any one time.

*Fishing datasheet No 5***FISHING CATEGORY: CEPHALOPODS**

1. **Fishing zone:** Same as laid down by the Mauritanian law applying to its national vessels.  
During a period laid down annually by decree of the Minister responsible for sea fishing, fishing is not authorized within the lines between the following points:  
20°46 N                      17°03 W  
19°50 N                      17° 03 W  
19°21 N                      16° 45 W.
2. **Authorized gear:** bottom trawl.  
Doubling of the cod-end is prohibited.  
Doubling of the twine forming the cod-end is prohibited.
3. **Minimum authorized mesh size:** 70 mm.
4. **Biological recovery:** two months: September and October.  
The Contracting Parties may decide by common agreement to adjust the above period of biological recovery.
5. **By-catches:**
6. **Authorized tonnage/Fees:**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Authorized tonnage (GRT) <sup>(1)</sup>	7 500	12 000	13 500	15 000	15 000
Number of vessels authorized to fish	25	40	45	50	50
Fees in ceus per GRT/annum	365	384	403	423	444

7. **Comments:** <sup>(1)</sup> The authorized tonnage (GRT) may vary by a maximum of 3 % during the first and second years and by a maximum of 2 % during the last three years.

*Fishing datasheet No 6*FISHING CATEGORY: **Crawfish**1. **Fishing zone**

- 1.1. North of latitude 19°21 N: 20 nautical miles from the baseline Cap Blanc-Cap Timiris.  
 1.2. South of latitude 19°21 N: 15 nautical miles from the low-water mark.

2. **Authorized gear:** pots.3. **Minimum authorized mesh size:** —4. **Biological recovery:** two months: September and October.

The Contracting Parties may decide by common agreement to adjust the above period of biological recovery.

5. **By-catches:** 0 %.6. **Authorized tonnage/Fees:**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Authorized tonnage (GRT)	300	300	300	300	300
Fees in ccus per GRT/annum	254	267	280	294	309

7. **Comments:** —

*Fishing datasheet No 7***FISHING CATEGORY: FREEZER TUNA SEINERS**

1. **Fishing zone**
  - 1.1. North of latitude 19°21 N: 30 nautical miles from the baseline of Cap Blanc-Cap Timiris.
  - 1.2. South of latitude 19°21 N: 30 nautical miles from the low-water mark.
2. **Authorized gear:** seine net.
3. **Minimum authorized mesh size:** recommended ICCAT standard.
4. **Biological recovery:** —
5. **By-catches:** 0 %.
6. **Number of vessels/Fees:**

Periods	1 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Number of vessels authorized to fish	40	40	40	40	40
Advance in ecus/vessel	1 000	1 000	1 000	1 000	1 000

7. **Comments:** —

*Fishing datasheet No 8***FISHING CATEGORY: POLE-AND-LINE TUNA VESSELS AND SURFACE LONGLINERS**

1. **Fishing zone**
  - 1.1. North of latitude 19°21 N: 15 nautical miles from the baseline of Cap Blanc-Cap Timiris.
  - 1.2. South of latitude 19°21 N: 12 nautical miles from the low-water mark.
2. **Authorized gear:** pole-and-line and surface longlines.
3. **Minimum authorized mesh size:** —
4. **Biological recovery:** —
5. **By-catches:** 0 %.
6. **Number of vessels/Fces:**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Number of vessels authorized to fish	17	17	17	17	17
Advance in ecus/vessel	2 000	2 000	2 000	2 000	2 000

7. **Comments:** Live-bait fishing.
  - 7.1. Fishing zone authorized for live-bait fishing:
    - north of latitude 19°21 N: 3 nautical miles from the baseline of Cap Blanc-Cap Timiris,
    - south of latitude 19°21 N: 3 nautical miles from the low-water mark.
  - 7.2. Minimum authorized mesh size for live-bait fishing: 8 mm.

*Fishing datasheet No 9***FISHING CATEGORY: PELAGIC FREEZER TRAWLERS****1. Fishing zone**

- 1.1. North of latitude 19°21 N: the lines between the following points:

20°46,3 N	17°03 W
20°10,7 N	17°24,2 W
19°50 N	17°12,8 W
19°43 N	16°58 W
19°21 N	16°45 W

- 1.2. South of latitude 19°21 N: 12 nautical miles from the low-water mark.

**2. Authorized gear: pelagic trawl.**

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

**3. Minimum authorized mesh size: 40 mm.****4. Biological recovery: —****5. By-catches: 3 % fish, 0 % cephalopods and 0 % crustaceans.****6. Authorized tonnage/Number of vessels/Fees**

Periods	1. 8. 1996 to 31. 7. 1997	1. 8. 1997 to 31. 7. 1998	1. 8. 1998 to 31. 7. 1999	1. 8. 1999 to 31. 7. 2000	1. 8. 2000 to 31. 7. 2001
Number of vessels authorized to fish	22	22	22	22	22
Fees in ecus per GT/month	2	2	2	2	2

**7. Comments:**

The vessels fall into three categories:

- Category 1: gross tonnage of less than or equal to 3 000 GT; ceiling: 12 500 t/vessel/annum,
- Category 2: gross tonnage of more than 3 000 GT but less than or equal to 5 000 GT; ceiling: 17 500 t/vessel/annum,
- Category 3: gross tonnage of more than 5 000 GT but less than or equal to 8 000 GT; ceiling: 22 500 t/vessel/annum.



## ANNEX I

## CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN MAURITANIA'S FISHING ZONE

## CHAPTER I

## Documents required for licence applications

1. On each vessel's first licence application, the Commission shall submit to the Ministry a licence application form duly completed in respect of each vessel for which a licence is requested in accordance with the model in Appendix 1 to this Annex. The particulars relating to the name of the vessel, its tonnage in GRT, external registration number, radio call sign, engine power, overall length and home port, shall be as contained in the register of Community fishing vessels.
2. On a first licence application, the shipowner shall include with the application:
  - a copy certified by the Member State of the tonnage certificate giving the tonnage of the vessel expressed in GRT,
  - a recent, certified colour photograph showing a side view of the vessel in its current state. The photograph shall be at least 15 cm by 10 cm.
3. Any alteration to the tonnage of a vessel shall oblige the shipowner concerned to submit a copy certified by the Member State of the new tonnage certificate and any supporting documents concerning the alteration and, in particular, the copy of the application lodged by the shipowner with the competent authorities, the agreement of those authorities and the details of the changes made.
 

Where the structure or external appearance of the vessel is changed, a new photograph must also be submitted.
4. Applications for fishing licences shall be lodged only in respect of those vessels for which the documents required under points 1, 2 and 3 above have been sent.

## CHAPTER II

## Licences — application, issue and validity

1. *Eligibility to fish*
  - 1.1. Each vessel wishing to fish under this Agreement must be eligible for fishing in Mauritania's fishing zone.
  - 1.2. For a vessel to be eligible, neither the owner, the master nor the vessel itself must be prohibited from fishing in Mauritania. They must be in order *vis-à-vis* the Mauritanian authorities insofar as they must have fulfilled all prior obligations arising from their fishing activities in Mauritania under fisheries agreements concluded with the Community.
2. *Licence applications*
  - 2.1. Each quarter the Commission shall submit to the Ministry lists of vessels which request to engage in fishing activities within the limits specified for each fishing category in the fishing datasheets included in the Protocol, at least 30 days before the start of the period of validity of the licences requested. Such lists shall be accompanied by proof of payment. Licence applications failing to arrive within the deadline will not be handled.
  - 2.2. This list shall specify clearly, by fishing category, the tonnage, the number of vessels and, for each vessel, its main characteristics, including its fishing gear, the amount of fees and the scientific observers' expenses due for the period concerned and the number of Mauritanian seamen.
 

Any changes to the particulars of the vessel occurring either since the licence application form was submitted for since the last licence application for such vessels, shall be indicated on a supplementary list. No amendment relating to particulars obtained from the register of Community fishing vessels may be made until that register has been updated.

- 2.3. A datafile containing all the particulars required to draw up the fishing licences, including any amendments to the vessel data, shall also be attached to the licence application, with effect from 1 February 1998, in a format compatible with software used by the Ministry.
  - 2.4. Licence applications shall be accepted only in respect of eligible vessels which have completed all the formalities specified in points 2.1, 2.2 and 2.3.
  - 2.5. In order to facilitate inspections on entering or leaving the zone, vessels holding fishing licences for neighbouring countries may indicate in their licence applications the country and species concerned and the period of validity of such licences.
3. *Issue of licences*
- 3.1. The Ministry shall issue the licences to the vessel following receipt of the appropriate payments referred to in Chapter 4 at least 10 days before the start of their period of validity. The licences may be obtained from the departments of the Ministry in Nouadhibou or Nouakchott.
  - 3.2. Licences shall be drawn up in accordance with the data in the fishing datasheets included in the Protocol. They shall also mention the period of validity, the vessel's technical characteristics, the number of Mauritanian scamen and the payment references of the fees.
  - 3.3. Fishing licences may be issued only for vessels which have complied with all the administrative formalities required for the issue of licences.
  - 3.4. The Delegation shall be notified of licence applications refused by the Mauritanian authorities. Where appropriate, the Ministry shall provide a credit note against payments relating to these after deduction of the balance of any outstanding unpaid fines.
4. *Validity and utilization of licences*
- 4.1. Licences shall be valid only for the period covered by the fees paid and for the fishing zone, the type of gear and fishing category specified in the licence in question.
  - 4.2. Licences shall be issued for a given vessel and shall not be transferable. However, in the event of *force majeure* duly established by the competent authorities of the flag Member State and at the request of the Commission, a licence issued for one vessel shall be replaced as soon as possible by a licence issued for another vessel of the same category on condition that the tonnage authorized for that category is not exceeded.
  - 4.3. The licence to be replaced shall be returned to the Ministry which shall then issue the new licence.
  - 4.4. Any adjustments in the amounts paid as a result of withdrawal before the first day of validity of the licence or a licence being transferred shall be effected before the replacement licence is issued.
  - 4.5. Licences must be held on board the eligible vessel at all times and presented to the inspection authorities on the occasion of any inspection.

### CHAPTER III

#### Fees

1. Fees shall be calculated for each vessel on the basis of the rates laid down in the fishing datasheets included in the Protocol.
2. They shall be payable in quarterly periods with the exception of the shorter periods stipulated in the Agreement or consequent on its application, in which case they shall be payable pro rata for the actual duration of the licence.
3. A quarter shall consist of one of the three-month periods beginning 1 August, 1 November, 1 February or 1 May.

### CHAPTER IV

#### Methods of payment

1. Payments shall be made in ecus as follows:

- (a) fees:
- by transfer to one of the foreign accounts of the Central Bank of Mauritania payable to the Trésor de la Mauritanie,
- (b) scientific observers' expenses:
- by transfer to one of the foreign accounts of the Central Bank of Mauritania payable to the Trésor de la Mauritanie,
- (c) fines:
- by transfer to one of the foreign accounts of the Central Bank of Mauritania payable to the Trésor de la Mauritanie.
2. The amounts referred to in point 1 shall be considered as actually received on receipt of confirmation from the Treasury or the Ministry following notification by the Central Bank of Mauritania.

## CHAPTER V

### Communication of catch data

1. The duration of a voyage by a Community vessel shall be defined as follows:
- either the period elapsing between entering and leaving Mauritania's fishing zone,
  - or the period elapsing between entering Mauritania's fishing zone and a transhipment.
2. *Fishing log*
- 2.1. Masters of vessels other than tuna vessels and surface longliners shall keep a daily record of all the operations specified in the fishing log the model of which is attached as Appendix 2 to this Annex. This document must be completed legibly and signed by the master of the vessel.
- 2.2. Fishing logs from which entries have been omitted or which contain invalid information shall be deemed not to have been duly kept.
- 2.3. At the end of each voyage, the original of the fishing log shall be sent by the master of the vessel direct to the surveillance authorities. The shipowner must forward a copy of the log to the Delegation.
- 2.4. Failure to comply with the provisions of points 2.1, 2.2 or 2.3 shall entail, irrespective of the penalties laid down by Mauritanian law, automatic suspension of the fishing licence until the shipowner has met such obligations.
3. *Fishing log annex*
- 3.1. Masters of vessels shall keep the fishing log annex as shown in the model attached as Appendix 3 to this Annex. The log shall be completed legibly on each landing or transhipment and signed by the master of the vessel.
- 3.2. At the end of each landing, the shipowner shall send the original of the fishing log annex by mail to the surveillance authorities within a period of no more than 30 days.
- 3.3. At the end of each authorized transhipment, the shipowner shall immediately send the original of the fishing log annex to the surveillance authorities.
- 3.4. Failure to comply with the provisions of points 3.1, 3.2 or 3.3 shall entail automatic suspension of the fishing licence until the shipowner has met such obligations.
4. *Quarterly catch declarations*
- 4.1. By the end of the third month of each quarter the Commission shall notify the Ministry of the quantities caught in the previous quarter by all Community vessels.
- 4.2. This information should be broken down by month, by type of fishing, by vessel and by species.
- 4.3. This system shall be implemented within a period of no more than one and a half years after the entry into force of this Agreement.
5. *Reliability of data*
- The information in the documents referred to in points 1, 2, 3 and 4 above must reflect the actual fishing situation in order to constitute one of the bases for monitoring changes in fishery stocks

## CHAPTER VI

## By-catches

1. In accordance with Mauritanian law, the percentage of by-catches laid down in the datasheets in the Protocol shall be calculated at any time during fishing according to the total weight of the catch.
2. Should these percentages exceed the authorized by-catches, penalties shall be imposed in accordance with Mauritanian law and may result in the definitive prohibition of the offenders, the masters and the vessels from all fishing activities in Mauritania.
3. The keeping of crawfish on board vessels other than crawfish pot vessels shall be forbidden. Offenders shall be punished in accordance with Mauritanian law.

## CHAPTER VII

## Signing-on of Mauritanian seamen

1. Each Community vessel shall take on board Mauritanian seamen, including officers, trainee officers and the scientific observer for the duration of the voyage. There shall be at least:
  - 1.1. during the first three years of application of the Agreement:
    - 2 seamen on vessels of less than 200 GRT,
    - 3 seamen on vessels of at least 200 and less than 250 GRT,
    - 4 seamen on vessels of at least 250 and less than 300 GRT,
    - 5 seamen on vessels of 300 GRT or more.
  - 1.2. in subsequent years:
    - 3 seamen on vessels of less than 200 GRT,
    - 4 seamen on vessels of at least 200 and less than 250 GRT,
    - 5 seamen on vessels of at least 250 and less than 300 GRT,
    - 6 seamen on vessels of 300 GRT or more.
  - 1.3. Shipowners shall endeavour to take on board additional Mauritanian seamen;
  - 1.4. Shipowners shall be free to choose the Mauritanian seamen, officers and trainee officers to take on board their vessels.
2. The seamen's employment contracts shall be drawn up in Mauritania between the shipowners or their representatives and the seamen. The contracts shall cover the social security arrangements applicable to the seamen concerned, including life, accident and health insurance.
3. The pay conditions may not be less than those applying to the crews of Mauritanian vessels. The agreed wages shall be paid in accordance with the provisions of the contract of employment.
4. Owners of Community vessels shall ensure the same terms for the signing-on of Mauritanian seamen, officers and trainee officers as those reserved for seamen, officers and trainee officers of other countries.
5. Seamen shall report to the master of the vessel designated on the day before its proposed sailing date. If a seaman fails to report at the time scheduled for its departure, the vessel is authorized to leave the Mauritanian port once in possession of a certificate of absence for the seaman issued by the surveillance authorities.
 

The shipowner shall take all necessary steps to ensure that the number of seamen required by this Agreement sign on his vessel by the next trip at the latest.
6. Twice a year on 1 January and 1 July shipowners shall send the Ministry a list by vessel of Mauritanian seamen signed on board.
 

Pending receipt of the list, the issue of the licence shall be suspended.

7. Failure to comply with any of the provisions contained in point 1 shall be penalized in accordance with Mauritanian law and may entail the suspension or definitive withdrawal of the licence in case of repeated offending.

## CHAPTER VIII

### Technical inspection

1. Once a year and after any alteration in tonnage or changes to the fishing category necessitating the use of a different type of gear, any Community vessel shall report to the port of Nouadhibou to undergo the inspections required by the legislation in force. Such inspections shall take place within 48 hours of the vessel's putting into port.  
  
By way of derogation from the previous paragraph, the technical inspection procedures applying to tuna vessels and surface longliners fishing for pelagic species shall be laid down in Chapters XIII and XIV of this Agreement.
2. When the inspection has been completed, the master of the vessel shall be issued with a certificate. This certificate must be kept on board at all times.
3. The technical inspection shall verify that the vessel's technical characteristics and gear conform to the provisions of the Agreement and that the provisions relating to its Mauritanian crew have been complied with.
4. The cost of the inspection, at the rates laid down by Mauritanian law, shall be borne by the shipowner. It may not be greater than the amount normally paid by other vessels for the same services.
6. Failure by the shipowner to comply with the provisions contained in points 1 and 2 above shall result in automatic suspension of the fishing licence until such obligations have been met.

## CHAPTER IX

### Vessel identification

1. The identification marks of all Community vessels must conform to the relevant Community legislation. The Ministry must be notified of such legislation before this Agreement enters into force. The Ministry must further be notified of any amendment to the legislation at least 30 days before its entry into force.
2. Any vessel attempting to disguise its external identification marks shall be liable to the penalties laid down in the legislation in force.

## CHAPTER X

### Suspension or withdrawal of licences

Where, in application of this Agreement and Mauritanian law, the Mauritanian authorities decide to suspend or withdraw definitively the licence of a Community vessel, the master of that vessel shall cease his fishing activities and make for the port of Nouadhibou. On his arrival at Nouadhibou, he shall send the original of his licence to the competent authorities. Once the required obligations have been duly completed, the Ministry shall notify the Commission of the lifting of the suspension and the licence shall be returned.

## CHAPTER XI

### Other infringements

1. With the exception of the cases specifically provided for in this Agreement, all other infringements shall be penalized in accordance with Mauritanian law.
2. In the event of serious or very serious fisheries infringements as defined by Mauritanian law, the Ministry reserves the right to prohibit the vessels, masters and, where applicable, the shipowners concerned, provisionally or definitively from all fishing activities in Mauritanian waters.

## CHAPTER XII

## Fines

The amount of fines imposed on Community vessels shall be calculated within minimum and maximum limits specified in Mauritanian law. This amount shall be decided in accordance with the procedure laid down in point 3 of Chapter VIII of Annex II.

## CHAPTER XIII

## Provisions relating to vessels fishing highly migratory species (tuna vessels and surface longliners)

1. By way of derogation from the provisions of Chapters I and II of Annex I, licences for tuna seiners shall be issued for a period of twelve months.

The original licence must be kept on board at all times and presented on request of the competent Mauritanian authorities.

However, on receipt of notification of payment of the advance sent to the Mauritanian authorities by the Commission, the vessel shall be entered on a list of vessels authorized to fish, which shall be sent to the Mauritanian 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.

2. Before receiving its licence, each vessel must be presented for the inspections required by the legislation in force. By way of derogation from the provisions of Chapter VIII of this Annex, such inspections may be carried out in a foreign port to be agreed. All expenses linked to such inspection shall be borne by the shipowner.
3. The fee to be paid by the shipowner shall be set at ECU 20 per tonne caught within Mauritania's fishing zone.
4. Licences shall be issued following payment to one of the foreign accounts of the Central Bank of Mauritania, payable to the Trésor de la Mauritanie, of a lump sum corresponding to the advance specified in the datasheets in the Protocol.
5. A log-book in accordance with the ICCAT model in Appendix 4 to this Annex shall be kept on vessels for each fishing period spent in Mauritanian waters. It shall be filled in even when no catches are made.

The words 'Outside Mauritania's EEZ' shall be entered in the abovementioned log-book in respect of periods during which the said vessels are not in Mauritanian waters.

The log-books referred to in this paragraph shall be sent to the Mauritanian authorities within 15 working days of vessels arriving in a port.

Copies of these documents shall be sent to the scientific institutes referred to in the third subparagraph of paragraph 6 below.

6. The Mauritanian authorities shall draw up the statement of fees due for the past calendar year on the basis of the catch declarations for each Community vessel and of any other information in their possession.

The previous year's statement shall reach the Commission by 31 March which shall forward it simultaneously to the shipowners and national authorities of the Member States by 15 April.

Where the shipowners dispute the statement presented by Mauritania, they may request the relevant scientific institutes, e.g. France's Institut de la Recherche Scientifique et Technique d'Outre-Mer (Orstom) and the Instituto Español de Oceanografía (IEO), to verify the catch data before consulting with the Mauritanian authorities with a view to drawing up the final statement by 15 May of the current year. In the absence of any observations from the shipowners by that date, the statement drawn up by the Mauritanian authorities shall be deemed final. Member States shall forward to the Commission the final statements relating to their own fleets.

Any payment due in addition to the advance shall be made by the shipowners to Mauritania's fisheries authorities no later than 31 May of that year.

However, if the amount of the final statement is lower than the advance referred to in paragraph 4, the resulting balance shall not be reimbursable to the shipowner.

7. By way of derogation from Chapter I of Annex II, vessels shall be obliged within 3 hours of entering or leaving the zone to communicate their position and the volume of the catch on board direct to the Mauritanian authorities preferably by fax or, failing that, by radio.

The fax number and radio frequency shall be notified by the surveillance authorities.

A copy of the fax messages or of the record of radio communications shall be kept by the Mauritanian authorities and the shipowners until both parties have approved the final statement of fees referred to in paragraph 6.

8. By way of derogation from the provisions of Chapter VII of this Annex, owners of tuna seiners shall endeavour to sign on at least one Mauritanian seaman per vessel while pole-and-line tuna vessel operators must sign on three Mauritanian seamen per vessel for the duration of the voyage. This includes officers, trainee officers and scientific observers.
9. By way of derogation from point 1 of Chapter V of Annex II, one scientific observer per vessel may be taken on board tuna seiners for an agreed period at the request of the Mauritania authorities and by common agreement with the shipowners concerned.

#### CHAPTER XIV

##### Provisions applying to pelagic freezer trawlers

1. By way of derogation from the provisions of Chapters I and II of this Annex, licence applications must reach the Ministry no later than seven days before the start of fishing operations accompanied by proof of payment and the documents attesting to the technical characteristics.

The Ministry shall draw up the fishing licences on presentation of the certificate of receipt of payment issued by the Mauritanian public treasury.

The fishing licence shall be held on board each vessel. If for practical reasons the original licence cannot be delivered to the vessel, a copy or fax may also be kept on board.

In very exceptional cases, the Ministry may grant provisional authorizations of limited duration to vessels in respect of which the Mauritanian public treasury has not yet received payment of the licence fees provided that the Ministry is in possession of proof of payment.

Licences shall be issued for periods of at least a month. The validity of a licence shall in all cases cover periods of half a month.

In cases of *force majeure*, shipowners may, once they have suspended the licence of the vessel affected, use the remaining period of validity of the licence in question as credit towards a new licence for a replacement vessel.

2. By way of derogation from the provisions of Chapter VIII of this Annex, prior inspections of vessels shall take place in Europe. The travel and subsistence expenses of two persons designated by the Ministry to carry out the said inspections shall be payable by the shipowners.
3. The fees, inclusive of all national and local charges and taxes, and the ceilings for catches by type of vessel are specified in the datasheets contained in the Protocol.

Shipowners shall pay a sum of ECU 18 to the Mauritanian public treasury for each tonne caught in excess of the ceiling fixed by type of vessel. Declarations of catch shall be drawn up by common agreement no later than one month after the end of each year.

The fees and any additional amounts due shall be paid to one of the Central Bank of Mauritania's foreign accounts payable to the Trésor de la Mauritanie.

4. In the event of a fall in the world market *lob* price set in Nouadhibou for the Mauritanian horse mackerel to under US \$ 300 or a rise to over US \$ 500 per tonne net, the Parties shall open negotiations with a view to adjusting the level of the fees.

5. By way of derogation from the provisions of Chapter I of Annex II, all vessels shall communicate to the surveillance authorities the date, the time and their position each time they enter or leave Mauritania's fishing zone, giving 12 hours advance notice when entering and 24 hours when leaving.
  6. By way of derogation from Chapter VII of this Annex, vessels must sign on Mauritanian seamen of whom at least:
    - 4, including one scientific observer, on board each vessel with a total crew of 30 or less,
    - 5, including one scientific observer, on board each vessel with a total crew of 30 or more.
  7. Vessels shall not be obliged to enter a Mauritanian port. However, shipowners must take all appropriate measures to transport the Mauritanian seamen and scientific observers at their expense.
  8. Vessels shall be obliged neither to land fishery products nor tranship consumables in Mauritanian territorial waters or ports, neither shall they be subject to export duties.
  9. If an offence is detected during an inspection, the master shall sign the statement to that effect. By way of derogation from point 2 of Chapter VIII of Annex II, the vessel shall thus be allowed to continue its fishing activities. The shipowners shall immediately contact the Ministry in order to reach a solution. If a solution cannot be found within 72 hours, the owners must provide a bank security covering the amount of any fines imposed.
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*Appendix 1*

**MAURITANIA — EUROPEAN COMMUNITY FISHERIES AGREEMENT  
APPLICATION FORM FOR A FISHING LICENCE**

**I. APPLICANT**

1. Name of shipowner: .....
2. Name of the shipowner's association or representative: .....
3. Address of the shipowner's association or representative: .....  
.....
4. Telephone: ..... Fax: ..... Telex: .....
5. Name of master: ..... Nationality: .....

**II. VESSEL:**

1. Name of vessel: .....
2. Flying the flag of: .....
3. External registration number: .....
4. Home port: .....
5. Year and place of construction: .....
6. Radio call sign: ..... Call frequency: .....
7. Type of hull:      Steel       Wood       Polyester       Other

**III. TECHNICAL CHARACTERISTICS AND EQUIPMENT**

1. Overall length: ..... Width: .....
2. Tonnage (expressed in GRT): .....
3. Horsepower of main engine: ..... Make: ..... Type: .....
4. Type of vessel: ..... Fishing category: .....
5. Fishing gear: .....
6. Crew complement: .....
7. Method of conservation on board:    Chilling     Refrigeration     Mixed     Freezing
8. Freezing capacity in tonnes/24 hours: .....
9. Hold capacity: ..... Number: .....

Done at ....., on .....

Signature of applicant

.....  
\_\_\_\_\_







## ANNEX II

## COOPERATION IN THE MONITORING OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN MAURITANIA'S FISHING ZONE

## CHAPTER I

## Entering and leaving the fishing zone

1. Except for tuna vessels and surface longliners and pelagic freezer trawlers, Community vessels operating under this Agreement must enter and leave Mauritania's fishing zone by one of two passages in the presence of the surveillance authorities:
  - the northern passage, the coordinates of which are 20°40'N — 17°04'W,
  - the southern passage, the coordinates of which are 16°20'N — 16°40'W.

2. Shipowners shall notify the surveillance authorities of their entry into and exit from Mauritania's fishing zone by telex, fax or mail to the numbers or address in Appendix 1 to this Annex.

The Delegation will be given fifteen days prior notice of any changes in the numbers or addresses for notification.

3. The notification referred to in point 2 shall be given in the following manner:

(a) *Entry*

Notice must be given at least 24 hours beforehand and contain the following particulars:

- the position of the vessel at the time of notification,
- the point of entry,
- the day, date and time of entry,
- the amount and species of catch held on board at that time, where vessels have previously stated that they hold a fishing licence for another fishing zone in the subregion, in which case the surveillance authorities will have access to the fishing log concerning that zone and the checks may last longer than the period laid down in point 5 of this Chapter.

(b) *Exit*

Notice must be given at least 48 hours beforehand in the case of the northern passage and at least 72 hours beforehand in the case of the southern passage. The following particulars must be provided:

- the position of the vessel at the time of notification,
- the point of exit,
- the day, date and time of exit,
- the amount and species of catch held on board at that time.

4. At each entry or exit, vessels shall tune their radios to the frequency of the surveillance authorities at least six hours before the time specified in the notification.
5. Controls should not normally exceed more than one hour on entry and three hours on exit.
6. In the event of the surveillance authorities being overdue or failing to appear, vessels may continue on their way once the periods laid down in point 5 have expired.
 

In the event of a vessel being overdue or failing to appear, the surveillance authorities may consider the entry or exit notice void once the periods laid down in point 5 have expired.
7. In the event of mass entries or exits, control operations shall be accelerated.
8. Failure to comply with the provisions of points 1 to 6 shall result in the following sanctions:

## (a) the first time:

- the vessel shall be diverted,
- the catch on board shall be unloaded and confiscated on behalf of the Treasury,
- the vessel shall pay the minimum fine provided for in Mauritanian law;

## (b) the second time:

- the vessel shall be diverted,
- the catch on board shall be unloaded and confiscated on behalf of the Treasury,
- the vessel shall pay a fine in accordance with Mauritanian law,
- the licence shall be revoked for the remainder of its period of validity;

## (c) the third time:

- the vessel shall be diverted,
- the catch on board shall be unloaded and confiscated on behalf of the Treasury,
- the licence shall be definitively revoked,
- the master and the vessel shall be banned from exercising their activities in Mauritania.

## CHAPTER II

## Innocent passage

When Community fishing vessels are exercising their right of innocent passage and navigation in Mauritania's fishing zone in accordance with the United Nations Convention on the Law of the Sea and relevant national and international legislation, they shall keep all their fishing gear stowed on board in such a way that it cannot be immediately utilized.

## CHAPTER III

## Transshipment

1. The catches of Community vessels shall be transhipped within Mauritanian ports.
2. Any Community vessel wishing to tranship catches shall be subject to the procedure laid down in points 3 and 4.
3. The owners of such vessels shall notify the surveillance authorities at least 24 hours beforehand, using the means of communications specified in point 2 of Chapter I of this Annex, of the following:
  - the names of the transshipping fishing vessels,
  - the name of the cargo vessels,
  - the tonnage by species to be transhipped,
  - the day, date and time of transshipment.
4. Transshipment shall be considered as an exit from Mauritania's fishing zone. Vessels must therefore provide the surveillance authorities with the originals of the fishing log and the fishing log annex and state whether they intend to continue fishing or leave Mauritania's fishing zone.
5. Any transshipment of catches not covered by points 1 to 4 shall be prohibited in Mauritania's fishing zone. Any person infringing this provision shall be liable to the penalties provided for by Mauritanian law.

## CHAPTER IV

## Inspection and controls

1. Masters of Community fishing vessels shall allow and facilitate boarding and the discharge of their duties by any Mauritanian official responsible for the inspection and control of fishing activities.

These officials shall not remain on board for longer than is necessary for the discharge of their duties.

2. The Community hereby undertakes to maintain the specific monitoring programming in Community ports. Summaries of reports on the controls carried out shall be sent periodically to the Ministry.

## CHAPTER V

### Mauritanian scientific observers on board Community vessels

A system for observation on board Community vessels is hereby established.

1. Any Community vessel holding a licence for Mauritania's fishing zone, except for tuna seiners, shall take on board a Mauritanian scientific observer. There shall be only one observer at a time per vessel.

The Ministry shall supply the Commission each quarter before licences are issued with a list of vessels designated to take on board an observer.

2. The period spent by an observer on board a vessel shall be one trip. However, at the express request of the Ministry this period may be spread over several trips according to the average duration of trip for a particular vessel. This request will be made by the Ministry, when the name of the observer designated to board the vessel in question is notified.

Likewise, in the event of a trip being curtailed, the observer may have to make a further voyage on the same vessel.

3. The Ministry shall inform the Commission of the names of designated observers, provided with the requisite documents, at least seven working days before the scheduled date of their embarkation.

4. All costs arising out of the activities of observers, including their salary, emoluments and allowances shall be borne by the Ministry. If an observer is taken on board or disembarked at a foreign port, travelling expenses and daily allowances shall be borne by the shipowner until the observer boards the vessel or arrives at a Mauritanian port.

5. Masters of vessels designated to take on board a scientific observer shall make all the arrangements to facilitate boarding and disembarkation by the observer.

The observer shall enjoy the same treatment on board as the vessel's officers.

The observer shall be offered every facility needed to carry out his duties. The master shall give him access to the means of communication needed for the discharge of his duties, to documents directly concerned with the vessel's fishing activities, i.e. to the fishing log, the fishing log annex and navigation log, and to those parts of the vessel necessary to facilitate the exercise of his tasks as an observer.

6. The observer shall normally board and disembark at a Mauritanian port at the start of the trip, following notification of the list of designated vessels.

Within 30 days of that notification, the shipowners concerned shall give notice using the means of communication specified in Chapter I to this Annex, of the date and port selected for the taking on of the observer.

7. The observer must report to the master of the designated vessel the day before the proposed date of his embarkation. Should the observer fail to report at the time specified, the vessel is entitled to leave the Mauritanian port with a certificate from the surveillance authorities confirming the absence of an observer.

8. Shipowners shall contribute ECU 3 per GRT per quarter per vessel to the costs of scientific observation. This contribution shall be payable at the same time as, and be additional to, the fee payable by the shipowner.

9. Failure by a shipowner to comply with the provisions relating to observers shall result in the automatic suspension of the fishing licence until the shipowner has complied with these obligations.
10. The scientific observer shall have:
- a professional qualification,
  - adequate fisheries experience, and
  - a thorough understanding of this Agreement and the Mauritanian rules applicable.
11. The scientific observer shall ensure that the Community vessel operating in Mauritania's fishing zone comply with the terms of this Agreement.
- He shall compile a report on this subject. In particular, he shall:
- observe the fishing activities of vessels,
  - verify the position of vessels engaged in fishing operations,
  - take biological samples as part of scientific programmes,
  - record particulars of the fishing gear and the mesh size of the nets used,
  - verify the entries in the fishing log.
12. Observation shall be confined to fishing activities and related activities governed by this Agreement.
13. The scientific observer shall:
- take all appropriate steps to ensure that the conditions of his boarding and his presence on the vessel neither interrupt nor hamper fishing operations,
  - use the instruments and procedures approved for measuring the mesh size of nets used under this Agreement, and
  - treat with due care property and equipment on board the vessel and respect the confidentiality of all the vessel's papers.
14. At the end of the observation period and before leaving the vessel the observer shall draw up a report in accordance with the model in Appendix 2 to this Annex. He shall sign it in the presence of the master, who may add or cause to be added to it any observations which he considers relevant, followed by his signature. A copy of the report shall be handed to the master when the observer is put ashore.
15. The competent authorities receiving reports from scientific observers shall be obliged to check their content and conclusions as soon as possible.

Should the competent authorities find that infringements have been committed they shall take appropriate action including, in accordance with their national laws, the initiation of administrative proceedings against the natural or legal persons responsible. The proceedings initiated must, in accordance with the relevant provisions of national law, be such as effectively to deprive those responsible of any material gain from the infringement or to produce effects proportional to the gravity of the infringement so as effectively to discourage other infringements of the same nature.

Should the port of disembarkation be situated in a Member State other than the flag Member State the former shall inform the flag Member State of the measures taken.

## CHAPTER VI

### Mutual observation system for shore-based controls

The Contracting Parties agree to set up a mutual observation system for shore-based controls with a view to improving their effectiveness.

#### 1. Objectives

To attend the controls and inspections carried out by the national inspection authorities in order to ensure compliance with the provisions of the Agreement.



2. *Status of observers*

The competent authorities of each Contracting Party shall designate an observer and notify his name to the other Contracting Party.

This observer should have:

- a professional qualification,
- appropriate experience in the fisheries field, and
- thorough knowledge of the provisions of the Agreement.

Inspections shall be carried out by the national inspection authorities and the observer in attendance may not, on his own initiative, exercise the powers of inspection conferred on national officials.

When accompanied by national officials, the observer shall have access to the vessels, premises and documents subject to inspection by the said officials.

3. *Duties of observers*

The observer shall accompany the national inspection authorities on their visits to the ports, on board ships in dock, to public auction houses, fish wholesalers' shops, cold stores and other premises for unloading and stocking fish before it is placed on the market.

The observer shall draw up and submit a report every four months detailing the inspections attended. This report shall be addressed to the competent authorities who shall send a copy to the other Contracting Party.

4. *Implementation*

The competent inspection authority of each Contracting Party shall give 10 days written notice to the other Contracting Party of the shore inspections, on a case-by-case basis, which it intends to carry out.

The other Contracting Party shall give five days notice of its intention to send an observer.

The duration of the observer mission should not exceed 15 days.

5. *Confidentiality*

The observer shall respect the goods and equipment on board the vessel, and any other installations, and also the confidentiality of all documents to which he has access.

He shall disclose information on the results of his work solely to his competent authorities.

6. *Location*

This programme will be implemented in the Community ports of landing and Mauritanian ports.

7. *Financing*

Each Contracting Party shall bear the costs of his observer, including travel and board.

## CHAPTER VII

### Continuous satellite tracking system

Pending the implementation of a national satellite monitoring system for fishing vessels of similar type operating in Mauritania's fishing zone, the Contracting Parties agree to implement a private satellite tracking project for Community vessels.

1. *Objectives*

Continuous tracking by satellite of Community fishing vessels in Mauritania's fishing zone will enable direct administration of the provisions on fishing effort and geographical restrictions. Furthermore, it will allow for targeted inspections at sea and retrospective controls of the zones declared in the fishing log.

2. *Implementation*

The Contracting Parties agree to set up a working group to define the procedures for setting up, implementing and financing the project, which shall enter into force on 1 August 1997.

## CHAPTER VIII

## Procedure in the event of boarding

1. *Transmission of information*

The Ministry shall inform the Delegation within 48 hours of any boarding of a Community fishing vessel operation in Mauritania's fishing zone and shall provide a brief report of the circumstances and reasons for this boarding.

2. *Statement of boarding*

After the Mauritanian surveillance authorities have drawn up a statement, the master of the vessel shall sign it.

This signature does not prejudice the rights of the master or any defence which he may make to the alleged infringement.

He shall take the vessel to the port of Nouadhibou. In the case of minor infringements, the surveillance authorities may authorize the vessel to continue its fishing activities.

3. *Settlement of boarding*

- 3.1. In accordance with this Agreement and Mauritanian law, infringements may be settled administratively or by legal proceedings.
- 3.2. In the case of an administrative settlement the amount of the fine shall be determined in accordance with Mauritanian legislation laying down minimum and maximum figures.
- 3.3. If there is no administrative settlement and the matter is brought before a competent judicial body, a bank security amounting to the equivalent in ecus of the maximum fine provided for in Mauritanian legislation shall be lodged by the shipowner with a bank designated by the Ministry.
- 3.4. The bank security shall be irrevocable until the legal proceedings have been concluded. It shall be released by the Ministry once legal proceedings end without a conviction. Similarly, in the event of a conviction leading to a fine of less than the security lodged, the balance shall be released by the Ministry.
- 3.5. The vessel shall be released and its crew authorized to leave the port:
  - either as soon as the obligations imposed by the administrative settlement procedure have been completed on presentation of the receipt for the settlement, or
  - when the bank security referred to in point 3.3 has been lodged and accepted by the Ministry, pending completion of the legal proceedings.

## CHAPTER IX

## Discarding at sea

The Contracting Parties shall look into the problem of discards from fishing vessels and shall examine ways of turning these to account.

## CHAPTER X

## Fight against illegal fishing

In an effort to curb illegal fishing activities in Mauritania's fishing zone which jeopardize fisheries management policy, the Contracting Parties agree to exchange information on these activities on a regular basis.

In addition to the measures already applied by the Contracting Parties under existing legislation, they shall consult one another on the possibility of taking supplementary joint or individual action. To this end, they shall step up cooperation, in particular on the fight against illegal fishing.

*Appendix 1*

**MAURITANIA — EUROPEAN COMMUNITY FISHERIES AGREEMENT  
ADDRESS OF THE SURVEILLANCE AUTHORITIES**

1. Address: Boîte postale 260  
Nouadhibou  
Mauritania
2. Tel: (22 22) 456 26
3. Fax: (22 22) 457 01
4. Telex: .....
5. Radio frequency: .....

Mauritania will communicate details specific to the Agreement by 15 July 1996.

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Appendix 2

MAURITANIA — EUROPEAN COMMUNITY FISHERIES AGREEMENT  
 REPORT OF THE MAURITANIAN SCIENTIFIC OBSERVER

Name of observer: .....

Vessel: ..... Nationality: .....  
 Number and port of registration: .....  
 Identity marking: ..... Tonnage (GRT): ..... Power (HP): .....  
 Licence: ..... No: ..... Type: .....  
 Master's name: ..... Nationality: .....

Boarded: date: ....., port: .....  
 Disembarked: date: ....., port: .....

Authorized fishing method: .....  
 Gear used: .....  
 Mesh size and/or dimensions: .....  
 Fishing zones frequented: .....  
 Distance from coast: .....  
 Number of Mauritanian crew on board: .....  
 Entry into .... / ... / .... and departure .... / ... / .... from the fishing zone

Observer's estimate						
Overall production (kg): ....., declared on .....	GT					
By-catches: species ....., estimated: .....	%					
Discards: species: ....., Quantity (kg): .....						
Species retained						
Quantity (kg)						
Species retained						
Quantity (kg)						

Observer's findings		
Nature of findings	Date	Position

Observer's comments (general): .....

.....

.....

.....

Done at ....., on .....

Observer's signature

.....

Master's comments: .....

.....

.....

.....

Copy of report received (date): ..... Master's signature

.....

Report forwarded to: .....

Quality: .....

(scal)

## I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 576/96

of 21 March 1996

on the conclusion of the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 1995 to 15 June 1997

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 subparagraph of Article 228 (3) thereof,

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

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

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau, 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 financial compensation provided for in the abovementioned Agreement for the period 16 June 1995 to 15 June 1997 was initialled on 7 June 1995;

Whereas it is in the Community's interest to approve the Protocol;

Whereas the allocation of fishing possibilities among the Member States should be determined on the basis of the traditional allocation of fishing possibilities under the fisheries agreement,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement

between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 1995 to 15 June 1997 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

*Article 2*

The fishing possibilities provided for in the Protocol shall be allocated among the Member States as follows:

- Italy: 3 200 GRT,
- Portugal: 3 200 GRT,
- Spain: 2 400 GRT.

However, for the first year for which the Protocol applies, the allocation shall be as follows:

- Italy: 3 800 GRT,
- Portugal: 3 000 GRT,
- Spain: 2 000 GRT.

If licence applications from these Member States do not exhaust the fishing possibilities provided for in the Protocol, the Commission may entertain licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

*Article 4*

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

<sup>(1)</sup> OJ No C 327, 7. 12. 1995, p. 12.

<sup>(2)</sup> OJ No C 17, 22. 1. 1996.

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

Done at Brussels, 21 March 1996.

*For the Council*  
*The President*  
A. GAMBINO

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## PROTOCOL

**establishing the fishing possibilities and the financial compensation provided for in the agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 1995 to 15 June 1997**

### Article 1

For a period of two years from 16 June 1995, the fishing possibilities granted pursuant to Article 4 of the Agreement shall be as follows:

1. (a) freezer shrimp trawlers: 8 800 gross registered tonne (grt) per month, annual average;
- (b) freezer fin-fish and cephalopod trawlers: 4 000 grt per month, annual average;
2. freezer tuna seiners: 26 vessels;
3. pole-and-line tuna vessels and surface longliners: 16 vessels.

### Article 2

1. The financial compensation referred to in Article 9 of the Agreement shall be, for the period referred to in Article 1, ECU 10 800 000, payable in two annual instalments of ECU 6 000 000 and ECU 4 800 000 respectively.

2. If the target agreed between the two Parties is reached, the Community shall pay additional financial compensation of ECU 1 200 000 in the second annual period.

3. The use to which this compensation is put shall be the sole responsibility of the Government of the Republic of Guinea-Bissau.

4. The compensation shall be paid into an account opened with a financial institution or any other body designated by Guinea-Bissau.

### Article 3

At the request of the Community, the fishing possibilities referred to in Article 1 (1) may be increased by successive instalments of 1 000 grt per month, calculated on an annual average basis, if fishing resources permit. In this case, the financial compensation referred to in Article 2 shall be increased proportionately, *pro rata temporis*.

### Article 4

The Community shall also contribute during the period referred to in Article 1 the sum of ECU 150 000 towards the financing of a Guinea-Bissau scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of Guinea-Bissau and the functioning of the marine biology laboratory.

The Guinea-Bissau authorities shall forward to the Commission departments a summary report on the way that amount is used.

This sum shall be made available to the Government of the Republic of Guinea-Bissau and paid into the account indicated by the Guinea-Bissau authorities.

### Article 5

The two Parties agree that improving the skills of those involved in sea fishing is a vital element in the success of their cooperation. To that end, the Community shall make it easier for nationals of Guinea-Bissau to find places in establishments in its Member States and shall provide for that purpose, during the period referred to in Article 1, awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. The awards may also be used in any State linked with the Community by a cooperation Agreement. The total cost of the awards may not exceed ECU 100 000. At the request of the Guinea-Bissau authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries or the organization of seminars on fishing in Guinea-Bissau. The sum shall be payable as and when it is used.

### Article 6

The Community shall also contribute to funding the following programmes:

- institutional support for the Ministry of Fisheries: ECU 100 000,
- aid for small-scale fishing: ECU 150 000,
- marine surveillance: ECU 200 000.

The Guinea-Bissau authorities shall forward to the departments of the Commission of the European Communities a summary report on the way that amount is used.

This sum shall be made available to the Government of the Republic of Guinea-Bissau and paid into the account indicated by the Guinea-Bissau authorities.



*Article 7*

Should the Community fail to make the payments provided for in Articles 2, 4 and 6, the application of this Protocol may be suspended.

*Article 8*

The Annex to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of

Guinea-Bissau is hereby repealed and replaced by the Annex to this Protocol.

*Article 9*

This Protocol shall enter into force on the date on which it is signed.

It shall apply from 16 June 1995.

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## ANNEX

## CONDITIONS GOVERNING FISHING BY COMMUNITY VESSELS IN GUINEA-BISSAU'S FISHING ZONE

## A. Licence application and issuing formalities

1. The relevant Community authorities shall present to the Ministry of Fisheries of the Republic of Guinea-Bissau, via the Commission Delegation in Guinea-Bissau, an application for each vessel wishing to fish under the Agreement, at least 20 days before the date on which the requested term of validity commences.

Applications shall be made on the forms provided for that purpose by the Government of the Republic of Guinea-Bissau, specimens of which are attached (Appendix 1).

2. Licence applications shall be accompanied by proof of payment of the fee for the licence's term of validity, the amount laid down in E2 below and, in the case of freezer trawlers, a copy of the document drawn up by the Member State certifying the vessel's tonnage in grt. The fee shall be paid into the account indicated by the Guinea-Bissau authorities. The original of the licence shall be issued to the master of the vessel or to his representative. The Delegation of the Commission of the European Communities in Bissau shall be notified of each licence issued.
3. The fees shall include all national and local taxes with the exception of port fees and charges for the provision of services.
4. The following twelve-month periods shall be used for determining the validity of the licences:

first year: 16 June 1995 to 15 June 1996,

Second year: 16 June 1996 to 15 June 1997.

No licence may begin during the first annual period and end during the second annual period.

5. Licences shall be issued for specific vessels and shall not be transferable. However, at the request of the Community and where *force majeure* is proven, a vessel's licence shall be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The new licence shall take effect on the day that the vessel's owner returns the cancelled licence to the Ministry of Fisheries of the Republic of Guinea-Bissau. The Delegation of the Commission of the European Communities in Bissau shall be informed of the licence transfer.

6. *Provisions applicable to freezer trawlers*

- 6.1. Licences must be kept on board at all times.
- 6.2. Before licences are issued, vessels must put into the port of Bissau once in each twelve-month period so that the inspection required under the current legislation can be carried out. This inspection shall be carried out only by duly authorized persons and must take place within 48 working hours of the vessel's arrival in port if notice of arrival has been given at least 48 hours beforehand.

Should a new licence be allocated in that same twelve-month period, the vessel shall not be required to undergo inspection. Time spent in port for the purposes of obtaining a new licence must not exceed 48 hours and the costs and taxes involved must not exceed ECU 60. If the licence is not issued within the 48-hour limit, any costs arising shall be borne by the Ministry of Fisheries. If the vessel remains in port after the licence is issued, the shipowner shall bear the relevant costs and taxes.

- 6.3. Article 4 (3) of the Agreement notwithstanding, licences shall be issued for three, six or twelve months and shall be renewable.

6.4. The fees for trawlers shall be as follows:

- in the case of twelve-month licences:
  - ECU 188 per grt per year for fin-fish trawlers,
  - ECU 209 per grt per year for cephalopod trawlers,
  - ECU 266 per grt per year for shrimp trawlers,
- in the case of six-month licences:
  - ECU 97 per grt per year for fin-fish trawlers,
  - ECU 108 per grt per year for cephalopod trawlers,
  - ECU 137 per grt per year for shrimp trawlers,
- in the case of three-month licences:
  - ECU 50 per grt per year for fin-fish trawlers,
  - ECU 55 per grt per year for cephalopod trawlers,
  - ECU 70 per grt per year for shrimp trawlers.

7. *Provisions applicable to tuna vessels and surface longliners*

- 7.1. Licences must be kept on board at all times; however, once the Commission of the European Communities has informed the Guinea-Bissau authorities that the advance payment has been made, they shall enter the vessel in question in the register of vessels authorized to fish that is sent to the Guinea-Bissau surveillance authorities. Pending receipt of the original of the licence, a copy of the licence drawn up may be sent by fax for keeping on board.
- 7.2. Licences shall cover twelve-month periods. The fees shall be ECU 20 per tonne per year caught within Guinea-Bissau's fishing zone.
- 7.3. Licences shall be issued following payment to the Ministry of Fisheries of a lump sum of ECU 1 500 per twelve months for each tuna seiner and ECU 300 per twelve months for each pole-and-line tuna vessel and surface longliner, covering the fees for:
  - 75 tonnes of tuna caught per year in the case of seiners,
  - 15 tonnes caught per year in the case of pole-and-line tuna vessels and surface longliners.
- 7.4. 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 (Orstom and IEO — Spanish Institute of Oceanography). The statement shall be forwarded simultaneously to the Ministry of Fisheries and to the shipowners. Any additional charges shall be paid by the shipowners to the Guinea-Bissau Ministry of Fisheries by 31 May of the following year at the latest, into the account referred to in A.2 above. However, if the final statement is lower than the abovementioned amount, the resulting balance shall not be reimbursed.

**B. Statements of catch**

All Community vessels authorized under the Agreement to fish in Guinea-Bissau's fishing zone are required to forward a statement of their catches to the Ministry of Fisheries, with a copy to the Delegation of the Commission of the European Communities in Guinea-Bissau, in accordance with the following:

- for trawlers, a statement of catch shall be made out according to the specimen attached hereto (Appendix 2). Statements of catch shall be drawn up each month and presented at least once each quarter;
- for tuna seiners, pole-and-line tuna vessels and surface longliners, a fishing log shall be kept, in accordance with Appendix 3, for each fishing period spent in Guinea-Bissau's fishing zone. The form must be sent, within 45 days of the end of the fishing period spent in the Guinea-Bissau fishing zone, to the Ministry of Fisheries via the Delegation of the Commission of the European Communities in Guinea-Bissau;

— forms must be completed legibly and be signed by the master of the vessel.

Should this provision not be adhered to, the Government of Guinea-Bissau reserves the right to suspend the licence of the offending vessel until the formality has been complied with.

#### C. By-catches

1. Fin-fish trawlers may not hold on board crustaceans representing more than 10% of their total catch in the Guinea-Bissau fishing zone.

Cephalopod trawlers may not hold on board crustaceans representing more than 5% or fish representing more than 30% of their total catch in the Guinea-Bissau fishing zone.

2. Pole-and-line tuna vessels shall be authorized to fish for live bait in order to carry out their fishing activities in the Guinea-Bissau fishing zone.

#### D. Signing-on of seamen

Owners who have been issued fishing licences under the Agreement shall contribute to the practical vocational training of Guinea-Bissau nationals, subject to the conditions and limits set out below:

1. each trawler owner shall undertake to employ:

- three seamen/fishermen on vessels of up to 300 grt,
- four seamen/fishermen on vessels of 300 to 400 grt,
- five seamen/fishermen on vessels of more than 400 grt.

However, Community shipowners shall strive to increase the complement of Guinea-Bissau seamen signed on to 33% of the non-officer staff engaged in fishing activities;

2. owners of tuna vessels and surface longliners shall undertake to employ Guinea-Bissau nationals, subject to the conditions and limits set out below:

- for the fleet of tuna seiners, four Guinea-Bissau seamen shall be signed on permanently in the Guinea-Bissau fishing zone,
- for the fleet of pole-and-line tuna vessels and surface longliners, six Guinea-Bissau seamen shall be signed on for the tuna fishing season in the Guinea-Bissau fishing zone, all of them to be assigned to different vessels;

3. the wages of these seamen/fishermen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the Ministry of Fisheries; the wages shall be borne by the shipowners and must include the social security contributions to which the seaman is subject (including life insurance and accident and sickness insurance).

Should the seamen not be signed on, owners of tuna seiners, pole-and-line tuna vessels and surface longliners shall be obliged to pay a lump sum equivalent to the wages of seamen not signed on for the fishing period.

This sum shall be used for the training of seamen/fishermen in Guinea-Bissau and shall be paid into an account specified by the Guinea-Bissau authorities.

#### E. Observers on board

1. The observer's task shall be to check on fishing activities in the Guinea-Bissau fishing zone. He shall be offered every facility needed to carry out his duties, including access to premises and documents. He must not remain on board any longer than is necessary to carry out his duties. The master of the vessel shall facilitate the work of the observer, who shall be accorded the conditions enjoyed by officers of the vessel. The salary and the social security contributions of the observer shall be borne by the Government of Guinea-Bissau.

Should the observer be taken on board in a foreign port, his travelling costs shall be borne by the shipowner. Should a vessel with an observer from Guinea-Bissau on board leave the Guinea-Bissau fishing zone, all measures must be taken to ensure the observer's return to Bissau as soon as possible at the expense of the shipowner.

2. All trawlers shall take on board an observer designated by the Ministry of Fisheries. As a contribution to the costs arising from the presence of the observer on board, the shipowner shall pay the Guinea-Bissau authorities at the same time as the licence fee the sum of ECU 4 per grt per year *pro rata temporis* per vessel fishing in Guinea-Bissau waters.
3. Tuna vessels and surface longliners shall take an observer on board at the request of the Ministry of Fisheries.

In such cases, the port of embarkation shall be determined by mutual agreement between the Ministry of Fisheries and the shipowners or their representatives.

#### F. Inspection and monitoring

Community vessels fishing in Guinea-Bissau's fishing zone shall permit and assist any official of Guinea-Bissau responsible for inspection and monitoring to board the vessel and carry out his duties on board. The official must not remain on board any longer than is necessary for the verification of catches by random checks and for any other inspection relating to fishing activities.

#### G. Fishing zones

Freezer trawlers as referred to in Article 1 of the Protocol shall be authorized to fish in waters beyond 12 nautical miles from the base lines.

#### H. Meshes authorized

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be.

- (a) 60 mm for fin-fish vessels;
- (b) 50 mm for cephalopod vessels;
- (c) 40 mm for shrimp vessels;
- (d) 16 mm for fishing for live bait.

Outrigger fishing shall be authorized.

#### I. Entering and leaving the zone

Community vessels fishing under the Agreement in the Guinea-Bissau fishing zone shall communicate to the radio station of the Ministry of Fisheries the date and time and their position when entering and leaving the Guinea-Bissau fishing zone.

The call sign, frequency and working hours of the station shall be communicated to the shipowners by the Ministry of Fisheries at the time the licence is issued.

In cases where this radio communication cannot be used, vessels may use alternative means, such as telex, telegram or telefax (Nos 20 11 57, 20 19 57, 20 16 84).

#### J. Procedure in case of boarding

The authorities of the Commission of the European Communities in Guinea-Bissau shall be notified within 48 hours of any fishing vessel flying the flag of a Member State of the Community boarded within the Guinea-Bissau fishing zone and shall at the same time receive a summary report of the circumstances and reasons leading to the boarding.

Before any judicial proceedings are initiated, an attempt shall be made to settle the alleged infringement through an administrative procedure. This procedure shall be completed no later than three working days after the boarding.

If the case cannot be settled by administrative procedure and has to be brought before a competent judicial body, the competent authority shall set a bank security within 48 hours of completion of the administrative procedure, pending the judicial decision. The security shall not exceed the maximum fine provided for under national legislation in respect of the alleged infringement.

The bank security shall be released by the competent authority once the master of the vessel has been acquitted by the judicial decision.

The vessel and its crew shall be released:

- either on fulfilment of the obligations arising from the administrative procedure, or
  - once the bank security has been lodged.
-

*Appendix 1*

APPLICATION FORM  
FOR A  
FISHING LICENCE

For official use only	Remarks
Nationality: .....	.....
Licence No: .....	.....
Date of signing: .....	.....
Date of issue: .....	.....

## APPLICANT

Name of firm: .....

Trade register No: .....

First name and surname of applicant: .....

Date and place of birth: .....

Occupation: .....

Address: .....

No of employees: .....

Name and address of co-signatory: .....

## VESSEL

Type of vessel: ..... Registration No. ....

New name: ..... Former name: .....

Date and place of construction: .....

Original nationality: .....

Length: ..... Beam: ..... Hold: .....

Gross tonnage: ..... Net tonnage: .....

Type of building materials: .....

Make of main engine: ..... Type: ..... Rating: .....

Propeller: Fixed  Variable  Ducted 

Transit speed: .....

Call sign: ..... Call frequency: .....

List of sounding, navigating and transmission instruments:

Radar  Sonar  Netsonde   
 VHF  SSB  Netsonde satellite navigation  Other: .....

No of seamen: .....



## CONSERVATION

Packed in ice  Ice and refrigeration   
 Freezing in brine  Dry  Refrigerated sea water

Total refrigerating power: .....

Freezing capacity in tonnes/24 hours: .....

Hold capacity: .....

## TYPE OF FISHING

## A. Demersal

Inshore demersal  Deep-sea demersal

Type of trawl:  
 Cephalopods  Shrimps  Fish

Length of trawl: ..... Headline: .....

Mesh size in the body: .....

Mesh size in the wings: .....

Speed of trawling: .....

## B. Deep-sea pelagic (tuna)

Pole and line  No of poles and lines

Seine  Length of net: ..... Depth of net: .....

No of tanks: ..... Capacity in tonnes: .....

## C. Longlines and pots

Surface  Bottom

Length of lines: ..... No of hooks: .....

No of lines: .....

No of pots: .....

SHORE INSTALLATIONS

Address and permit No: .....

Name of firm: .....

Activities: .....

Domestic wholesale fish trade

Export

Type and No of wholesale trader's card: .....

Description of processing and conservation plant:  
.....  
.....  
.....  
.....  
.....

No of employees: .....

NB: Indicate affirmative answers by a tick in the appropriate box.

**Technical remarks**

**Authorization of the Ministry**





# COMMISSION

## COMMISSION DECISION

of 30 May 1996

laying down special conditions governing the import of fishery and aquaculture products originating in Senegal

(Text with EEA relevance)

(96/355/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products<sup>(1)</sup>, as last amended by Directive 95/71/EC<sup>(2)</sup>, and in particular Article 11 thereof,

Whereas a group of Commission experts has conducted an inspection visit to Senegal to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of Senegal legislation on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas the Ministère de la pêche et des transports maritimes — Direction de l'océanographie et des pêches maritimes — Bureau du contrôle des produits halieutiques (MPTM-DOPM-BCPH), the competent authority in Senegal, is capable of effectively verifying the application of the laws in force;

Whereas the procedure for obtaining the health certificate referred to in Article 11 (4) (a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it;

Whereas, pursuant to Article 11 (4) (b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products, giving the name of the third country and the approval number of the establishment and freezer vessel of origin;

Whereas, pursuant to Article 11 (4) (c) of Directive 91/493/EEC, a list of approved establishments and freezer vessels must be drawn up; whereas that list must be drawn up on the basis of a communication from the MPTM-DOPM-BCPH to the Commission; whereas it is therefore for the MPTM-DOPM-BCPH to ensure compliance with the provisions laid down to that end in Article 11 (4) of Directive 91/493/EEC;

Whereas the MPTM-DOPM-BCPH has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC and regarding fulfilment of requirements equivalent to those laid down by that Directive for the approval of establishments and the 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 Ministère de la pêche et des transports maritimes — Direction de l'océanographie et des pêches maritimes — Bureau du contrôle des produits halieutiques (MPTM-DOPM-BCPH) is recognized as the competent authority in Senegal for verifying and certifying compliance of fishery products with the requirements of Directive 91/493/EEC.

### Article 2

Fishery and aquaculture products originating in Senegal 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 set out in Annex A hereto;

<sup>(1)</sup> OJ No L 268, 24. 9. 1991, p. 15.

<sup>(2)</sup> OJ No L 332, 30. 12. 1995, p. 40.

2. The products must come from approved establishments or 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 'Senegal' and the approval number of the establishment or freezer vessel of origin in indelible letters.

*Article 3*

1. The certificate referred to in point 1 of Article 2 must be drawn up in at least one official language of the Member State where the checks are carried out.
2. The certificate must bear the name, capacity and signature of the representative of the Ministère de la

pêche et des transports maritimes — Direction de l'océanographie et des pêches maritimes — Bureau du contrôle des produits halieutiques (MPTM-DOPM-BCPH), and the latter's official stamp in a colour different from that of the other indications on the certificate.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 30 May 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX A

## HEALTH CERTIFICATE

for fishery or aquaculture products originating in Senegal and intended for export to the European Community with the exception of bivalve molluscs, echinoderms, tunicates and marine gastropods in any form

Reference No: .....

Country of dispatch: SENEGAL

Competent authority: MINISTÈRE DE LA PÊCHE ET DES TRANSPORTS MARITIMES —  
DIRECTION DE L'OcéANOGRAPHIE ET DES PÊCHES MARI-  
TIMES — BUREAU DU CONTRÔLE DES PRODUITS HALIEU-  
TIQUES (MPTM-DOPM-BCPH),

## I. Details identifying the products

Description of fishery or aquaculture product<sup>(1)</sup>:

— species (scientific name): .....

— presentation of product<sup>(2)</sup> and type of treatment: .....

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) or freezer vessel(s) approved by the MPTM-DOPM-BCPH for exports to the European Community:

.....  
.....  
.....  
.....

## III. Destination of products

The fishery or aquaculture 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 inapplicable.

<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc



**IV. Health attestation**

The official inspector hereby certifies that the fishery and aquaculture products specified above:

1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
5. do not come from toxic species or species containing biotoxins;
6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.

The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC and 92/48/EEC.

Done at ..... date .....

(place) (date)



.....  
 Signature of official inspector  
 (name in capital letters, capacity and qualifications of person signing)(1)

\_\_\_\_\_

(1) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

## ANNEX B

## 1. LIST OF APPROVED ESTABLISHMENTS

Approval number	Establishments	Locality
02/88/C	3.S Établissement Faye	Dakar
01/89/C	És Amate Gueye	Dakar
15/89/C	És Mandiang & Frères	Dakar
19/89/C	És Adba Pêche Export	Dakar
20/89/C	Pêche Export	Dakar
21/89/C	Ikagel	Mbour
22/89/C	Sacep	Dakar
09/90/C	Société sénégal-grecque	Dakar
13/90/C	Soumex	Dakar
01/91/C	Interport Sàrl	Dakar
03/91/C	Amerger Casamance	Dakar
06/91/C	Les grands Viviers de Dakar	Dakar
07/91/C	És Mamadou Ndiongue	Dakar
11/91/C	Marée Export	Dakar
16/91/C	Africamer	Dakar
17/91/C	Négoce des Produits de la Mer	Dakar
20/91/C	Soccehal/Crustagel	Ziguinchor
25/91/C	Quick Fish	Dakar
27/91/C	Sodipri	Dakar
01/92/C	Sté de conservation, de traitement et de distribution des produits de la pêche	Dakar
04/92/C	Allied Continental Shipping (Afrimer)	Dakar
05/92/C	Atlantic Marée	Dakar
01/93/C	Attis Marée Export (Intraf)	Dakar
02/93/C	Inter Trade Fish	Dakar
04/93/C	La Sénégalaise du Poisson	Dakar
05/93/C	Société nouvelle de Conserverie du Sénégal (SNCDs)	Dakar
07/93/C	Pêche & Froid	Dakar
08/93/C	Cimex	Dakar
13/93/C	Sénégamer	Dakar
14/93/C	Sopimex	Dakar
01/94/C	Négoce international Dia et Frères (Nidiaf)	Dakar
02/94/C	Afripêche	Dakar
03/94/C	Cofrinord	Saint-Louis
07/94/C	Dakar Marée (Sàrl)	Dakar
09/94/C	Dragon de Mer	Dakar
10/94/C	Sénécrust	Dakar
11/94/C	GPL — Dakar frais	Dakar
12/94/C	GIE Dakar Marée	Dakar
15/94/C	Conserverie de Dakar (Condak)	Dakar
20/94/C	Promel SA	Dakar
21/94/C	Neptunus Fishing Co.	Dakar
22/94/C	Sénémer	Dakar
01/95/C	GIE Delta Plus	Saint-Louis
02/95/C	Tropic-Fish	Dakar
03/95/C	Sénégal Pêche	Dakar
04/95/C	Mano Pêche	Dakar
08/95/C	Dialaw Marée	Dakar
10/95/C	Éco-pêche	Dakar
17/95/C	Promar	Dakar
02/96/C	Atlantic Fish Cisse & Frères	Dakar

## 2. LIST OF APPROVED FREEZER VESSELS

Approval number	Name	Name of shipowner
01/AA/95	Adrimex II	Groupe Adrien Michel (Sopasen)
02/AA/95	Bel-Air	Groupe Adrien Michel (Sopasen)
03/AA/95	Betty	Groupe Adrien Michel (Sopasen)
04/AA/95	Cap Rouge	Groupe Adrien Michel (Sopasen)
05/AA/95	Catherine-Anne	Groupe Adrien Michel (Sopasen)
06/AA/95	Connie	Groupe Adrien Michel (Sopasen)
07/AA/95	Fayako	Groupe Adrien Michel (Sopasen)
08/AA/95	Guereo	Groupe Adrien Michel (Sopasen)
09/AA/95	Hélène	Groupe Adrien Michel (Sopasen)
10/AA/95	Îles aux Oiseaux	Groupe Adrien Michel (Sopasen)
11/AA/95	Îles aux Mimosas	Groupe Adrien Michel (Sopasen)
12/AA/95	Île de Santiago	Groupe Adrien Michel (Sopasen)
13/AA/95	Laurence-Marie	Groupe Adrien Michel (Sopasen)
14/AA/95	Marie-Josèphe	Groupe Adrien Michel (Sopasen)
15/AA/95	Niam Niokho	Groupe Adrien Michel (Sopasen)
16/AA/95	Pôti Oumar Diallo	Groupe Adrien Michel (Sopasen)
17/AA/95	Tadorne	Groupe Adrien Michel (Sopasen)
18/AY/95	Batterie	Yannick Carton
19/AY/95	Marika	Yannick Carton
20/AY/95	Île aux Fées	Yannick Carton
21/AY/95	Ornon	Yannick Carton
22/AY/95	Yann	Yannick Carton
23/AY/95	Élodie	Yannick Carton
24/AY/95	Iza	Yannick Carton
25/AN/95	Dahlia	Neau
26/AN/95	Hortensia	Neau
27/AN/95	Dielmon	Neau
28/AN/95	Lobélia	Neau
29/AR/95	Les Nourres II	Ribeiro
30/AR/95	Magali Hester	Ribeiro
31/AR/95	Reine Sithoe	Ribeiro
32/AH/95	Kantar	Hisepec
87/AH/96	Almirante	Hisepec
88/AH/96	Chiquita	Hisepec
89/AH/96	Touba	Hisepec
33/AS/95	Mariama	Senevisa
34/AS/95	Aminata	Senevisa
90/AS/96	Vieirasa Siete	Senevisa
35/AK/95	Pape Ndongo	Krustasud
36/AK/95	Mame Bouso	Krustasud
37/AK/95	King Fish	Krustasud
38/AT/95	Maria	Touba Pêche
39/AD/95	Lawtan	Sispa
40/AD/95	Andando	Sispa
41/AD/95	Nettali	Sispa
42/AD/95	Fayda	Sispa
43/AE/95	Ultramar I	Sénémer
44/AP/95	Donaks	Pêcherie du Cap-Vert
45/AW/95	Sopeco I	Sopeco
46/AQ/95	Mame Fapenda Diop	Soracopec
47/AV/95	Tivaouane I	Daka Armement
48/AL/95	Nuovo Socrate	Asali-Pêche
49/AL/95	Echilio	Asali-Pêche

Approval number	Name	Name of shipowner
50/AL/95	Platonne	Asali-Pêche
51/AL/95	Protagora	Asali-Pêche
52/AU/95	Chalucap I	Nouvelle Chalucap
53/AU/95	Chalucap II	Nouvelle Chalucap
54/AU/95	Chalucap III	Nouvelle Chalucap
55/AU/95	Chalucap IV	Nouvelle Chalucap
56/AU/95	Madeleine	Nouvelle Chalucap
57/AU/95	Quercy	Nouvelle Chalucap
58/AU/95	Sylvie	Nouvelle Chalucap
59/AG/95	Soachip 5	Soachip SA
60/AG/95	Soachip 6	Soachip SA
61/AG/95	Soachip 7	Soachip SA
62/AG/95	Soachip 8	Soachip SA
63/AG/95	Soachip 9	Soachip SA
64/AG/95	Soachip 10	Soachip SA
65/AG/95	Soachip 11	Soachip SA
66/AG/95	Soachip 12	Soachip SA
67/AF/95	Gorgui Mame Tamedou	Sénégal Pêche
68/AF/95	Mamadou Diop	Sénégal Pêche
69/AF/95	Dialaw	Sénégal Pêche
70/AF/95	Yarakh Tefess	Sénégal Pêche
71/AM/95	Le Paladin	Africamer
72/AM/95	Palomete	Africamer
73/AM/95	Africamer 7	Africamer
74/AB/95	Nikolaos K	Sofresh
75/AZ/95	Kriti	Sénécrête
76/AX/95	Saturnia	Océan 5 Sàrl
77/AX/95	Vexilia	Océan 5 Sàrl
78/AJ/95	Itti 1	Itti Atlantic
79/AJ/95	Itti 2	Itti Atlantic
80/AL/95	Ágia Gana	Thalassa Fisheries
81/AO/95	Nathalie	Berthome
82/AO/95	Île d'Olonne	Berthome
83/AO/95	Perle de l'Océan	Berthome
84/AO/95	L'Africain	Berthome
85/AO/95	Ange des Mers	Berthome
86/BB/95	Domenica Madre	Société sénégaléo-italienne de Pêche industrielle (SIFI)
87/BC/95	Fresh Fish I	Fresh Fish Sàrl
91/BD/96	Briz III	Atlantic Pêche Sàrl
92/BE/96	Dico 1	Armement Albatros SA
93/BF/96	Larus	Pêcherie universelle

**COMMISSION DECISION**  
of 30 May 1996  
**laying down special conditions governing the import of fishery and aquaculture  
products originating in Gambia**  
(Text with EEA relevance)

(96/356/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products<sup>(1)</sup>, as last amended by Directive 95/71/EC<sup>(2)</sup>, and in particular Article 11 thereof,

Whereas a group of Commission experts has conducted an inspection visit to Gambia to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of Gambia legislation on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas the Ministry of Agriculture and Natural Resources — Fisheries Department (MANR-FD) in Gambia, is capable of effectively verifying the application of the laws in force;

Whereas the procedure for obtaining the health certificate referred to in Article 11 (4) (a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it;

Whereas, pursuant to Article 11 (4) (b) of Directive 91/493/EEC, a mark should be affixed to packages of

fishery products, giving the name of the third country and the approval number of the establishment of origin;

Whereas, pursuant to Article 11 (4) (c) of Directive 91/493/EEC, a list of approved establishments must be drawn up; whereas that list must be drawn up on the basis of a communication from the MANR-FD to the Commission; whereas it is therefore for the MANR-FD to ensure compliance with the provisions laid down to that end in Article 11 (4) of Directive 91/493/EEC;

Whereas the MANR-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 fulfilment of requirements equivalent to those laid down by that Directive for the approval of establishments;

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 Ministry of Agriculture and Natural Resources — Fisheries Department (MANR-FD) is recognized as the competent authority in Gambia for verifying and certifying compliance of fishery products with the requirements of Directive 91/493/EEC.

*Article 2*

Fishery and aquaculture products originating in Gambia 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 set out in Annex A hereto;

<sup>(1)</sup> OJ No L 268, 24. 9. 1991, p. 15.

<sup>(2)</sup> OJ No L 332, 30. 12. 1995, p. 40.

2. The products must come from approved establishments 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 'Gambia' and the approval number of the establishment of origin in indelible letters.

*Article 3*

1. The certificate referred to in point 1 of Article 2 must be drawn up in at least one official language of the Member State where the checks are carried out.
2. The certificate must bear the name, capacity and signature of the representative of the Ministry of Agriculture and Natural Resources — Fisheries Department

(MANR-FD), and the latter's official stamp in a colour different from that of the other indications on the certificate.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 30 May 1996.

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

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ANNEX A

HEALTH CERTIFICATE

for fishery or aquaculture products originating in Gambia and intended for export to the European Community with the exception of bivalve molluscs, echinoderms, tunicates and marine gastropods in any form

Reference No: .....

Country of dispatch: GAMBIA

Competent authority: MINISTRY OF AGRICULTURE AND NATURAL RESOURCES — FISHERIES DEPARTMENT (MANR-FD)

I. Details identifying the products

- Description of fishery or aquaculture product (1):
— species (scientific name): .....
— presentation of product (2) and type of treatment: .....
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) or freezer vessel(s) approved by the MANR-FD for exports to the European Community:
.....
.....
.....
.....

III. Destination of products

The fishery or aquaculture 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 inapplicable.
(2) Live, refrigerated, frozen, salted, smoked, preserved, etc.

#### IV. Health attestation

The official inspector hereby certifies that the fishery and aquaculture products specified above:

1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
5. do not come from toxic species or species containing biotoxins;
6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.

The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC and 92/48/EEC.

Done at ..... date .....

(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

## LIST OF AGREED ESTABLISHMENTS

Approval number	Establishment
GAM/FPE/01/94	National Partnership Enterprises Ltd
GAM/FPE/02/94	BB & Sons Seafoods
GAM/FPE/03/95	Rosamond Trade
GAM/FPE/04/95	Lyefish Co. Ltd

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 10 June 1996

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 from 1 January 1996 to 31 December 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast

(96/382/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea 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 subparagraph of Article 15 of the aforesaid Agreement, the Community and the Republic of Guinea conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of these negotiations, a new Protocol was initialled on 6 December 1995;

Whereas, under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of the Republic of Guinea for the period from 1 January 1996 to 31 December 1997;

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, for this reason, 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 following the date of expiry of the current Protocol;

Whereas the Agreement in the form of an Exchange of Letters should be approved, pending a final decision taken on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1996 to 31 December 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast is hereby approved on behalf of the European Community.

The text of the Agreement in the form of an Exchange of Letters and of the Protocol are attached to this Decision.

*Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Luxembourg, 10 June 1996.

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

<sup>(1)</sup> O) No L 111, 27. 4. 1983, p. 1.

## AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1996 to 31 December 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast

*A. Letter from the Government of the Republic of Guinea*

Sir,

With reference to the Protocol, initialled on 6 December 1995, establishing, for the period from 1 January 1996 to 31 December 1997, the fishing rights and financial compensation, I have the honour to inform you that the Government of the Republic of Guinea is ready to apply this Protocol on a provisional basis, with effect from 1 January 1996, pending its entry into force in accordance with Article 9 of the said Protocol, provided that the European Community is disposed to do the same.

This is on the understanding that the first instalment of the financial compensation specified in Article 2 of the Protocol is paid by 31 May 1996.

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 6 December 1995, establishing, for the period from 1 January 1996 to 31 December 1997, the fishing rights and financial compensation, I have the honour to inform you that the Government of the Republic of Guinea is ready to apply this Protocol on a provisional basis, with effect from 1 January 1996, pending its entry into force in accordance with Article 9 of the said Protocol, provided that the European Community is disposed to do the same.

This is on the understanding that the first instalment of the financial compensation specified in Article 2 of the Protocol is paid by 31 May 1996.

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 this provisional application of the Protocol.

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

*On behalf of  
the Council the European Union*

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## PROTOCOL

establishing, for the period from 1 January 1996 to 31 December 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast

### Article 1

For a period of two years from 1 January 1996, the fishing rights granted under Article 2 of the Agreement shall be as follows:

1. trawlers (fin-fish, cephalopods and shrimp): 5 000 grt a month, annual average;
2. freezer tuna seiners: 28 vessels;
3. pole-and-line tuna vessels: 7 vessels;
4. surface longliners: 7 vessels.

### Article 2

1. The financial compensation referred to in Article 8 of the Agreement shall be, for the period referred to in Article 1, ECU 2 450 000, payable in two annual instalments of ECU 1 150 000 and ECU 1 300 000 respectively.

2. The use to which this compensation is put shall be the sole responsibility of the Government of the Republic of Guinea.

3. The compensation shall be paid into an account opened with a financial institution or any other body designated by the Government of the Republic of Guinea.

### Article 3

At the request of the Community, the fishing rights referred to in point 1 of Article 1 may be increased by successive instalments of 1 000 grt a month, calculated on an annual average basis. In this case, the financial compensation referred to in Article 2 shall be increased proportionately.

### Article 4

The Community shall also contribute during the period referred to in Article 1 the sum of ECU 400 000 towards the financing of a Guinean scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of Guinea.

This sum shall be made available to the Government of the Republic of Guinea and paid into the account indicated by the Guinean authorities.

### Article 5

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 Guinea 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. The total cost of the awards may not exceed ECU 250 000. At the request of the Guinean authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries or for the organization of seminars on fishing in Guinea. The sum shall be payable as and when it is used.

A proportion of the funds provided for in this article, which shall not exceed ECU 100 000, may be used to pay Guinea's contributions to international fisheries organizations.

### Article 6

The Community shall also contribute to the financing of programmes as follows:

- ECU 350 000 in aid for fisheries surveillance bodies,
- ECU 300 000 in institutional aid for the Ministry of Fisheries,
- ECU 250 000 in aid for non-industrial fishing.

These funds shall be made available to the bodies concerned. The fisheries ministry shall communicate the bank accounts to which payment is to be made.

### Article 7

Should the Community fail to make the payments provided for in Articles 2 and 4, the application of this Protocol may be suspended.

*Article 8*

The Annex to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast is hereby repealed and replaced by the Annex to this Protocol.

*Article 9*

This Protocol shall enter into force on the date on which it is signed.

It shall be applicable from 1 January 1996.

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## ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN  
GUINEA'S FISHING ZONE

## A. Licence application and issuing formalities

The relevant Community authorities shall present to the Fisheries Ministry via the Delegation of the Commission of the European Communities in Guinea, an application for each vessel that is to be used for fishing under the Agreement, at least 30 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 Fisheries Ministry, a specimen of which is attached hereto (Appendix 1).

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 the account opened with the Public Treasury of Guinea.

The fees shall include all national and local charges except for port taxes and service costs.

Licences for all vessels shall be issued by the Fisheries Ministry within 30 days following receipt of proof of payment as laid down above to the shipowners or their representatives via the Delegation of the Commission of the European Communities in Guinea.

Licences shall be issued for a specific vessel and shall not be transferable. However, where *force majeure* is proven and at the request of the European Community, a vessel's licence shall be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Fisheries Ministry via the Delegation of the Commission of the European Communities.

The new licence shall indicate:

- the date of issue,
- the 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 this case, no fee as laid down in the second subparagraph of Article 5 of the Agreement shall be due for unexpired periods of validity.

The licence must be held on board at all times.

## 1. Provisions applicable to trawlers

1. Each vessel shall be obliged to report to the port of Conakry once a year, prior to the issue of the licence, to undergo the inspection laid down by the rules and regulations currently in force. Inspections shall be carried out exclusively by duly authorized persons and must be effected within 24 working hours of arrival of the vessel in port if arrival has been announced at least 48 hours in advance. If the licence is renewed during the same calendar year the vessel shall be exempt from further inspection.
2. Each vessel must be represented by an agent of Guinean nationality, established in Guinea.
3. (a) Licences shall be issued for periods of 3, 6 and 12 months and be renewable.
  - (b) The fees to be paid by shipowners, expressed in ECU/gross registered tonnage, shall be as follows.
    - for annual licences:
      - 126 for fin-fish trawlers,
      - 150 for cephalopod trawlers,
      - 152 for shrimp trawlers;

- for six-month licences:
  - 65 for fin-fish trawlers,
  - 77 for cephalopod trawlers,
  - 78 for shrimp trawlers;
- for three-month licences:
  - 33 for fin-fish trawlers,
  - 39 for cephalopod trawlers,
  - 40 for shrimp trawlers.

However, vessels failing to land 200 kg of fish per grt per year in accordance with the provisions of part C shall be obliged to pay an additional fee of ECU 10 per grt per year.

## II. Provisions applicable to tuna vessels and surface longliners

- (a) The annual fees shall be ECU 20 per tonne caught within Guinea's fishing zone.
- (b) Licences shall be issued following payment to the Fisheries Ministry of a lump sum of ECU 1 500 a year for each tuna seiner and ECU 300 a year for each pole-and-line tuna vessel and surface longliner, equivalent to the fees for:
  - 75 tonnes of tuna caught per year in the case of seiners,
  - 15 tonnes caught per year in the case of pole-and-line tuna vessels and surface longliners.

The final statement of the fees due for the fishing period shall be drawn up by the European 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 competent to verify catch data, such as the French Office of Overseas Scientific and Technical Research (Orstom) and the Spanish Institute of Oceanography (IEO). The statement shall be forwarded to the Fisheries Ministry and to the shipowners at the same time. Any additional payment due shall be made by the shipowners to the Fisheries Ministry no later than 30 days after notification of the final statement, to be paid into the account opened with the Public Treasury of Guinea.

However, if the amount of the final statement is lower than the abovementioned amount, the resulting balance shall not be reimbursable.

## B. Statement of catch

For all Community vessels authorized to fish in Guinea's waters under the Agreement a statement of their catch must be provided to the Fisheries Ministry, with a copy to the Delegation of the Commission of the European Communities in Guinea, in accordance with the procedures set out below:

- for trawlers a statement shall be made out according to the specimen annexed hereto (Appendix 2). The statements shall be drawn up each month and presented at least once each quarter,
- for tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with Appendix 3, for each fishing period spent in Guinea's fishing zone. The form must be sent, within 45 days of the end of the fishing voyage spent in the Guinean fishing zone, to the Fisheries Ministry via the Delegation of the Commission of the European Communities in Guinea.

Forms must be completed legibly and be signed by the master of the vessel.

Should this provision not be adhered to, the Fisheries Ministry reserves the right to suspend the licence of the offending vessel until the formality has been complied with. In this case, the Delegation of the Commission of the European Communities in Guinea shall be informed.

## C. Landing of catch

Trawlers authorized to fish in the Guinean fishing zone shall, in order to make a contribution towards supplying the local population with fish caught in the Guinea fishing zone, be obliged 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-catch

1. Fin-fish trawlers may not hold on board species other than fish representing more than 15% of their total catch in the Guinean fishing zone.

Cephalopod trawlers may not hold on board crustaceans representing more than 20% or fish representing more than 30% of their total catch in the Guinean fishing zone.

Shrimp trawlers may not hold on board cephalopods representing more than 25% or fish representing more than 50% of their total catch in the Guinean fishing zone.

A maximum tolerance of 5% of these percentages shall be authorized.

These limits shall be indicated on the licence.

2. Pole-and-line tuna vessels shall, moreover, be authorized to fish for live bait in order to carry out their fishing activities in the Guinean fishing zone.

#### E. Signing-on of seamen

Owners who have been issued fishing licences under the Agreement shall contribute to the on-the-job vocational training of Guinean nationals, subject to the conditions and limits set out below:

1. Each trawler owner shall undertake to employ:
  - three Guinean seamen on vessels of up to 350 grt,
  - a number of Guinean seamen equivalent to 25% of the number of seamen/fishermen signed on for vessels with a tonnage greater than 350 grt.
2. For the fleet of tuna seiners, three Guinean seamen shall be signed on permanently.
3. For the fleet of pole-and-line tuna vessels, three Guinean seamen shall be signed on for the tuna-fishing season in the Guinean fishing zone, all of them to be assigned to different vessels.
4. For the fleet of surface longliners, the shipowners undertake to employ two Guinean seamen per vessel during the fishing season in Guinean waters.
5. The wages of these Guinean seamen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the Fisheries Ministry; 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).

Should the seamen not be signed on, owners of tuna seiners, pole-and-line tuna vessels and surface longliners shall be obliged to pay the Fisheries Ministry a lump sum equivalent to the wages of seamen not signed on in accordance with the provisions of points 2, 3 and 4.

This sum will be used for the training of seamen/fishermen in Guinea and is to be paid into an account specified by the Fisheries Ministry.

#### F. Observers

1. The observers' task shall be to check on fishing activities in the Guinean fishing zone and collect all statistical data on the fishing activities of the vessel concerned. They shall be offered every facility needed to carry out their duties, including access to premises and documents and weekly radio communication of fishing data.
2. Each trawler shall take on board an observer appointed by the Fisheries Ministry.
 

In the case of trawlers of less than 200 grt, however, a fisherman designated by the Fisheries Ministry shall act as observer, in which case the master of the vessel shall facilitate the work of this seaman outside the actual fishing operations.

Observers shall not normally remain on board for more than two trips.
3. Tuna vessels and surface longliners shall take an observer on board at the request of the Fisheries Ministry. He must not remain on board any longer than is necessary for the accomplishment of his duties.

The master of the vessel shall facilitate the work of the observer, who shall be accorded the conditions enjoyed by officers of the vessel.

Should observers be taken on board in foreign ports, their travelling costs shall be borne by the shipowner.



4. The pay and social insurance contributions of observers shall be borne by the Fisheries Ministry.

In the case of trawlers, shipowners shall pay to the Centre National de Surveillance de Pêches (CNSP), ECU 10 for each day spent on board by an observer as a contribution to the expenses arising from their presence on board.

5. Should a vessel with an observer on board leave the Guinean fishing zone, all measures must be taken to ensure the observer's return to Conakry as soon as possible at the expense of the shipowner.

#### G. Inspection and monitoring

Any Community vessel fishing in Guinea's zone shall allow on board any official of Guinea responsible for inspection and monitoring and shall assist him in the accomplishment of his duties. This official must not remain on board any longer than is necessary for the verification of catches by random checks and for any other inspection relating to fishing activities.

#### H. Fishing zones

All the vessels referred to in Article 1 of the Protocol shall be authorized to fish in waters beyond 10 nautical miles.

#### I. Minimum meshes authorized

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be:

- (a) 40 mm for shrimps;
- (b) 50 mm for cephalopods;
- (c) 60 mm for fin-fish.

These minimum sizes may be altered to conform to the standardization of the Member States of the Subregional Fisheries Commission. Any such alterations shall be examined in the Joint Committee.

Fishing with outriggers shall be authorized.

#### J. Entering and leaving the zone

All Community vessels fishing under the Agreement in the Guinean zone shall communicate to the radio station of the CNSP the date and time and their position when entering and leaving the Guinean fishing zone.

The call sign and operating frequencies and times of the station shall be communicated to the shipowners by the CNSP at the time the licence is issued.

In cases where this radio communication cannot be used, vessels may use alternative means, such as fax (CNSP: 1-212-4794-885, the Fisheries Ministry: 224-41 35 23).

#### K. Boarding of vessels

1. The Delegation of the Commission of the European Communities in Guinea shall be notified within 48 hours of any boarding within the Guinean exclusive economic zone of a fishing vessel flying the flag of a Member State of the Community and operating under an Agreement concluded between the Community and a third country and shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.
2. In the case of vessels authorized to fish in Guinean waters, before any measures regarding the master or the crew of the vessel of 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 48 hours of receipt of the abovementioned information, between the Delegation of the Commission of the European Communities, the Fisheries Ministry 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, in particular automatically registered data showing the vessel's positions during the trip up to the time of boarding, 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. Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through a compromise procedure. This procedure shall end no later than three working days after the boarding.
  4. Should the case not be settled by means of compromise, and therefore be brought before a competent judicial body, a bank security shall be fixed by the relevant authority within 48 hours following the conclusion of the compromise procedure, pending the judicial decision. The amount of the security must not exceed the amount of the penalty laid down under national legislation for the presumed infringement in question. The bank security shall be returned to the shipowner by the relevant authority once the case is settled without incrimination of the master of the vessel concerned.
  5. The vessel and its crew shall be released either:
    - at the end of the consultation meeting, if the established facts permit, or
    - once the obligations arising under the compromise have been fulfilled, or
    - once a bank security is deposited (judicial procedure).
-

*Appendix 1*

APPLICATION FORM  
FOR A  
FISHING LICENCE

For official use only	Remarks
Nationality: .....	.....
Licence No: .....	.....
Date of signing: .....	.....
Date of issue: .....	.....

## APPLICANT

Name of firm: .....

Trade register No: .....

First name and surname of applicant: .....

Date and place of birth: .....

Occupation: .....

Address: .....

.....

No of employees: .....

Name and address of co-signatory: .....

.....

## VESSEL

Type of vessel: ..... Registration No: .....

New name: ..... Former name: .....

Date and place of construction: .....

Original nationality: .....

Length: ..... Beam: ..... Hold: .....

Gross tonnage: ..... Net tonnage: .....

Type of building materials: .....

Make of main engine: ..... Type: ..... Rating: .....

Propeller: Fixed  Variable  Ducted 

Transit speed: .....

Call sign: ..... Call frequency: .....

List of sounding, navigating and transmission instruments:

Radar  Sonar  Netsonde VHF  SSB  Netsonde satellite navigation  Other: .....

No of seamen: .....

CONSERVATION

Packed in ice       Ice and refrigeration   
 Freezing in brine       Dry       Refrigerated sea water

Total refrigerating power: .....

Freezing capacity in tonnes/24 hours: .....

Hold capacity: .....

TYPE OF FISHING

A. Demersal

Inshore demersal       Deep-sea demersal   
 Type of trawl: Cephalopods       Shrimps       Fish

Length of trawl: .....      Headline: .....

Mesh size in the body: .....

Mesh size in the wings: .....

Speed of trawling: .....

B. Deep-sea pelagic (tuna)

Pole and line       No of poles and lines   
 Seine       Length of net: .....      Depth of net: .....  
 No of tanks: .....      Capacity in tonnes: .....

C. Longlines and pots

Surface       Bottom   
 Length of lines: .....      No of hooks: .....  
 No of lines: .....  
 No of pots: .....

SHORE INSTALLATIONS

Address and permit No: .....

.....

Name of firm: .....

Activities: .....

Domestic wholesale fish trade

Export

Type and No of wholesale trader's card: .....

Description of processing and conservation plant:

.....

.....

.....

.....

.....

No of employees: .....

**Technical remarks**

**Authorization of the Ministry of Fisheries**

Appendix 2  
STATISTICS ON CATCH AND ACTIVITY

OFFICE OF THE SECRETARY OF STATE FOR FISHERIES

Month: \_\_\_\_\_ Year: \_\_\_\_\_

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/													
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23/													
24/													
25/													
26/													
27/													
28/													
29/													
30/													
31/													

Engine rating:	
Gross registered tonnage:	

Fishing method:	
Port of landing:	





## COUNCIL DECISION

of 10 June 1996

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol defining, for the period from 18 January 1996 to 17 January 1999, the fishing opportunities and financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles

(96/383/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community,

*Article 1*

Having regard to the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles<sup>(1)</sup>, signed in Brussels on 28 October 1987,

Having regard to the proposal from the Commission,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Seychelles have held negotiations with a view to determining amendments to be made to the abovementioned Agreement at the end of the period of application of the Protocol in force annexed thereto;

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol defining, for the period from 18 January 1996 to 17 January 1999, the fishing opportunities and financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles is hereby approved on behalf of the European Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

Whereas, as a result of these negotiations, a new Protocol was initialled on 18 January 1996, by virtue of which Community fishermen are to enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Republic of Seychelles for the period from 18 January 1996 to 17 January 1999;

*Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Whereas, in order to avoid interruption of fishing activities by Community vessels, both parties have initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the said Protocol from the day following the date of expiry of the Protocol in force;

Done at Luxembourg, 10 June 1996

Whereas the Agreement in the form of an Exchange of Letters should be approved subject to a definitive decision pursuant to Article 43 of the Treaty,

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

<sup>(1)</sup> OJ No L 119, 7. 5. 1987, p. 26.

## AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol defining, for the period from 18 January to 17 January 1999, the fishing opportunities and financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles

*A. Letter from the Republic of Seychelles*

Sir,

With reference to the draft Protocol, initialled on 18 January 1996, defining, for the period from 18 January 1996 to 17 January 1999, the fishing opportunities and financial contribution, I have the honour to inform you that the Republic of Seychelles is ready to apply this Protocol on a provisional basis, with effect from 18 January 1996, pending its entry into force in accordance with Article 6 of the Protocol, provided that the European Community is prepared to do the same.

This is on the understanding that a first instalment equal to one third of the financial compensation specified in Article 2 of the Protocol is to be paid by 31 May 1996.

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  
Republic of Seychelles*

*B. Letter from the Community*

Sir,

I am in receipt of your letter of today's date, which reads as follows:

'With reference to the draft Protocol, initialled on 18 January 1996, defining, for the period from 18 January 1996 to 17 January 1999, the fishing opportunities and the financial contribution, I have the honour to inform you that the Republic of Seychelles is ready to apply this Protocol on a provisional basis, with effect from 18 January 1996, pending its entry into force in accordance with Article 6 of the Protocol, provided that the European Community is prepared to do the same.

This is on the understanding that a first instalment equal to one third of the financial compensation specified in Article 2 of the Protocol is to be paid by 31 May 1996.

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 of the Protocol.

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

*On behalf of  
the Council of the European Union*

PROTOCOL

**defining, for the period from 18 January 1996 to 17 January 1999, the fishing opportunities and financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles**

*Article 1*

Pursuant to Article 2 of the Agreement, and notwithstanding Article 12 of the Agreement relating to further periods of the Agreement, licences to fish simultaneously in Seychelles waters shall be granted to 42 ocean-going tuna seiners and 15 surface longliners not exceeding 37 m length overall, for a period of three years beginning on 18 January 1996.

*Article 2*

The financial compensation referred to in Article 6 of the Agreement shall be fixed at ECU 6 900 000 for the period provided for in Article 1 of this Protocol, payable in three equal annual instalments. The financial compensation corresponds to a catch of 46 000 tonnes of tuna per year in Seychelles' waters. If the catch by Community vessels in Seychelles' waters exceeds 46 000 tonnes, the Community shall increase the financial compensation proportionately.

*Article 3*

The Community shall also pay, during the period referred to in Article 1, a contribution of ECU 2 700 000 payable in three equal annual instalments, towards the financing of scientific programmes in the Seychelles to gain greater knowledge of fish stocks concerning the region of the Indian Ocean surrounding the Seychelles Islands, particularly in respect of highly migratory species, and the purchase or maintenance or both, as Seychelles may think fit, of equipment to improve the administrative structure relating to fisheries in Seychelles.

The Seychelles authorities shall forward to the Commission services a brief report on the way that amount is used.

*Article 4*

The two parties hereby agree that an essential condition for the success of their cooperation is that the skills and know-how of persons engaged in sea fishing be improved. To this end, the Community will assist Seychellois nationals in finding places in establishments in its Member States or States with which it has concluded Cooperation Agreements and will make available an amount of ECU 300 000 for study or practical training awards with a maximum duration of five years in the various scientific, technical and economic subjects relating to fisheries. Of this amount, up to ECU 100 000 may be used, at the request of the Seychelles' authorities, to cover the cost of attending international meetings relating to fisheries.

*Article 5*

The Protocol and Annex I, dated 18 and 17 January 1990 respectively, to the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles which came into force on 28 October 1987 are hereby repealed and replaced by this Protocol and Annex I.

*Article 6*

This Protocol and Annex I shall enter into force on the date of their signature.

This Protocol and Annex I shall be applicable from 18 January 1996.

## ANNEX I

## CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN SEYCHELLES' WATERS

## 1. Licence application and issuing formalities

The procedure for applications for, and issue of, licences enabling Community vessels to fish in Seychelles' waters shall be as follows:

- (a) the Commission of the European Communities shall present to the Seychelles Fishing Authority, via the representative of the Commission of the European Communities in the Seychelles, an application, made by the shipowner, for each vessel that wishes to fish under this Agreement, at least 20 days before the date of commencement of the period of validity requested. The application shall be made on the form provided for that purpose by the Seychelles, a specimen of which is annexed as Appendix 1;
- (b) every licence shall be issued for one designated vessel. At the request of the European Commission, the licence for a vessel may, and, in cases of *force majeure*, will be replaced by a licence for another Community vessel;
- (c) the licences shall be delivered by the authorities of the Seychelles to the shipowners, or their representatives or agents. The representative of the Commission of the European Communities shall be notified of the licences granted by the authorities of Seychelles;
- (d) the licence document must be held on board at all times; however, on reception of notification of payment of the advance sent to the Seychellois authorities by the European Commission, the vessel shall be entered on a list of vessels authorized to fish, which shall be sent to the Seychellois 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) the authorities of the Seychelles shall communicate before the date of entry into force of the Agreement the arrangements for payment of the licence fees, and in particular the details of the bank accounts and the currencies to be used.

## 2. Validity of licences and payment

- (a) Licences shall be valid for a period of one year. They are renewable.
- (b) The fee shall be set at ECU 20 per tonne caught within Seychelles' waters. Licences shall be issued following advance payment to Seychelles of a lump sum, per year and for each vessel, of ECU 7 500 for tuna seiners and ECU 500 for surface longliners, equivalent to the fees for respectively 37.5 tonnes and 2.5 tonnes caught within the Seychelles' waters per year.
- (c) Surface longliners shall, before the start of their fishing campaign in Seychelles' waters and at the end of it, call into Port Victoria to check the catches held on board. However, at the request of the shipowner, the Seychelles authorities may exempt the vessel of that requirement.

Fishing licences for surface longliners shall authorize the fishing of not only tuna but also swordfish, marlin and sailfish.

- (d) The Seychelles Fishing Authority (SFA) will draw up a statement of fees due in respect of the previous calendar year on the basis of catch declarations by Community vessels and other information in the possession of the SFA.

The statement will be sent before 31 March of the current year to the Commission which will transmit it before 15 April simultaneously to shipowners and national authorities of the concerned Member States.

Where the shipowners do not agree with the statement submitted by the SFA, they may consult the scientific institutes competent for verifying catch statistics such as the Institut français de recherche scientifique pour le développement en coopération (Orstom) or the Spanish Oceanographical Institute (IEO), and thereafter discuss together with the Seychelles authorities to establish the final statement before 15 May of the current year. In the absence of observations by the shipowners at that date, the statement submitted by the SFA is considered as the final one. The Member States will notify the Commission of the final statement relating to their own fleet.

Shipowners shall make any additional payment above the advance to the Seychelles fisheries authorities before 31 May of the same year.

Where the final statement is less than the abovementioned advance, the balance shall not be recoverable by the shipowner.

### 3. Declaration of catches

- (a) The Community vessels licensed to fish in Seychelles' waters shall complete a fishing form as set out in Appendices 2 and 3, for each fishing trip they undertake in Seychelles' waters. In the absence of catches, the fishing forms shall still be completed.
- (b) For the periods for which a Community vessel referred to in point (a) was not present in Seychelles' waters, it shall provide the abovementioned fishing form with the notation 'Outside Seychelles' EEZ'.
- (c) As far as the release of the fishing forms referred to in points (a) and (b) is concerned, the Community vessels shall:
  - in the case where they call into Port Victoria, submit the completed forms to the Seychelles authorities within five days of arrival in port, or in any event before they leave port, whichever occurs first;
  - in any other case, send the completed forms to the Seychelles authorities within 14 days of arrival in any port other than Victoria.

Copies of these fishing forms must also be sent to the scientific institutes referred to in point 2 (d).
- (d) In the event of failure to comply with these provisions, the sanctions referred to in point 10 will apply.

### 4. Observers

Tuna seiner vessels shall, at the request of the Seychelles' authorities, take on board a qualified observer designated by the said authorities in order to check the position of the vessel and catches made in Seychelles' waters. Observers shall have all the facilities necessary for the performance of these duties, including access to places, documents and communication equipment. An observer must not be present for longer than the time required to fulfil his duties. Observers shall be granted officer status while on board. Should a tuna seiner with a Seychellois observer on board leave Seychelles' waters, every step will be taken to ensure that the observer returns to Seychelles as soon as possible, at the shipowners' expense.

### 5. Employment of seamen

Each tuna seiner shall take on board at least two Seychelles seamen designated by the Seychelles' authorities, in agreement with the shipowners, during its fishing campaign. The employment contracts of the seamen shall be drawn up in Victoria between the shipowners' representatives and the seamen in agreement with the Seychelles Ministry responsible for employment. This contract shall cover the social security arrangements applicable to the seamen including life, accident and sickness insurance.

### 6. Landing

Tuna seiners landing in the port of Victoria will endeavour to make their by-catches available to the Seychellois authorities at the local market prices. Furthermore the Community tuna seiners shall participate in supplying tuna to the Seychelles canneries at international market prices.

### 7. Communications

Within three hours of each entry and exit of the zone and every three days during their fishing activities in Seychelles' waters, Community vessels shall communicate directly to the Seychelles' authorities, preferably by fax or, in the event of failure, by radio their position and the volume of catches held on board.

The number of the fax and radio frequency shall be indicated on the licence.

A copy of the communications by fax or a record of the radio communications shall be kept by the Seychelles' authorities and the shipowners until the approval by both parties of the final statement of the fees referred to in point 2 (d).

In the event of failure to comply with these provisions, the sanctions referred to in point 10 will be applicable.

**8. Fishing zone**

To avoid any adverse effect on small-scale fisheries in Seychelles' waters, fishing by Community vessels shall not be authorized in the zones defined in the Seychelles regulations nor within three miles around any fish-aggregating device placed by the Seychelles authorities, the geographical positions of which have been communicated to the shipowners' representative or agent.

**9. Port equipment and use of supplies and services**

Community vessels shall endeavour to procure in Seychelles all supplies and services required for their operations. The Seychelles' authorities will lay down, in agreement with the shipowners, the conditions for using port equipment and, if necessary, supplies and services.

**10. Sanctions**

Failure to observe any one of the above rules or management and conservation of living resources measures, or the Seychelles legislation, may be penalized by suspension, revocation or non-renewal of the vessel's fishing licence. Suspension or revocation of a fishing licence shall be regarded as *force majeure* for the purpose of point 1 (b) of this Annex.

The European Commission will immediately be fully informed of any suspension or revocation and of all the relevant facts related thereto.

---

*Appendix 1*

**APPLICATION FOR A FOREIGN FISHING VESSEL LICENCE**

Name of applicant: .....

Address of applicant: .....

Name and address of charterer of vessel if different from above: .....

Name and address of other legal representative in Seychelles: .....

Name and address of master of vessel: .....

Name of vessel: .....

Type of vessel: .....

Length and registered net tonnage of vessel: .....

Engine type, horsepower and gross registered tonnage: .....

Port and country of registry: .....

Registration number: .....

Fishing vessel external identification: .....

Radio call sign/signal letters: .....

Frequency: .....

Particulars of equipment: .....

Number and nationality of crew: .....

Proposed fishing area and species of fish: .....

Description of fishing operations, joint ventures and other contractual arrangements:  
.....  
.....  
.....  
.....

I certify that the above particulars are correct.

Date: ..... Signature: .....





Appendix 3

STATEMENT OF CATCH FOR SURFACE LONGLINERS

Name of vessel: ..... Skipper's name: .....  
 Date of setting: ..... Start of trip: ..... at: .....  
 Trip number: ..... Setting number: .....

Wind direction: .....	Force: ..... (Beaufort)
Sea conditions: .....	Swell: .....
Surface temperature: ..... °C	Current: speed: ..... Direction: .....
Moon: New moon + ..... days	Moon rises: ..... (0-24h)
	Moon sets: ..... (0-24h)

Setting details

Start time: ..... Finishing time: .....

Section	Position	Heading	Speed	Remarks
Depart: radio buoy No 1				
Radio buoy No 2				
Radio buoy No 3				
Radio buoy No 4				
Radio buoy No 5				
Radio buoy No 6				
Radio buoy No 7				

Number of hooks: .....
Length: buoy lines: ..... Branch lines: .....
Length of line: .....
Recorded depth of the line (sunder): .....
Bait: Shrimp: ..... % Mackerel: ..... % .....

## Details of catch

	Time (0-24 h)	Latitude	Longitude
Start of turn			
End of turn			

Species	Number	Estimated unit weight	Total weight	Number of fish eaten
Swordfish (*)				
Yellowfin (**)				
Bigeye (**)				
Marlin (**)				
Sailfish (*)				
Seabream				
Shark				
Other (give details)				

Total weight

Total weight of catch landed (weighed)

(\*) VDK.

(\*\*) with head, gilled.

State the type of weight used (VAT, VDK, whole) if different from that specified.

## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 2407/96  
of 12 December 1996**

**on the conclusion of the Protocol defining, for the period from 18 January 1996 to 17 January 1999, the fishing opportunities and financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles**

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, in accordance with the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles, signed in Brussels on 28 October 1987, the Contracting Parties held negotiations with a view to determining amendments to be made to that Agreement at the end of the period of application of the Protocol attached thereto;

Whereas, as a result of these negotiations, a new Protocol defining, for the period from 18 January 1996 to 17 January 1999, the fishing opportunities and financial contribution provided for by the abovementioned Agreement was initialled on 18 January 1996;

Whereas it is in the Community's interest to approve that Protocol;

Whereas the allocation of fishing possibilities among the Member States should be determined on the basis of the traditional allocation of fishing possibilities under the fisheries Agreement,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol defining, for the period from 18 January 1996 to 17 January 1999, the fishing opportunities and

financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation<sup>(2)</sup>.

*Article 2*

The fishing possibilities provided for in the Protocol are allocated among the Member States as follows:

— freezer tuna seiners:

France: 20 vessels

Spain: 22 vessels

— surface longliners:

France: 5 vessels

Spain: 10 vessels

If licence applications from these Member States do not exhaust the fishing possibilities provided for in the Protocol, the Commission may entertain licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

*Article 4*

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

<sup>(1)</sup> OJ No C 347, 18. 11. 1996.

<sup>(2)</sup> OJ No L 157, 29. 6. 1996, p. 17.

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

Done at Brussels, 12 December 1996.

*For the Council*

*The President*

A. DUKES

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## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 24 September 1996

**on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol defining for the period from 3 May 1996 to 2 May 1999 the fishing opportunities and the financial compensation provided for by the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off the coast of Angola**

(96/569/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 People's Republic of Angola on fishing off Angola<sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Angola have held negotiations with a view to determining amendments to be made to the abovementioned Agreement at the end of the period of application of the Protocol in force which is annexed to the said Agreement;

Whereas, as a result of these negotiations, a new Protocol was initialised on 2 May 1996;

Whereas, under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of the Republic of Angola for the period from 3 May 1996 to 2 May 1999;

Whereas, in order to avoid interruption of fishing activities by Community vessels, both parties have initialised an Agreement in the form of an Exchange of Letters providing for the provisional application of the said Protocol from the day following the date of expiry of the Protocol previously in force; whereas that Agreement should be approved subject to a definitive decision pursuant to Article 43 of the Treaty;

Whereas the allocation of fishing possibilities among the Member States should be determined on the basis of the traditional allocation of fishing possibilities under the fisheries agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol defining, for the period from 3 May 1996 to 2 May 1999, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

*Article 2*

The fishing possibilities provided for in the Protocol are allocated among the Member States as follows:

- Shrimp vessels: 6 550 grt, per month, as an annual average, 22 vessels Spain,
- Demersal tawlers: 2 000 grt, per month, as an annual average, Spain,

<sup>(1)</sup> OJ No L 341, 3. 12. 1987, p. 1.

- Bottom longliners: 1 750 grt, per month, as an annual average, Portugal,
- Freezer tuna seiners: nine vessels, France,
- Surface longliners: two vessels Portugal, 10 vessels Spain.

If licence applications from these Member States do not exhaust the fishing possibilities provided for in the Protocol the Commission may entertain licence applications from any other Member State.

---

*Article 3*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Brussels, 24 September 1996.

*For the Council*

*The President*

E. FITZGERALD

## AGREEMENT

**in the form of an Exchange of Letters on the provisional application of the Protocol defining, for the period from 3 May 1996 to 2 May 1999, the fishing opportunities and financial compensation provided for in the agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola**

### *A. Letter from the Government of Angola*

Brussels, .....

Sir,

With reference to the Protocol initialled on 2 May 1996 defining the fishing opportunities and financial compensation for the period from 3 May 1996 to 2 May 1999, I have the honour to inform you that the Government of Angola is prepared to apply the Protocol on a provisional basis with effect from 3 May 1996, pending its entry into force in accordance with Article 7 thereof, provided that the European Community is disposed to do the same.

This is on the understanding that the first instalment of the financial compensation provided for in Article 2 of the Protocol is to be paid before 30 September 1996.

I should be obliged if you would confirm the Community's agreement to such provisional application of the Protocol.

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

*For the Government of the Republic of Angola*

### *B. Letter from the Community*

Brussels, .....

Sir,

I acknowledge receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol initialled on 2 May 1996 defining the fishing opportunities and financial compensation for the period from 3 May 1996 to 2 May 1999, I have the honour to inform you that the Government of Angola is prepared to apply the Protocol on a provisional basis with effect from 3 May 1996, pending its entry into force in accordance with Article 7 thereof, provided that the European Community is disposed to do the same.

This is on the understanding that the first instalment of the financial compensation provided for in Article 2 of the Protocol is to be paid before 30 September 1996.

I should be obliged if you would confirm the Community's agreement to such provisional application of the Protocol.'

I have honour to confirm the Community's agreement to such provisional application of the Protocol.

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

*On behalf of the Council of the European Union*



## COMMISSION DECISION

of 14 October 1996

## laying down special conditions governing the import of fishery and aquaculture products originating in the Ivory Coast

(Text with EEA relevance)

(96/609/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products<sup>(1)</sup>, as last amended by Directive 95/71/EC<sup>(2)</sup> are respected, and in particular Article 11 thereof,

Whereas a group of Commission experts has conducted an inspection visit to the Ivory Coast to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of the Ivory Coast legislation on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas the 'Ministère de l'Agriculture et des Ressources Animales-Direction Générale des Ressources Animales (MARA-DGRA)' in the Ivory Coast 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 person empowered to sign it;

Whereas, pursuant to Article 11 (4) (b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products, giving the name of the third country and the approval number of the establishment of origin;

Whereas, pursuant to Article 11 (4) (c) of Directive 91/493/EEC, a list of approved establishments must be drawn up; whereas that list must be drawn up on the basis of a communication from the MARA-DGRA to the Commission; whereas it is therefore for the MARA-DGRA to ensure compliance with the provisions laid down to that end in Article 11 (4) of Directive 91/493/EEC;

Whereas the MARA-DGRA has provided official assurances regarding compliance with the rules set out in

Chapter V of the Annex to Directive 91/493/EEC and regarding fulfilment of requirements equivalent to those laid down by that Directive for the approval of establishments;

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 'Ministère de l'Agriculture et des Ressources Animales-Direction Générale des Ressources Animales (MARA-DGRA)' is recognized as the competent authority in the Ivory Coast for verifying and certifying compliance of fishery products with the requirements of Directive 91/493/EEC.

*Article 2*

Fishery and aquaculture products originating in the Ivory Coast 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 set out in Annex A hereto;
2. the products must come from approved establishments 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 the Ivory Coast and the approval number of the establishment of origin in indelible letters.

*Article 3*

1. The certificate referred to in point 1 of Article 2 must be drawn up in at least one official language of the Member State where the checks are carried out.
2. The certificate must bear the name, capacity and signature of the representative of the Ministère de l'Agriculture et des Ressources Animales-Direction Générale des Ressources Animales (MARA-DGRA) and the latter's official stamp in a colour different from that of the other indications on the certificate.

<sup>(1)</sup> OJ No L 268, 24. 9. 1991, p. 15.

<sup>(2)</sup> OJ No L 332, 30. 12. 1995, p. 40.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 14 October 1996.

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

---

## ANNEX A

## HEALTH CERTIFICATE

for fishery or aquaculture products originating in the Ivory Coast and intended for export to the European Community with the exception of bivalve molluscs, echinoderms, tunicates and marine gastropods in any form

Reference No: .....

Country of dispatch: THE IVORY COAST

Competent authority: MINISTÈRE DE L'AGRICULTURE ET DES RESSOURCES ANIMALES  
— DIRECTION GÉNÉRALE DES RESSOURCES ANIMALES (MARA-DGRA)

## I. Details identifying the products

Description of fishery or aquaculture product<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) approved by the MARA-DGRA for exports to the European Community:

.....

.....

.....

.....

## III. Destination of products

The fishery or aquaculture products<sup>(1)</sup> 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 inapplicable.

<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved, etc.

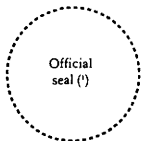
#### IV. Health attestation

The official inspector hereby certifies that the fishery and aquaculture products specified above:

1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
2. were landed, handled and, where appropriate, packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
5. do not come from toxic species or species containing biotoxins;
6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto;

The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC and 92/48/EEC.

Done at ..... (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

## LIST OF ESTABLISHMENTS

Approval number	Establishment	Address	Approval limit
100 PP	SOCIÉTÉ DES CONSERVES DE CÔTE D'IVOIRE (SCODI)	ABIDJAN 01	31.12.1997
101 PP	SOCIÉTÉ IVOIRIENNE DE TRANSFORMATION DE THONS TROPICAUX (SIT)	ABIDJAN 01	31.12.1997
102 PP	SOCIÉTÉ IVOIRIENNE DE FROID (SIFROID)	ABIDJAN 01	31.12.1997
110 PP	PÊCHE ET FROID CÔTE D'IVOIRE (PFI)	ABIDJAN 01	31.12.1997
120 PP	CONSERVES INTERNATIONALES DE CÔTE D'IVOIRE (CIDCI)	ABIDJAN 15	31.12.1997
140 PP	PECHAZUR S. A.	ABIDJAN 01	31.12.1997
150 PP	SOCIÉTÉ DE PÊCHE ABIDJANAISE (SOPA)	ABIDJAN 04	31.12.1997
260 PP	CRUSTACÉS ET POISSONS DE CÔTE D'IVOIRE (CPCI)	ABIDJAN 07	31.12.1997
300 PP	GOMON EXOTIQUE	ABIDJAN 01	31.12.1997
380 PP	IVOIRE CRUSTACÉS (IVOCRUS)	ABIDJAN 07	31.12.1997
390 PP	BERTRAND PRODUITS EXPORT (B. P. E.)	ABIDJAN 08	31.12.1997

**COMMISSION DECISION**  
**of 25 November 1996**  
**concerning certain protective measures with regard to canned tuna originating**  
**in Côte d'Ivoire**  
**(Text with EEA relevance)**

(96/662/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, as last amended by Directive 96/43/EC<sup>(2)</sup>, and in particular Article 19 thereof,

Whereas there have been cases in the Community of humans being poisoned by botulinum;

Whereas the investigation traced this poisoning to tins of tuna imported from a factory in Côte d'Ivoire;

Whereas the presence of botulinum toxin constitutes a serious danger for human health; whereas the necessary protective measures should be adopted swiftly at Community level;

Whereas imports of canned tuna from this plant should be suspended until the Côte d'Ivoire authorities provide the requisite health guarantees;

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*

Member States shall ban imports of canned tuna originating in the 'Conserves Internationales de Côte d'Ivoire' plant, No 120PP.

*Article 2*

Member States shall amend the measures that they apply to imports to comply with this Decision. They shall inform the Commission thereof.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 25 November 1996.

*For the Commission*

FRANZ FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 373, 31. 12. 1990, p. 1.

<sup>(2)</sup> OJ No L 162, 1. 7. 1996, p. 1.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

### COUNCIL DECISION

of 25 October 1996

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe for the period 1 June 1996 to 31 May 1999

(96/623/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 Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe (<sup>1</sup>),

Having regard to the proposal from the Commission,

Whereas the Community and São Tomé e Príncipe have held negotiations with a view to determining amendments to be made to the abovementioned Agreement at the end of the period of application of the Protocol in force which is annexed to the said Agreement;

Whereas, as a result of these negotiations, a new Protocol was initialled on 23 May 1996;

Whereas, under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of São Tomé e Príncipe for the period 1 June 1996 to 31 May 1999;

Whereas, in order to avoid interruption of fishing activities by Community vessels, it is necessary that the Protocol in question be approved at the earliest opportunity; whereas, for this reason, both parties have initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the initialled Protocol from the day following the date of

expiry of the Protocol in force; whereas the Agreement in the form of an Exchange of Letters should be approved subject to a definitive decision pursuant to Article 43 of the Treaty;

Whereas the allocation of fishing possibilities among the Member States should be determined on the basis of the traditional allocation of fishing possibilities under the fisheries agreement,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe for the period 1 June 1996 to 31 May 1999 is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

#### *Article 2*

The fishing possibilities provided for in the Protocol are allocated among the Member States as follows:

- freeze tuna seiner: France 18, Spain 19,
- pole and line tuna vessels: France 7,
- surface long-liners: Spain 20, Portugal 5.

(<sup>1</sup>) OJ No L 54, 25. 2. 1984, p. 2.

If licence applications from these Member States do not exhaust the fishing possibilities provided for in the Protocol, the Commission may entertain licence applications from any other Member State.

*Article 3*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

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

Done at Luxembourg, 25 October 1996.

*For the Council*  
*The President*  
E. KENNY

---



## AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the protocol establishing the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off the coast of São Tomé e Príncipe for the period 1 June 1996 to 31 May 1999

*A. Letter from the Government of the Democratic Republic of São Tomé e Príncipe*

Sir,

With reference to the Protocol initialled on 23 May 1996 establishing the fishing opportunities and the financial compensation for the period 1 June 1996 to 31 May 1999, I have the honour to inform you that the Government of the Democratic Republic of São Tomé e Príncipe is ready to apply the Protocol on a provisional basis, with effect from 1 June 1996, pending its entry into force in accordance with Article 7 of the Protocol, provided that the European Community is prepared to do the same.

This is on the understanding that the first annual instalment of one third of the financial compensation specified in Article 2 of the Protocol is to be paid before 31 October 1996.

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 Democratic Republic of  
São Tomé e Príncipe*

*B. Letter from the European 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 23 May 1996 establishing the fishing opportunities and the financial compensation for the period 1 June 1996 to 31 May 1999, I have the honour to inform you that the Government of the Democratic Republic of São Tomé e Príncipe is ready to apply the Protocol on a provisional basis, with effect from 1 June 1996, pending its entry into force in accordance with Article 7 of the Protocol, provided that the European Community is prepared to do the same.

This is on the understanding that the first annual instalment of one third of the financial compensation specified in Article 2 of the Protocol is to be paid before 31 October 1996.

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*

---

European Union — Council

**ACP-EC Conventions of Lomé**  
**Compilation of texts — XXI**

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