

ACP-EC COUNCIL OF MINISTERS
Brussels

COMPILATION OF TEXTS

XX

ACP-EC CONVENTIONS OF LOMÉ

1 January 1995 – 31 December 1995

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I. ACP-EC Acts

1. Acts of the Council of Ministers

COUNCIL

DECISION No 1/95 OF THE ACP-EC COUNCIL OF MINISTERS

of 13 April 1995

adopting the transitional arrangements for the application of the Fourth ACP-EEC Convention to Austria, Finland and Sweden, pending the conclusion of a protocol of accession

(95/428/EC)

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989, hereinafter referred to as the 'Convention', and in particular Article 358 (3) thereof,

Whereas the Convention entered into force on 1 September 1991;

Whereas the provisions of the Convention will not apply to relations between the ACP States and Austria, Finland and Sweden until such time as the protocol of accession of these three Member States of the Community to the Convention enters into force;

Whereas the negotiations for the protocol of accession are still proceeding;

Whereas, pending the entry into force of the said protocol, it is necessary for the three new Member States to be able to participate fully in the Convention as from 1 January 1995 and whereas to this end transitional arrangements should be adopted, without their prejudicing the provisions of the protocol of accession,

HAS DECIDED AS FOLLOWS:

Article 1

The Convention shall apply, on a transitional basis, to relations between the ACP States, on the one hand, and Austria, Finland and Sweden as new Member States of the Community, on the other.

However,

— until the entry into force of the protocol of accession, imports into Austria, Finland and Sweden of products originating in the ACP States shall be governed by the transitional measures set out in Council Regulation

(EC) No 3360/94 (1) and Decision 94/903/ECSC (2) of the Representatives of the governments of the Member States,

— nationals and companies or firms (within the meaning of Article 274 (2) of the Convention) of Austria, Finland and Sweden, and the supplies originating in the said States, shall not be eligible to take part in the calls for tender and public contracts issued exclusively by the European Development Funds (EDF) to which the States of which they are nationals or companies have not contributed.

These transitional arrangements shall not prejudice the content of the protocol of accession.

Article 2

This Decision shall apply until the entry into force of the protocol of accession of Austria, Finland and Sweden to the Convention or until 31 December 1995, whichever is the earlier.

(1) Council Regulation (EC) No 3360/94 of 22 December 1994 establishing transitional measures for trade between Austria, Finland and the Kingdom of Sweden on the one hand, and the African, Caribbean and Pacific States, on the other (OJ No L 356, 31. 12. 1994, p. 4).

(2) Decision 94/903/ECSC of the representatives of the Governments of the Member States, meeting within the Council of 22 December 1994 establishing transitional measures for trade between Austria, Finland and Sweden, on the one hand, and the African, Caribbean and Pacific States, on the other, in products falling within the ECSC Treaty (OJ No L 356, 31. 12. 1994, p. 13).

Article 3

Done at Brussels, 13 April 1995.

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

For the ACP-EC Council of Ministers

Article 4

This Decision shall enter into force on the day of its adoption. It shall be applicable from 1 January 1995.

The President

J. MOMIS

Hecho en Bruselas, el
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Έγινε στις Βρυξέλλες, στις
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 Fait à Bruxelles, le
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 Feito em Bruxelas, em
 Tehty Brysselissä
 Utfärdat i Bryssel den

13/4/1995

Por el Consejo de Ministros ACP-CEE
 For AVS-EOF-Ministerrådet
 Für den AKP-EWG-Ministerrat
 Για την Επιτροπή των Πρέσβων ΑΚΕ-ΕΟΚ
 For the ACP-EEC Council of Ministers
 Pour le Conseil des Ministres ACP-CEE
 A nome del Consiglio dei Ministri ACP-CEE
 Voor de ACS-EEG-Raad van Ministers
 Pelo Conselho de Ministros ACP-CEE
 AKT-ETY-ministerineuvoston puolesta
 För ministerrådet AVS-EEG

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J. MOMIS

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**DECISION No 2/95 OF THE ACP-EC COUNCIL OF MINISTERS
of 8 June 1995**

**on the membership and rules of operation of the
ACP-EC Customs Cooperation Committee**

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the fourth ACP-EEC Convention signed in Lomé on 15 December 1989, hereinafter referred to as "the Convention", and in particular Article 30 of Protocol 1 thereto;

Desirous of ensuring the fulfilment of the objectives set by the ACP States and the European Community in Title X of Part Two of the Convention;

Considering that effective customs cooperation between the ACP States and the European Community can contribute to the development of trade between the ACP States and the European Community;

Considering that the Committee's terms of reference are established by Articles 30 and 31 of Protocol 1 to the Convention;

Considering the need to define and expand the provisions covering the membership and rules of operation of the Customs Cooperation Committee,

HAS DECIDED AS FOLLOWS:

Article 1

The Customs Cooperation Committee set up by Article 30 of Protocol 1 to the Convention, hereinafter referred to as "the Committee", shall be composed, on the one hand, of a representative of each of the Member States of the European Community and a representative of the Commission and, on the other hand, of an equivalent number of representatives from the ACP States.

Each Party shall notify the names of its representatives and of its co-Chairman to the Secretariat of the ACP-EC Council of Ministers.

Article 2

The Committee's duties defined at Articles 30(1) to (4) and 31(8) to (10) of Protocol 1 to the Convention shall be as follows:

- (a) carrying out administrative cooperation with a view to the correct and uniform application of Protocol 1 of the Convention and carrying out any other task in the customs field which may be entrusted to it;
- (b) examining regularly the effect on the ACP States of the application of the rules of origin and recommending appropriate measures to the ACP-EC Council of Ministers;

- (c) taking decisions on derogations from the rules of origin, under the conditions laid down in Article 31(9) and (10) of the Protocol;
- (d) preparing the decisions of the ACP-EC Council of Ministers pursuant to Article 34 of the Protocol.

Article 3

1. The Committee shall meet at least twice a year on dates to be mutually appointed by the ACP Group and the European Community, as a rule at least eight days before the meeting of the Committee of Ambassadors; extraordinary meetings may be convened when necessary.
2. The Committee may, if necessary, set up ad hoc working parties to examine specific issues.
3. Meetings of the Committee shall be convened by its Chairman. Its proceedings shall be confidential.

Article 4

The office of Chairman of the Committee shall be held alternately for six-month periods by the ACP Group and the European Community:

- from 1 April to 30 September by the ACP co-Chairman;
- from 1 October to 31 March by the European Community co-Chairman.

Article 5

1. A provisional agenda for each meeting shall be drawn up by the Chairman in consultation with the co-Chairman and shall be adopted by the Committee at the start of each meeting.
2. Secretarial tasks and the other work required for the functioning of the Committee shall be carried out by the Secretariat of the ACP-EC Council of Ministers.
3. The Secretariat shall send out the notices convening the meeting, the agenda, the draft measures and any other working papers to the members of the Committee at least two weeks before the meeting.
4. After each meeting, the Secretariat shall produce a summary record for adoption at the next meeting of the Committee.

Article 6

The Committee's deliberations may be considered valid only if a majority of the representatives appointed by the ACP Group and one representative of the Commission are present.

Article 7

1. The Committee's decisions shall be adopted by agreement between, on the one hand, the ACP States, and, on the other hand, the European Community.
2. Where the Committee is unable to adopt a decision, it shall refer the matter to the Committee of Ambassadors.
3. In exceptional circumstances, the co-Chairmen may decide to adopt decisions by written procedure, in particular as regards decisions adopted pursuant to Article 31 of the Protocol.

Article 8

The Committee may, if it deems it advisable, arrange for experts to attend where the matters under discussion require specific expertise.

Notwithstanding the provisions of Article 1 any ACP State which is not a member of the Committee may attend as an observer, except where the Committee decides to meet in restricted session.

Article 9

The Committee shall submit its reports to the ACP-EC Council of Ministers or the Committee of Ambassadors.

Article 10

The ACP States, on the one hand, and the Member States and the European Community, on the other hand, shall be bound, each as regards the matters that concern it, to take the necessary measures for the implementation of this Decision.

Article 11

This Decision shall come into effect on signature.

Done at Brussels, 8 June 1995

For the ACP-EC Council of Ministers
J. MOMIS
President

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

8/6/1995

Por el Consejo de Ministros ACP-CEE
 For AVS-EØF-Ministerrådet
 Für den AKP-EWG-Ministerrat
 Για την Επιτροπή των Πρέσβων ΑΚΕ-ΕΟΚ
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 A nome del Consiglio dei Ministri ACP-CEE
 Voor de ACS-EEG-Raad van Ministers
 Pelo Conselho de Ministros ACP-CEE
 AKT-ETY-ministerineuvoston puolesta
 För ministerrådet AVS-EEG

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**DECISION No 3/95 OF THE ACP-EC COUNCIL OF MINISTERS
of 3 November 1995**

**on transitional measures to be applied from 1 March 1995
following the expiry of the financial protocol to the 7th EDF**

THE ACP-EC COUNCIL OF MINISTERS,

**Having regard to the Fourth ACP-EEC Convention signed at Lomé on 15 December 1989,
hereinafter referred to as "the Convention", and in particular Articles 195(b), 219(2)(d) and
245(2) thereof,**

**Having regard to the Financial Protocol of the Fourth ACP-EC Convention, and in particular
Articles 1, 2(c) and 4 thereof,**

Whereas the Financial Protocol to the Convention covered a period of five years from 1 March 1990; whereas a new Financial Protocol should be concluded for the second period of five years covered by the Convention;

Whereas pending the entry into force of the new Financial Protocol, the appropriate provisions should be adopted by way of transitional measures to be applied from 1 March 1995,

HAS DECIDED AS FOLLOWS:

Article 1

1. The balances referred to in Article 195(b) of the Convention shall, until exhausted, be allocated to the Stabex system for the purposes specified in Article 186.
2. The balances referred to in Article 219(2)(d) of the Convention shall, until exhausted, be allocated to the special financing facility (Sysmin) for the purposes specified in Article 214.
3. The balances referred to in Article 245(2) of the Convention shall be used, until exhausted, for the purposes of structural adjustment support.
4. The balances referred to in Article 2(c) of the Financial Protocol to the Convention shall be used, until exhausted, to finance the aid referred to in Articles 254 and 255 of the Convention.

Article 2

The Council shall undertake a review of the implementation of this Decision upon the entry into force of the second Financial Protocol to the Convention.

Article 3

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

It shall apply as from 1 March 1995.

Done at Mauritius, 3 November 1995

For the ACP-EC Council of Ministers

J. SOLANA MADARIAGA

The President

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 Udfærdiget i Mauritius, den
 Geschehen zu Mauritius am
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3/11/1995

Por el Consejo de Ministros ACP-CEE
 For AVS-EØF-Ministerrådet
 Für den AKP-EWG-Ministerrat
 Για την Επιτροπή των Πρέσβων ΑΚΕ-ΕΟΚ
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DECISION No 4/95 OF THE ACP-EC COUNCIL OF MINISTERS
of 3 November 1995

concerning the provisional application of the Protocol
to the Fourth ACP-EC Convention of Lomé
consequent on the accession of the Republic of Austria,
the Republic of Finland and the Kingdom of Sweden
to the European Union

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the Fourth ACP-EEC Convention signed in Lomé on 15 December 1989,
hereinafter referred to as "the Convention", and in particular Article 358(3) thereof,

Whereas the Convention does not apply to relations between the African, Caribbean and Pacific (ACP) States, on the one hand, and Austria, Finland and Sweden, on the other hand, until the protocol of accession provided for in Article 358(3) of the Convention, hereinafter referred to as "the Protocol", enters into force;

Whereas the negotiations on the Protocol have resulted have resulted in agreement; whereas the Protocol will be signed by the plenipotentiaries of the Contracting Parties to the Convention in Mauritius on 4 November 1995;

Whereas the Protocol will not enter into force until the ratification procedures have been completed;

Whereas, with a view to avoiding any hiatus in relations between the ACP States, on the one hand, and Austria, Finland and Sweden, on the other hand, the Protocol should be applied in advance as a provisional measure,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol to the Fourth ACP-EC Convention of Lomé consequent on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union shall be applied provisionally.

The text of the Protocol is attached to this Decision.

Article 2

This Decision shall apply until the entry into force of the Protocol referred to in Article 1.

Article 3

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

Article 4

This Decision shall enter into force on 1 January 1996.

Done at Mauritius, 3 November 1995

For the ACP-EC Council of Ministers

J. SOLANA MADARIAGA
The President

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3/11/1995

Por el Consejo de Ministros ACP-CEE
 For AVS-EØF-Ministerrådet
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**DECISION No 5/95 OF THE ACP-EC COUNCIL OF MINISTERS
of 3 November 1995**

**updating the list of least-developed ACP States
in Article 330(1) of the fourth Lomé Convention**

THE ACP-EC COUNCIL OF MINISTERS,

MEETING in Réduit, Mauritius, from 3 to 4 November 1995,

NOTING that the fourth ACP-EC Convention signed at Lomé on 15 December 1989 provided for special measures to help the least-developed, landlocked and island ACP States overcome the difficulties facing them;

NOTING that the Resolution adopted by it in Brussels on 19 May 1993 called for cooperation between the EEC and the least-developed, landlocked and island ACP States to be evaluated in accordance with Article 326(6) of the Convention;

NOTING that the Resolution adopted by it in Mbabane on 19 May 1994 taking note of the joint report drawn up on the evaluation study by the Development Finance Committee called for the timely redefinition of the category of LDCs using criteria similar to those used by the United Nations based, in particular, on population size, a quality of life indicator and a composite economic indicator, in order to obtain a consistent list that will be regularly and automatically revised according to the arrangements for inclusion on and graduation from the list of LDCs of the United Nations;

NOTING that the UN criteria and arrangements referred to are those adopted by the UN General Assembly in Resolution No 46/206 of 20 December 1991 and included in the UN Economic and Social Council's Decision 1991/275 of 26 July 1991;

NOTING that these criteria and arrangements have recently been confirmed by the UN General Assembly in its Resolution No 49/133 of 19 December 1994;

WHEREAS these criteria and arrangements may therefore be used, subject to their amendment by the General Assembly, for the regular revision and updating of the list of ACP States in Article 330(1) of the Convention, as requested by the Council of Ministers in its Resolution of 19 May 1994;

WHEREAS the UN General Assembly has also decided, on the basis of these criteria and arrangements (Resolution No 49/133 of 19 December 1994), to amend the list of least-developed countries by including Angola and Eritrea and removing Botswana;

HAVING REGARD TO Article 330(2) of the Convention,

HAS DECIDED AS FOLLOWS:

Article 1

Angola, Liberia, Madagascar, Zaïre and Zambia shall be included in the list of ACP States in Article 330(1) of the Convention.

Article 2

Antigua and Barbuda, Belize, Botswana, Dominica, Grenada, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Seychelles, Swaziland and Tonga graduate from the list of ACP States in Article 330(1) of the Convention.

Article 3

This Decision shall enter into force on the third day following that of its publication in the Official Journal of the European Communities. However, with regard to Articles 189(3), 196(2) and 197(3) and (4) of the Convention relating to STABEX, this Decision shall only apply from 1 January 1996.

Done at Brussels, 3/11/1995

For the ACP-EC Council of Ministers
The President

Luis ATIENZA

Hecho en Bruselas, el
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 Geschehen zu Brüssel am
 Έγινε στις Βρυξέλλες, στις
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 Tehty Brysselissä
 Utfärdat i Bryssel den

3/11/1995

Por el Consejo de Ministros ACP-CEE
 For AVS-EØF-Ministerrådet
 Für den AKP-EWG-Ministerrat
 Για την Επιτροπή των Πρέσβων ΑΚΕ-ΕΟΚ
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Luis ATIENZA

**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

THE ACP-EC COUNCIL OF MINISTERS,

**Having regard to the Fourth ACP-EC Convention signed at Lomé on 15 December 1989,
hereinafter referred to as "the Convention", and in particular Article 366(1) and (2) thereof,**

Whereas the said Convention was concluded for a period of ten years, starting from 1 March 1990; whereas, however, provision was made for amending it through a mid-term review;

Whereas, in application of that provision, an Agreement amending the said Convention was signed in Mauritius on 4 November 1995;

Whereas transitional measures applicable until the entry into force of the said Agreement should be adopted in order to give effect in advance to some of these amendments to the Convention,

HAS DECIDED AS FOLLOWS:

Article 1

The following provisions of the Agreement amending the Fourth ACP-EC Convention shall be applied in advance from 1 January 1996:

- (a) the general provisions on ACP-EC cooperation, namely those concerning the objectives, principles and institutions of cooperation in Chapters 1, 2 and 5 of Part One;
- (b) the provisions on the areas of cooperation in Part Two;
- (c) the provisions on trade cooperation in Title I of Part Three;
- (d) the provisions on the stabilization of export earnings in Chapter 1 of Title II of Part Three, and in Annex XLVI;

- (e) the provisions on programming in Articles 281, 282, 283 and 284;
- (f) Article 364 on the accession of South Africa;
- (g) Article 364a on the accession of Somalia;
- (h) Article 366a on the procedures to be set in train in the case of a violation of an essential element of the Convention;
- (i) the provisions on the definition of the concept of originating products and methods of administrative cooperation in Protocol 1 and relevant annexes, taking into account the amendments to the tariff nomenclature applicable from 1 January 1996;
- (j) the provisions on beef and veal in Protocol 7;
- (k) the provisions on the sustainable managements of forest resources in Protocol 10.

Article 2

The ACP States, the Member States of the Community and the Community shall each take whatever measures are necessary to implement this Decision.

Article 3

The implementation of financial and technical cooperation under the first Financial Protocol to the Fourth ACP-EC Convention shall continue to be governed by the conditions laid down in the Convention prior to its revision.

Implementation of the system for stabilizing export earnings in respect of the 1994 application year and previous application years under the first Financial Protocol to the Fourth ACP-EC Convention shall continue to be governed by the conditions laid down in the Convention prior to its revision.

Article 4

This Decision shall enter into force on 1 January 1996.

It shall apply until the entry into force of the new provisions governing these areas.

However, it shall continue to apply after this date to signatories to the revised Convention which have not yet lodged their instruments of ratification on that date until such time as the revised Convention becomes applicable to them by virtue of Article 360(3) thereof.

Done at Brussels, 20 December 1995

For the ACP-EC Council of Ministers
The President

José Luis DICENTA

Hecho en Bruselas, el
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Έγινε στις Βρυξέλλες, στις
 Done at Brussels,
 Fait à Bruxelles, le 20/12/1995
 Fatto a Bruxelles, addì
 Gedaan te Brussel,
 Feito em Bruxelas, em
 Tehty Brysselissä
 Utfärdat i Bryssel den

Por el Consejo de Ministros ACP-CEE
 For AVS-EØF-Ministerrådet
 Für den AKP-EWG-Ministerrat
 Για την Επιτροπή των Πρέσβων ΑΚΕ-ΕΟΚ
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I. ACP-CE Acts

2. Acts of the Committee of Ambassadors

**DECISION No 1/95
OF THE ACP-EC COMMITTEE OF AMBASSADORS
of 28 April 1995**

**on the appointment of the Director
of the Technical Centre for Agricultural and Rural Cooperation**

THE ACP-EC COMMITTEE OF AMBASSADORS,

**Having regard to the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989,
and in particular Article 53 thereof,**

Whereas, as provided for in Article 53(6) of the Fourth ACP-EEC Convention, the Centre shall be headed by a Director, who shall be appointed by the ACP-EC Committee of Ambassadors;

Whereas the Community has proposed that Mr Rodney D. COOKE be appointed to the post of Director of the Technical Centre for Agricultural and Rural Cooperation,

HAS DECIDED AS FOLLOWS:

Sole Article

Without prejudice to subsequent decisions which the Committee may take in the framework of its prerogatives, Mr Rodney D. COOKE is hereby appointed Director of the Technical Centre for Agricultural and Rural Cooperation with effect from 1 May 1995 and until 28 February 2000.

Done at Brussels, 28 April 1995

For the ACP-EC Committee of Ambassadors
The Chairman

Abdi Hassan MSHANGAMA

Hecho en Bruselas, el
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Έγινε στις Βρυξέλλες, στις
 Done at Brussels, 28/4/1995
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 Fatto a Bruxelles, addì
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 Utfärdat i Bryssel den

Por el Comité de Embajadores
 På AVS-EOF Ambassadørudvalgets vegne
 Im Namen des AKP-EWG-Botschafterausschusses
 Για την Επιτροπή των Πρέσβειων ΑΚΕ-ΕΟΚ
 For the ACP-EEC Committee of Ambassadors
 Par le Comité des Ambassadeurs ACP-CEE
 Per il Comitato degli Ambasciatori ACP-CEE
 Voor de ACS-EEG-Comité van Ambassadeurs
 Pelo Comité dos Embaixadores ACP-CEE
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 För ambassadörskommittén AVS-EEG

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**DECISION No 2/95
OF THE ACP COMMITTEE OF AMBASSADORS
of 22 December 1995**

**adopting the budget
of the Technical Centre for
Agricultural and Rural Cooperation (1996)**

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(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 (hereinafter referred to as "the Subcommittee") a preliminary draft annual budget of the Centre (financial year 1996) and the annual work programme of the Centre for 1996;

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 1996 is hereby definitively adopted as set out in the Annex hereto.

Done at Brussels, 22 December 1995

For the ACP-EC Committee of Ambassadors
The Chairman

Javier ELORZA CAVENGT

Hecho en Bruselas, el
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Έγινε στις Βρυξέλλες, στις
 Done at Brussels, 22/12/1995
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ANNEX

BUDGET 1996 - RECAPITULATION (ECU)

	BUDGET 1996	BUDGET 1995
TITLE I - STAFF EXPENDITURE		
<u>Chapter 11 - Personnel</u>		
Article 111 Salaries and wages (38 members of staff)	2.073.000	1.910.000
Article 112 Provision for adjustment of salaries	73.000	23.000
Article 113 Welfare contributions	799.000	740.000
Article 114 Allowances	471.000	622.000
Article 115 Training	20.000	-
TOTAL TITLE I	3.436.000	3.265.000
TITLE II - BUILDING, EQUIPMENT AND MISCELLANEOUS OPERATING EXPENDITURE		
<u>Chapter 21 - Rental of buildings and associated costs</u>		
Article 211 Rent	213.000	189.000
Article 212 Associated costs	54.000	56.000
Total Chapter 21	267.000	245.000
<u>Chapter 22 - Movable property and associated costs</u>		
Article 221 Purchase of office machines and movable furniture and equipment	83.000	80.000
Article 222 Rental of furniture and equipment	28.000	27.000
Article 223 Maintenance of furniture and equipment	18.000	15.000
Article 224 Maintenance, repair and use of vehicles	21.000	22.000
Total Chapter 22	150.000	144.000
<u>Chapter 23 - Current administrative expenditure</u>		
Article 231 Stationery and office supplies	28.000	26.000
Article 232 Postage and telecommunications	97.000	97.000
Article 234 Subscriptions to periodicals, etc.	32.000	35.000
Article 235 Other operating expenditure	153.000	152.000
Total Chapter 23	310.000	310.000

BUDGET 1996 BUDGET 1995

Chapter 24 - Expenditure on Missions, representation and entertaining expenses

Article 241	General expenditure on missions	3.000	3.000
Article 242	General representation and entertainment expenses	15.000	15.000
Total Chapter 24		18.000	18.000
<u>Chapter 25</u>	<u>Brussels Branch Office</u> <u>(excluding staff expenditure)</u>	54.000	53.000
TOTAL TITLE II		799.000	770.000

TITLE III - ACTIVITIES

Chapter 31 Studies, specialist reports 720.000 600.000

Chapter 32 - Technical meetings

Article 321	Seminars and technical meetings (1984:3; 1985-1995: 6 per year)	760.000	700.000
Article 322	Attendance at seminars, meetings and colloquia	400.000	375.000
Total Chapter 32		1.160.000	1.075.000

Chapter 33 Publications and documents 1.255.000 1.150.000

Chapter 34 - Missions

Article 341 Scheduled missions 300.000 400.000

Chapter 35 - Information and Documentation Centres in ACP States

Article 351	Projects to assist and strengthen agricultural information systems in ACP states	1.350.000	1.350.000
Article 352	Projects and regional branch offices	600.000	600.000
Total Chapter 35		1.950.000	1.950.000

BUDGET 1996 BUDGET 1995

<u>Chapter 36</u>	<u>Question and Answer Service</u>	275.000	275.000
<u>Chapter 37</u>	<u>Dissemination of publications</u>	700.000	650.000
TOTAL TITLE III		<u>6.360.000</u>	<u>6.100.000</u>
GENERAL TOTAL EXPENDITURE		<u>10.595.000</u>	<u>10.135.000</u>

a.	Contribution from the European Development Fund	10.430.000	9.975.000
b.	Income taxes and other income (1)	165.000	160.000
TOTAL INCOME		<u>10.595.000</u>	<u>10.135.000</u>

(1) Explanatory note

a.	Income taxes - St of article 111 (A)	ECU 159.600
b.	other income	ECU 5.400
	Total income	<u>ECU 165.000</u>

I. ACP-CE Acts

3. Agreements between the EC and the ACP States

COUNCIL DECISION

of 22 May 1995

on the conclusion 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 accession of the Republic of Zambia to Protocol No 8 on ACP Sugar annexed to the Fourth ACP-EEC Convention

(95/185/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 the Joint Declaration which appears in the Annex to Protocol No 8 on ACP Sugar to the Fourth ACP-EEC Convention⁽¹⁾ provides that any request from an African, Caribbean or Pacific (ACP) State Contracting Party to the Convention not specifically referred to in that Protocol to participate in its provisions shall be examined;

Whereas the Republic of Zambia is an ACP State Contracting Party to the said Convention; whereas Zambia has requested to participate in the provisions of the said Protocol;

Whereas the ACP States concerned, in a letter of 14 November 1989, have signified their assent to the accession of Zambia to the said Protocol;

Whereas it is appropriate to the Agreement in the form of an Exchange of Letters between the European Community, the States referred to in the said Protocol and the Republic of Zambia on the accession of the latter country to the said Protocol,

HAS DECIDED AS FOLLOWS:

Article 1

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 accession of the Republic of Zambia to Protocol No 8 on ACP Sugar annexed to the Fourth ACP-EEC Convention is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement 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, 22 May 1995.

For the Council

The President

A. MADELIN

⁽¹⁾ OJ No L 229, 17. 8. 1991, p. 1.

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 accession of the Republic of Zambia to Protocol No 8 on ACP Sugar annexed to the Fourth ACP-EEC Convention

A. Letter No 1

Brussels,

Sir,

The African, Caribbean and Pacific (ACP) States referred to in Protocol No 8 on ACP Sugar annexed to the Fourth ACP-EEC Convention, the Republic of Zambia and the European Community have agreed on the following.

The Republic of Zambia is hereby included in Article 3 (1) of the said Protocol with effect from 1 January 1995 with an agreed quantity of 0 tonnes.

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 European 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 African, Caribbean and Pacific (ACP) States referred to in Protocol No 8 on ACP Sugar annexed to the Fourth ACP-EEC Convention, the Republic of Zambia and the European Community have agreed on the following.

The Republic of Zambia is hereby included in Article 3 (1) of the said Protocol with effect from 1 January 1995 with an agreed quantity of 0 tonnes.

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 European Community.

I have the honour to confirm the agreement of the Governments of the ACP States referred to in your letter with the contents thereof.

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

*For the Governments of the ACP States
referred to in Protocol No 8
and of the Republic of Zambia*

COUNCIL DECISION

of 17 July 1995

on the conclusion of the Agreements in the form of an Exchange of Letters between the European Community and, on the one hand, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia, the Republic of Zimbabwe, and on the other hand, the Republic of India on the supply of raw cane sugar to be refined

(95/284/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas negotiations with the ACP States Party to Protocol 8 on ACP sugar annexed to the Fourth ACP-EEC Convention and India have taken place in order to define the conditions under which imports of raw cane sugar from those countries under the additional quota will take place;

Whereas Article 16 of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾ provides that tariff quotas resulting from agreements concluded in the framework of the Uruguay Round of multinational trade negotiations shall be opened and administered in accordance with detailed rules adopted under the procedure laid in Article 41 of the Regulation;

Whereas Article 37 (3) of Regulation (EEC) No 1785/81 states that a shortfall to fill the maximum needs of the Community refineries shall be covered by importing special preferential sugar at a special rate of duty under agreements with States referred to in Article 33 of that Regulation and other States;

Whereas the said negotiations have resulted in agreements which are subject to confirmation by the Governments of the ACP States concerned, on the one hand, and the Republic of India, on the other hand, and by the Community;

Whereas it is appropriate to open such a tariff quota for raw cane sugar to be refined for maintaining the current access for ACP States parties to Protocol 8 to the Fourth ACP-EEC Convention, the Republic of India and other third States;

Whereas it is appropriate to approve the Agreements in the form of an Exchange of Letters between the European Community and, on the one hand, the States referred to in the Protocol and, on the other hand, the Republic of India on the supply of raw cane sugar to be refined,

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 Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia, the Republic of Zimbabwe, and on the other hand, the Republic of India on the supply of raw cane sugar to be refined are hereby approved on behalf of the Community.

The texts of Agreements are 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.

⁽¹⁾ OJ No 177, L 7. 1981, P. 4. Regulation as last amended by Regulation (EC) No 1101/95 (OJ No L 110, 17. 5. 1995, p. 1).

Article 3

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

Done at Luxembourg, 17 July 1995.

For the Council
The President
L. ATIENZA SERNA

AGREEMENT

in the form of an exchange of letters between the European Community and, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe on the supply of raw cane sugar to be refined

A. Letter No 1

Luxembourg, 17 July 1995

Sir,

The representatives of the ACP States and the European Communities have agreed as follows :

1. For the period 1 July 1995 to 30 June 2001 :
 - the European Community undertakes to open annually a special tariff quota for the import of raw cane sugar for refining which originates in the ACP States, on the basis of the needs determined by the Commission in accordance with paragraph 3,
 - the ACP States undertake to supply the said quantities under the conditions fixed by this agreement and by the measures taken by the Commission for the application of this agreement within the framework of the management of the common organization of the markets in the sugar sector.
2. The European Commission and the ACP States shall establish the cooperation procedures necessary to enable the two parties to this agreement to meet the commitments entered into.
3. The import needs of raw sugar for refining under this agreement shall be established by marketing year on the basis of a Community forward estimate taking account of :
 - the provisions of Council Regulation (EC) No 1101/95, amending Regulation (EEC) No 1785/81, concerning the system of preferential imports, and in particular Article 37 thereof,
 - the quantities which will be offered within the framework of other agreements with other third countries and which will actually be imported.
4. The Commission shall establish a first estimate of the total needs for imports of raw sugar for refining at the latest on 30 May preceding the marketing year concerned.

The Commission shall fix at the same time the quantities to cover, as a first instalment, the import needs of the Community's refineries for the longest practical period and at least eight months, broken down between the tariff quotas opened within the framework of other agreements with other third countries and the ACP special quota.

The ACP States shall notify their final export potential to the Commission at the latest on 1 February, before a second regular fixing shall be made for the further instalment to be covered by imports under the special ACP quota.
5. The special reduced rate of duty shall be fixed for the 1995/96 — 2000/01 marketing years at ECU 6,9 per 100 kgs raw sugar of standard quality.

The refiners which want to participate in this special reduced duty system must pay a minimum purchase price which is equal to the guaranteed price for raw sugar reduced by the adjustment aid fixed for the marketing year concerned in accordance with the provisions of Article 36 of Regulation (EEC) No 1785/81 mentioned under paragraph 3.

It is agreed that if the adjustment aid is increased or reduced by comparison with its existing level of ECU 1,20 per 100 kgs raw sugar a converse adjustment will be made in the reduced levy, so that the change in the adjustment aid does not affect the net receipts of the ACP suppliers.

It is further agreed that the level of the reduced levy will be reconsidered if:

- (a) the level of the guaranteed price established in accordance with the provisions of Protocol 8 annexed to the Fourth ACP-EEC Convention is reduced by comparison with the price applicable in the 1994/95 delivery period or
 - (b) the level of the world market price increases to the point where the objective of providing an incentive to supply the Community would be put at risk.
6. The ACP States shall undertake collectively to implement between themselves procedures for the allocation of the quantities under this special ACP quota in order to ensure the appropriate supplying of the refineries.
 7. Before 1 January 2001, the two parties to this agreements shall open discussions on its possible continuation.

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 and the European Community have agreed as follows :

1. For the period 1 July 1995 to 30 June 2001 :
 - the European Community undertakes to open annually a special tariff quota for the import of raw cane sugar for refining which originates in the ACP States, on the basis of the needs determined by the Commission in accordance with paragraph 3,
 - the ACP States undertake to supply the said quantities under the conditions fixed by this agreement and by the measures taken by the Commission for the application of this agreement within the framework of the management of the common organization of the markets in the sugar sector.
2. The European Commission and the ACP States shall establish the cooperation procedures necessary to enable the two parties to this agreement to meet the commitments entered into.
3. The import needs of raw sugar for refining under this agreement shall be established by marketing year on the basis of a Community forward estimate taking account of :
 - the provisions of Council Regulation (EC) No 1101/95, amending Regulation (EEC) No 1785/81, concerning the system of preferential imports, and in particular Article 37 thereof,
 - the quantities which will be offered within the framework of other agreements with other third countries and which will actually be imported.
4. The Commission shall fix at the same time the quantities to cover, as a first instalment, the import needs of the Community's refineries for the longest practical period and at least eight months, broken down between the tariff quotas opened within the framework of other agreements with other third countries and the ACP special quota.

The ACP States notify their final export potential to the Commission at the latest on 1 February, before a second regular fixing shall be made for the further instalment to be covered by imports under the special ACP quota.

5. The special reduced rate of duty shall be fixed for the 1995/96 — 2000/01 marketing years at ECU 6,9 per kgs raw sugar of standard quality.

The refiners which want to participate in this special reduced duty system must pay a minimum purchase price which is equal to the guaranteed price for raw sugar reduced by the adjustment aid fixed for the marketing year concerned in accordance with the provisions of Article 36 of Regulation (EEC) No 1785/81 mentioned under paragraph 3.

It is agreed that if the adjustment aid is increased or reduced by comparison with its existing level of ECU 1,20 per 100 kgs raw sugar a converse adjustment will be made in the reduced levy, so that the change in the adjustment aid does not affect the net receipts of the ACP suppliers.

- (a) the level of the guaranteed price established in accordance with the provisions of Protocol 8 annexed to the Fourth ACP-EEC Convention is reduced by comparison with the price applicable in the 1994/95 delivery period, or
- (b) the level of the world market price increases to the point where the objective of providing an incentive to supply the Community would be put at risk.

6. The ACP States shall undertake collectively to implement between themselves procedures for the allocation of the quantities under this special ACP quota in order to ensure the appropriate supplying of the refineries.
7. Before 1 January 2001, the two parties to this agreement shall open discussions on its possible continuation.

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*

COMMISSION REGULATION (EC) No 2308/95

of 29 September 1995

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 29 February 1996

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 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1101/95⁽²⁾, and in particular Articles 14 (2) and 37 (6) thereof,

The following tariff quotas are hereby opened for the period 1 July 1995 to 29 February 1996 under Decision 95/284/EEC in respect of imports of raw cane sugar for refining :

- (a) 272 000 tonnes expressed as white sugar originating in the ACP States covered by that Decision ; and
- (b) 10 000 tonnes expressed as white sugar originating in the Republic of India.

Article 2

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⁽³⁾ 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 ;

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⁽⁴⁾ 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

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, 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 1915/95⁽⁵⁾ ;

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 :

- (a) Finland : 40 000 tonnes ;
- (b) metropolitan France : 47 000 tonnes ;
- (c) mainland Portugal : 185 000 tonnes, including the quantity laid down in Regulation (EC) No 1915/95 ;
- (d) United Kingdom : 10 000 tonnes.

Article 4

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 ;

This Regulation shall enter into force on the third 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 Sugar,

It shall apply from 1 July 1995.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 181, 1. 8. 1995, p. 22.

⁽⁴⁾ OJ No L 184, 3. 8. 1995, p. 16.

⁽⁵⁾ OJ No L 184, 3. 8. 1995, p. 18.

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

Done at Brussels, 29 September 1995.

For the Commission
Franz FISCHLER
Member of the Commission

I. ACP-CE Acts

4. Subcommittee for cooperation on agricultural and rural development

**DECISION No 1/95
OF THE ACP-EC SUBCOMMITTEE FOR COOPERATION
ON AGRICULTURAL AND RURAL DEVELOPMENT
of 6 March 1995**

concerning approval of the rules of procedure
applicable to 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-EEC Convention signed at Lomé on 15 December 1989, and
in particular Article 53(5) 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 1(2)
and (3) thereof,

Having regard to the rules adopted by the Director of the Centre, as provisionally
implemented since 1 January 1994 and notified to the Subcommittee for Cooperation on
Agricultural and Rural Development,

Whereas a number of amendments should be made to the rules notified to it by the Director of the Centre,

HAS DECIDED AS FOLLOWS:

Article 1

The rules of procedure setting out in greater detail the principles embodied in the Staff Regulations of the Centre under the Fourth ACP-EEC Convention are hereby definitively adopted as set out in document ACP-CE 2104/95.

Article 2

Those rules shall enter into force on the date of adoption of this Decision.

Done at Brussels, 6 March 1995

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

The Chairman

Hecho en Bruselas, el
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Έγινε στις Βρυξέλλες, στις
 Done at Brussels,
 Fait à Bruxelles, le 6/3/1995
 Fatto a Bruxelles, addì
 Gedaan te Brussel,
 Feito em Bruxelas, em
 Tehty Brysselissä
 Utfärdat i Bryssel den

Por el Subcomité de Cooperación Para el Desarrollo Agrícola y Rural ACP-CEE
 AVS/EØF-Underudvalget for samarbejde om Landbrugsudvikling og udvikling i
 Landdistrikterne

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

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

Par le sous-comité ACP-CEE de coopération agricole et rurale
 Per il Sottocomitato di cooperazione agricola e rurale ACP-CEE
 Voor het ACS-EEG-Subcomité voor samenwerking op het gebied van landbouw-en
 plattelandsontwikkeling

Pelo Subcomité ACP-CEE de Cooperação Agrícola e Rural
 Maatalouden ja maaseudun yhteistyön kehittämistä
 käsittävään AKT-ETY-alamiteen puolesta

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

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

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

Ph. SOUBESTRE

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

**DECISION No 2/95
OF THE ACP-EC SUBCOMMITTEE FOR CO-OPERATION
ON AGRICULTURAL AND RURAL DEVELOPMENT
of 22 December 1995**

**giving a discharge to the Director of the
Technical Centre for Agricultural and Rural Co-operation
in respect of the implementation of the Centre's budget
for the financial year 1993**

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

**Having regard to the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989, 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
Co-operation, 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 Regulation of the Centre, and in particular Article 24 thereof,

Having regard to the Centre's balance sheet for the financial year 1993 drawn up on 31 December 1993,

Having regard to the Auditors' Report on the accounts for the financial year 1993,

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 Co-operation on Agricultural and Rural Development, hereinafter referred to as the "Subcommittee", 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 1993 consisted principally of a contribution from the European Development Fund amounting to ECU 7 397 000;

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

HAS DECIDED AS FOLLOWS:

Sole Article

The Subcommittee, on the basis of the Auditors' report and the balance sheet for the financial year, hereby gives a discharge to the Director of the Centre in respect of the implementation of the Centre's budget for the financial year 1993.

Done at Brussels, 22 December 1995

**For the ACP-EC Committee of Ambassadors
The Chairman**

Ph. SOUBESTRE

Hecho en Bruselas, el
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Έγινε στις Βρυξέλλες, στις
 Done at Brussels,
 Fait à Bruxelles, le 22/12/1995
 Fatto a Bruxelles, addì
 Gedaan te Brussel,
 Feito em Bruxelas, em
 Tehty Brysselissä
 Utfärdat i Bryssel den

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

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

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

Par le sous-comité ACP-CEE de coopération agricole et rurale

Per il Sottocomitato di cooperazione agricola e rurale ACP-CEE

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

Pelo Subcomité ACP-CEE de Cooperação Agrícola e Rural

Maatalouden ja maaseudun yhteistyön kehittämistä

käsittelyä AKT-ETY-alakomitean puolesta

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

El Presidente

Formand

Der Präsident

Ο Πρόεδρος

The President

Le président

Il Presidente

De Voorzitter

O Presidente

Puheenjohtaja

Ordförande

Copia certificada conforme

Bekræftet Kopi

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**DECISION No 3/95
OF THE ACP-EC SUBCOMMITTEE FOR COOPERATION
ON AGRICULTURAL AND RURAL DEVELOPMENT
of 22 December 1995**

**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 signed at Lomé on 15 December 1989, 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 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 1992 to 1 July 1994;

Whereas account should also be taken of trends in purchasing power during those periods; whereas the figures drawn up by the Statistical Office of the European Communities which are used as a basis for calculating adjustments to the scale referred to in Article 50 of Decision No 2/92, as amended by Decision No 1/94 of the Subcommittee, require that scale to be adjusted by 1,01% for the period from 1 January 1993 to 30 June 1994 and by 1,4% with effect from 1 July 1994,

HAS DECIDED AS FOLLOWS:

Article 1

With effect from 1 January 1993 the remuneration and tax brackets of staff of the Centre, as set out in the Annex to Decision No 1/94 of the Subcommittee for Cooperation on Agricultural and Rural Development of 22 December 1994 and Annex 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 1,01% (Annex A).

Article 2

With effect from 1 July 1994 the remuneration and tax brackets of staff of the Centre referred to in Annex A to this Decision shall be increased by 1,4% (Annex B).

Done at Brussels, 22 December 1995

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

The Chairman
Ph. SOUBESTRE

LOME IV**STAFF REGULATIONS OF THE CTA**

GROSS BASIC MONTHLY SALARY TABLE (HFL) (Applicable as from 1 January 1993)							
Category	Level	Duties	STEP				
			1	2	3	4	5
1. DIRECTOR	1.A	Director	22 445,80				
2. ADMINISTRATIVE	2.A	Main expert	15 973,94	16 935,22	17 890,58		
	2.B		12 781,52	13 548,99	14 377,74	15 208,47	16 104,49
	2.C	Expert	11 179,39	11 885,51	12 585,71	13 291,84	13 830,07
	2.D		8 948,25	9 488,23	10 083,82	10 669,08	11 309,93
3. CLERICAL	3.A	Principal Assistant	7 478,65	7 923,25	8 372,66	9 111,65	9 458,57
	3.B	Clerical Assistant	6 749,90	6 099,99	6 455,03	6 835,91	7 221,50
	3.C	Secretary	4 153,70	4 408,86	4 664,01	4 919,16	5 239,59
4. SUPPORTING STAFF	4.A	Technical Staff	3 388,23	3 578,12	3 768,00	3 963,81	4 218,98

LOME IV

STAFF REGULATIONS OF THE CTA

TAX BRACKETS

(applicable as from 1 January 1993)

0%				to amounts of less than HFL			176
8%				to amounts between	HFL	176 and	2 795
10%	"	"	"		HFL	2 796 and	3 850
12,5%	"	"	"		HFL	3 851 and	4 412
15%	"	"	"		HFL	4 413 and	5 010
17,5%	"	"	"		HFL	5 011 and	5 573
20%	"	"	"		HFL	5 574 and	6 118
22,5%	"	"	"		HFL	6 119 and	6 680
25%	"	"	"		HFL	6 681 and	7 225
27,5%	"	"	"		HFL	7 226 and	7 787
30%	"	"	"		HFL	7 788 and	8 333
32,5%	"	"	"		HFL	8 334 and	8 896
35%	"	"	"		HFL	8 897 and	9 440
40%	"	"	"		HFL	9 441 and	10 002
45%	"	"		above	HFL		10 003

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

LOME IV

STAFF REGULATIONS OF THE CTA

GROSS BASIC MONTHLY SALARY TABLE (HFL) (Applicable as from 1 July 1994)								
CATEGORY	LEVEL	DUTIES	STEP					
			1	2	3	4	5	
1. DIRECTOR	1.A	Director	22 760,04					
2. ADMINISTRATIVE	2.A	Main	16 197,58	17 172,31	18 141,05			
	2.B	Expert	12 960,46	13 736,66	14 579,02	15 421,39	16 329,95	
	2.C	Expert	12 335,90	12 051,91	12 761,91	13 477,93	13 820,89	
	2.D		9 073,53	9 621,07	10 204,71	10 817,43	11 468,27	
3. CLERICAL	3.A	Principal Assistant	7 581,32	8 034,16	8 489,89	9 037,43	9 590,99	
	3.B	Clerical Assistant	5 830,40	6 185,40	6 546,42	6 931,51	7 322,60	
	3.C	Secretary	4 211,85	4 470,58	4 729,31	4 988,03	5 312,94	
4. SUPPORTING STAFF	4.A	Technical Staff	3 435,67	3 628,21	3 820,75	4 019,30	4 278,05	

LOME IV
STAFF REGULATIONS OF THE CTA

TAX BRACKETS

(applicable as from 1 July 1994)

0%		to amounts of less than HFL			178
8%		to amounts between	HFL	178 and	2 834
10%	"	"	"	2 835 and	3 904
12,5%	"	"	"	3 905 and	4 474
15%	"	"	"	4 475 and	5 080
17,5%	"	"	"	5 081 and	5 651
20%	"	"	"	5 652 and	6 203
22,5%	"	"	"	6 204 and	6 774
25%	"	"	"	6 775 and	7 326
27,5%	"	"	"	7 327 and	7 896
30%	"	"	"	7 897 and	8 450
32,5%	"	"	"	8 451 and	9 020
35%	"	"	"	9 021 and	9 752
40%	"	"	"	9 753 and	10 142
45%	"	"	above HFL		10 143

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

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22/12/1995

Por el Subcomité de Cooperación Para el Desarrollo Agrícola y Rural ACP-CEE
 AVS/EØF-Underudvalget for samarbejde om Landbrugsudvikling og udvikling i
 Landdistrikterne

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

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

Par le sous-comité ACP-CEE de coopération agricole et rurale

Per il Sottocomitato di cooperazione agricola e rurale ACP-CEE

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

Pelo Subcomité ACP-CEE de Cooperação Agrícola e Rural

Maatalouden ja maaseudun yhteistyön kehittämistä

käsittelyän AKT-ETY-alamokitean puolesta

För AVS-EEG: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

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I. ACP-CE Acts

5. Acts of the Committee on Industrial Cooperation

DRAFT
DECISION No 1/95/CIC
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION
of 20 April 1995

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

THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION,

Having regard to the Fourth ACP-EEC 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 (CDI);

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 the members of the present Executive Board were appointed for a period of not more than five years by Decision No 3/90/CIC of 31 October 1990;

Whereas Mr KINZONZI MVUTUKIDI Ngindu Koghdia (Zaire),
Mr Antonio Augusto Figueiredo de ALMEIDA MATOS (Mozambique) and
Mr Hans Joachim KEIL (Western Samoa) have been nominated, on a proposal from the ACP States, to replace Mr John Nyangeri SIMBA (Kenya),
Mr Richard Geoffrey ANDREWS (Trinidad and Tobago) and Mr Noël Aimé KOBIANE (Burkina Faso) in their capacity as members 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 KINZONZI MVUTUKIDI Ngindu Koghdia (Zaire),
Mr Antonio Augusto Figueiredo de ALMEIDA MATOS (Mozambique) and
Mr Hans Joachim KEIL (Western Samoa)

are hereby appointed, on a proposal from the ACP States, members of the Executive Board of the Centre for the Development of Industry within the framework of the Fourth ACP-EEC Convention, in place of Mr John Nyangeri SIMBA (Kenya), Mr Richard Geoffrey ANDREWS (Trinidad and Tobago) and Mr Noël Aimé KOBIANE (Burkina Faso).

Article 2

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

Done at Brussels, 20 April 1995

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

Marc GIACOMINI

M.B. EKPANG

Hecho en Bruselas, el
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Έγινε στις Βρυξέλλες, στις
 Done at Brussels,
 Fait à Bruxelles, le 20/4/1995
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 Gedaan te Brussel,
 Feito em Bruxelas, em
 Tehty Brysselissä
 Utfärdat i Bryssel den

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

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**DECISION No 2/95/CCI
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION
of 28 April 1995**

on the appointment of the Director and Deputy Director
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 Articles 87, 91 and 96 thereof and Annex XIV thereto,

Whereas, as provided for in Article 91 of the Fourth ACP-EEC Convention, the Centre shall be headed by a Director assisted by a Deputy Director, both of whom shall be appointed by the Committee on Industrial Cooperation;

Whereas the ACP States have proposed that Mr Surendra SHARMA be appointed to the post of Director of the Centre for the Development of Industry and the Community has proposed that Mr F. MATOS ROSA be appointed to the post of Deputy Director of the Centre,

HAS DECIDED AS FOLLOWS:

Sole Article

Without prejudice to subsequent decisions which the Committee may be called upon to take in the framework of its prerogatives:

- 1) Mr Surendra SHARMA is hereby appointed Director of the Centre for the Development of Industry with effect from 1 May 1995 and until 28 February 2000;
- 2) Mr F. MATOS ROSA is hereby appointed Deputy Director of the Centre for the Development of Industry with effect from 1 May 1995 and until 28 February 2000.

Done at Brussels, 28 April 1995

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

M. EKPANG

M. GIACOMINI

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 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 3/95/CDI
OF THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION
of 28 April 1995**

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-EEC 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 (CDI);

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 Decision No 4/91 of the ACP-EEC Council of Ministers of 6 May 1991 laying down the statute and rules of procedure of the Centre provides that the members of the Executive Board shall be appointed for a period of no 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 Ferruccio SARTI (Italy) has been nominated, on a proposal from the Community, to replace Mr Yves SALMON (France) 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 Ferruccio SARTI is hereby appointed, on a proposal from the Community, a member of the Executive Board of the CDI within the framework of the Fourth ACP-EEC Convention for a period of three years, in place of Mr Yves SALMON.

Article 2

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

Done at Brussels, 28 April 1995

For the ACP-EC Committee on Industrial Co-operation
The co-Chairmen

M. EKPANG

M. GIACOMONI

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 For Udvalget for industrielt Samarbejde
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 Για την Επιτροπή Βιομηχανικής Συνεργασίας
 For the Committee on Industrial Cooperation
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**DECISION No 4/95
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION
of 24 October 1995**

**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 and Annex II
thereto,**

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 periods from 1 January 1993 to 30 June 1993 and from 1 July 1993 to 31 December 1994;

Whereas account should also be taken of trends in purchasing power during these periods;

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 0,72% for the period from 1 January 1993 to 30 June 1993 and by 0,85% from 1 July 1993 to 30 June 1994,

HAS DECIDED AS FOLLOWS:

Article 1

With effect from 1 July 1993, the remuneration and tax brackets laid down for staff of the Centre in the Annex to Decision No 3/94 of the Committee on Industrial Cooperation of 13 July 1994 and in Annex III to the conditions laid down in Decision No 1/92 of the Council of Ministers of 15 December 1992 shall be increased by 0,72% (Annex A).

Article 2

With effect from 1 July 1994, the remuneration and tax brackets laid down for staff of the Centre in Annex A to this Decision shall be increased by 0,85% (Annex B).

Done at Brussels, 24 October 1995

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

B. EKPANG

R. SANTOS

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LOME IV

(Conditions of employment of the staff of the CDI)

TABLE OF BASIC GROSS MONTHLY SALARIES (BFR)
(applicable as from 1 July 1993)

CATEGORY	LEVEL	BASIC POST	STEP					
			1	2	3	4	5	
1. DIRECTORS	1.A	Director	401 697					
	1.B	Deputy Director	355 788					
2. ADMINISTRATIVE	2.A	Principal Expert	286 926	304 142	321 357	273 154	289 222	
	2.B	Principal Expert	229 541	243 313	258 234			
	2.C	Expert	200 849	213 473	226 098	238 723	252 495	
	2.D	Expert	160 679	170 434	180 763	191 667	203 144	
3. CLERICAL	3.A	Principal assistant	134 282	142 315	150 350	160 105	169 860	
	3.B	Secretarial assistant	103 293	109 032	115 919	122 805	129 691	
	3.C	Secretary	74 601	79 192	83 783	88 374	94 112	
	4.A	Technical staff	60 829	64 271	67 715	71 158	75 748	

LOME IV

(Conditions of employment of the staff of the CDI)

TAX SCALE

(applicable as from 1 July 1993)

DE	GROSS ANNUAL CEILINGS				% PER BRACKET	
	B58 + B57	C*8/100	A	D57 + D58 ...		
1						
2 842	-	-	2 841	-	0,0	
50 210	47 368	3 789	50 209	3 789	8,0	
69 155	18 945	1 895	69 154	5 684	10,0	
79 256	10 101	1 263	79 255	6 947	12,5	
89 996	10 740	1 611	89 995	8 558	15,0	
100 097	10 101	1 768	100 096	10 326	17,5	
109 888	9 791	1 958	109 887	12 284	20,0	
119 991	10 103	2 273	119 990	14 557	22,5	
129 784	9 793	2 448	129 783	17 005	25,0	
139 883	10 099	2 777	139 882	19 782	27,5	
149 674	9 791	2 937	149 673	22 719	30,0	
159 778	10 104	3 284	159 777	26 003	32,5	
169 570	9 792	3 427	169 569	29 430	35,0	
179 669	10 099	4 040	179 000	33 470	40,0	
	-	-	99 999 999	-	45,0	

LOME IV

(Conditions of employment of the staff of the CDI)

TABLE OF BASIC GROSS MONTHLY SALARIES (BFR)
(applicable as from 1 July 1994)

CATEGORY	LEVEL	BASIC POST	STEP					
			1	2	3	4	5	
1. DIRECTORS	1.A	Director	405 111					
	1.B	Deputy Director	358 812					
2. ADMINISTRATIVE	2.A	Principal Expert	289 365	306 727	324 089			
	2.B	Principal Expert	231 492	245 381	260 429	275 476		
	2.C	Expert	202 556	215 288	228 020	240 752	254 641	
	2.D	Expert	162 045	171 883	182 299	193 296	204 871	
3. CLERICAL	3.A	Principal assistant	135 423	143 525	151 628	161 466	171 304	
	3.B	Secretarial assistant	104 171	109 959	116 904	123 849	130 783	
	3.C	Secretary	75 235	79 865	84 495	89 125	94 912	
	4.A	Technical staff	61 346	64 817	68 291	71 763	76 392	

LOME IV

(Conditions of employment of the staff of the CDI)

TAX SCALE
(applicable as from 1 July 1994)

DE	GROSS ANNUAL CEILINGS				% PER BRACKET
	B58 + B57	C*8/100	A	D57 + D58 ...	
1					
2 866	47 771	3 822	2 865	3 822	0,0
50 637	19 106	1 911	50 636	5 733	8,0
69 743	10 187	1 273	69 742	7 006	10,0
79 930	10 831	1 625	79 929	8 631	12,5
90 761	10 187	1 783	90 760	10 414	15,0
100 948	9 874	1 975	100 947	12 389	17,5
110 822	10 189	2 293	110 821	14 682	20,0
121 011	9 876	2 469	121 010	17 151	22,5
130 887	10 185	2 801	130 886	19 952	25,0
141 071	9 874	2 962	141 071	22 914	27,5
150 946	10 190	3 312	150 945	26 226	30,0
161 136	9 875	3 456	161 135	29 682	32,5
171 011	10 185	4 074	171 010	33 756	35,0
181 196	-	-	181 195	-	40,0
			99 999 999		45,0

**DECISION No 5/95
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION
of 20 December 1995**

approving the budget
of the Centre for the Development of Industry (1996)

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 87(1)(d) and Article 92(1)(b)(ii) 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 annual budget for the 1996 financial year;

Whereas the Executive Board, at its meeting on 29 and 30 June 1995, 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 1996, as contained in the Annex hereto, is hereby approved;

Done at Brussels, 20 December 1995

For the ACP-EC Committee
on Industrial Cooperation

The Chairmen

R. SANTOS

B. EKPANG

Hecho en Bruselas, el
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Έγινε στις Βρυξέλλες, στις
 Done at Brussels,
 Fait à Bruxelles, le 20/12/1995
 Fatto a Bruxelles, addì
 Gedaan te Brussel,
 Feito em Bruxelas, em
 Tehty Brysselissä
 Utfärdat i Bryssel den

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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 Bestyrkt kopia

B. EKPANG R. SANTOS

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

CENTRE FOR THE DEVELOPMENT OF INDUSTRY

BUDGET 1996

1	TITLE I - STAFF	BUDGET 1994 COMMITMENT AT 31/12/94 (1)	BUDGET 1995 TOTAL (2)	BUDGET 1996 TOTAL (3)	% EVOLUTION (3)/(2)
ARTICLE 111	SALARIES	3,935,659.62	4,150,000.00	4,050,000.00	-2.41%
ARTICLE 112	PROVISION FOR ADJUSTMENT IN SALARIES	0.00	60,000.00	60,000.00	0.00%
ARTICLE 113	SOCIAL CHARGES	1,533,249.72	1,660,000.00	1,650,000.00	-0.60%
ARTICLE 114	ALLOWANCES	641,404.55	521,000.00	560,000.00	7.49%
ARTICLE 115	TRAINING & DEVELOPMENT OF STAFF	13,349.96	60,000.00	60,000.00	0.00%
ARTICLE 116	EXPENSES FOR STAFF INTEGRATION	3,803.62	5,000.00	5,000.00	0.00%
ARTICLE 117	MISCELLANEOUS CONSULTANCIES	55,041.00	135,000.00	170,000.00	25.93%
	TOTAL CHAPTER 11	6,183,309.27	6,591,000.00	6,555,000.00	-0.55%
	GRAND TOTAL	6,183,309.27	6,591,000.00	6,555,000.00	-0.55%

2	TITLE II - BUILDING, EQUIPMENT & MISC. OPERATIONAL EXPENSES	BUDGET 1994 COMMITMENT AT 31/12/94 (1)	BUDGET 1995 TOTAL (2)	BUDGET 1996 TOTAL (3)	% EVOLUTION (3)/(2)
ARTICLE 211	RENT	615,860.31	670,000.00	547,500.00	-18.28%
ARTICLE 212	INCIDENTAL EXPENDITURE	215,663.09	254,000.00	254,000.00	0.00%
	TOTAL CHAPTER 21	831,523.40	924,000.00	801,500.00	-13.26%
ARTICLE 221	PURCHASE OF OFFICE EQUIPMENT AND FURNITURE	61,415.40	140,000.00	45,000.00	-67.86%
ARTICLE 222	RENTAL OF FURNITURE AND EQUIPMENT	51,020.37	65,000.00	65,000.00	0.00%
ARTICLE 223	MAINTENANCE OF FURNITURE AND EQUIPMENT	48,262.58	5,000.00	5,000.00	0.00%
ARTICLE 224	VEHICLES, MAINTENANCE, REPAIRS, USE	9,423.89	12,000.00	12,000.00	0.00%
ARTICLE 225	DATA PROCESSING	344,195.00	295,000.00	173,000.00	-41.36%
	TOTAL CHAPTER 22	514,318.04	517,000.00	300,000.00	-41.97%
ARTICLE 231	STATIONARY AND OFFICE SUPPLIES	44,382.49	60,000.00	60,000.00	0.00%
ARTICLE 232	POSTAL CHARGES AND TELECOMMUNICATIONS	228,969.44	245,000.00	245,000.00	0.00%
ARTICLE 233	BANK CHARGES AND EXCHANGE LOSSES	85,949.97	25,000.00	25,000.00	0.00%
ARTICLE 234	OTHER OPERATING EXPENSES	62,524.93	80,000.00	45,000.00	-43.75%
	TOTAL CHAPTER 23	421,826.83	410,000.00	375,000.00	-9.51%
ARTICLE 241	GENERAL REPRESENTATION AND ENTERTAINMENT EXPENSES	29,046.93	30,000.00	30,000.00	0.00%
	TOTAL CHAPTER 24	29,046.93	30,000.00	30,000.00	0.00%
	GRAND TOTAL	1,797,517.20	1,881,000.00	1,506,500.00	-19.91%

3	TITLE III - INTERVENTION PROGRAMME	BUDGET 1994 COMMITMENT AT 31/12/94 (1)	BUDGET 1995 TOTAL (2)	BUDGET 1996 TOTAL (3)	% EVOLUTION (3)/(2)
ARTICLE 311	THE ACP NETWORK	804,853.84	1,650,000.00	1,650,000.00	0.00%
ARTICLE 312	THE EU NETWORK	95,070.08	440,000.00	550,000.00	25.00%
ARTICLE 313	PUBLIC RELATIONS AND COMMUNICATIONS	259,974.71	240,000.00	220,000.00	-8.33%
ARTICLE 314	SECONDED EXPERTS	n/a	60,000.00	200,000.00	233.33%
ARTICLE 321	TOTAL CHAPTER 31 IDENTIFICATION AND PROMOTION OF PROJECTS IN ACP COUNTRIES	1,159,898.63	2,390,000.00	2,620,000.00	9.62%
ARTICLE 322	IDENTIFICATION AND PROMOTION OF PROJECTS IN EUROPE	n/a	320,000.00	360,000.00	12.50%
ARTICLE 323	PARTNERS' INTRODUCTION	294,047.03	350,000.00	40,000.00	100.00%
ARTICLE 331	TOTAL CHAPTER 32 PROJECT INTERVENTION, DIAGNOSTIC, EXPERTISE, STUDIES	609,953.33	890,000.00	960,000.00	60.00%
ARTICLE 332	DIRECT INTERVENTIONS	1,104,715.13	1,300,000.00	1,560,000.00	39.13%
ARTICLE 333	PILOT AND DEMONSTRATION PROJECTS	1,590,327.39	2,130,000.00	2,405,000.00	20.00%
ARTICLE 341	TOTAL CHAPTER 33 DIRECTORATE AND STAFF MISSIONS	234,200.00	400,000.00	250,000.00	12.91%
ARTICLE 361	TOTAL CHAPTER 34 SECTORAL STUDIES, IN DEPTH SCRUTINY OF A SECTOR IN ACP COUNTRIES	2,920,242.52	3,830,000.00	4,215,000.00	-37.50%
ARTICLE 362	SECTORAL STUDIES, IN DEPTH SCRUTINY OF A SECTOR IN EU COUNTRIES	392,437.12	300,000.00	300,000.00	10.05%
ARTICLE 363	PUBLICATIONS	392,437.12	300,000.00	300,000.00	0.00%
ARTICLE 364	INTERNAL INFORMATION, DOCUMENTATION	n/a	90,000.00	100,000.00	0.00%
ARTICLE 365	MEETINGS AND SEMINARS	617,599.65	400,000.00	300,000.00	100.00%
	TOTAL CHAPTER 36	617,599.65	960,000.00	825,000.00	50.00%
	GRAND TOTAL	5,700,131.25	8,250,000.00	9,000,000.00	22.51%
					-22.41%
					0.00%
					-37.50%
					-14.06%
					9.09%

4	TITLE IV - SUPERVISORY BODIES	BUDGET 1994 COMMITMENT AT 3/1/2/94 (1)	BUDGET 1995 TOTAL (2)	BUDGET 1996 TOTAL (3)	% EVOLUTION (3)/(2)
ARTICLE 411	JOINT EXECUTIVE BOARD	146,013.76	160,000.00	205,000.00	28.13%
ARTICLE 412	SECRETARIAT TO THE JOINT EXECUTIVE BOARD	163,793.13	128,700.00	66,000.00	-48.72%
	TOTAL CHAPTER 41	309,806.89	288,700.00	271,000.00	-8.13%
ARTICLE 421	INTERNAL AUDIT BODY	72,896.98	110,000.00	120,000.00	9.09%
ARTICLE 422	EXTERNAL AUDIT BODY	22,000.00	15,000.00	15,000.00	0.00%
	TOTAL CHAPTER 42	94,896.98	125,000.00	135,000.00	0.00%
	1				
	GRAND TOTAL	404,703.87	413,700.00	406,000.00	-1.86%

5	SUMMARY OF TITLES I - II - III - IV	BUDGET 1994 COMMITMENT AT 31/12/94 (1)	BUDGET 1995 TOTAL (2)	BUDGET 1996 TOTAL (3)	% EVOLUTION (3)/(2)
	TITLE I - STAFF	6,103,309.27	6,591,000.00	6,555,000.00	-0.55%
	TITLE II - BUILDING, EQUIPMENT & MISC. OPERATIONAL EXPENSES	1,797,517.20	1,881,000.00	1,506,500.00	-19.91%
	TITLE III - INTERVENTION PROGRAMME	5,700,131.25	8,250,000.00	9,000,000.00	9.09%
	TITLE IV - SUPERVISORY BODIES	404,703.07	413,700.00	406,000.00	-1.06%
	GRAND TOTAL	14,093,661.59	17,135,700.00	17,467,500.00	1.94%

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

A. Trade

a) Trade

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 May 1995

on certain protection measures with regard to apes originating in or coming from Zaire

(Text with EEA relevance)

(95/171/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION :

Having regard to the Treaty establishing the European Community,

Article 1

Member States shall prohibit the importation of apes (*simiae* and *prosimiae*) originating in or coming from Zaire.

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks and animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 18 (1) thereof,

Article 2

Member States shall modify the measures they apply with regard to Zaire to bring them into line with this Decision. They shall inform the Commission thereof.

Whereas outbreaks of Ebola disease has been reported in Zaire ;

Article 3

This Decision shall apply until 31 July 1995.

Whereas the presence of this disease constitutes a serious danger ; whereas it is appropriate to adopt the necessary protection measures rapidly at Community level with regard to apes (*simiae* and *prosimiae*) originating in or coming from Zaire ;

Article 4

This Decision is addressed to the Member States.

Whereas the measures foreseen by this Decision are in accordance with the opinion of the Standing Veterinary Committee ;

Done at Brussels, 18 May 1995.

Whereas it is necessary to suspend the importation of apes (*simiae* and *prosimiae*) originating in or coming from Zaire,

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 56.

(Common positions defined by the Council of the European Union)

COMMON POSITION

of 24 March 1995

defined by the Council on the basis of Article J.2 of the Treaty on the European Union, with regard to Burundi

(95/91/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

HAS DEFINED THE FOLLOWING COMMON POSITION:

1. The European Union will pursue with regard to Burundi the objectives set out in its Declaration of 19 March 1995 defining its overall priorities.
2. The Ministerial Troika will visit Burundi on 24 March 1995 in order to demonstrate the European Union's support for national reconciliation as provided for in the Government Convention of 10 September 1994.
3. The European Union is prepared to assist the Burundi Government in organizing a national debate with the participation of all sectors of the Burundi nation in order to consolidate national reconciliation and reconstruct democracy. The Presidency, acting under the conditions set out in Article J.5(3) of the Treaty on European Union, will contact the Burundi authorities with the purpose of submitting an assessment of requirements to the Council as soon as possible.
4. The Presidency and the Commission, within the scope of their respective responsibilities, will establish the contacts necessary for implementing this common position and will jointly effect the planned démarches to third parties.
- 4.1. The European Union is prepared rapidly to lend its support to sending human rights experts within the framework put in place by the United Nations High Commissioner for Human Rights.
 - The necessary contacts will be established with the United Nations High Commissioner for Human Rights in order to define the conditions of the European Union's participation;
- The Commission intends to propose that the European Community contribute as soon as possible to the funding of this operation an approximate amount of ECU 3 million, which figure the Commission will reassess on the basis of the results of the Troika's visit and ongoing contacts.
- 4.2. The European Union is prepared to assist in restoring the rule of law and strengthening the Burundi judiciary system, inter alia by giving help with the training of magistrates.

The necessary contacts will be established with the Burundi authorities in order to enable the Council to adopt a programme of assistance to the judiciary system as soon as possible.
- 4.3. The European Union supports the rapid convening of a round table of donors with the participation of international institutions, in particular international financial institutions, and all countries which are friends of Burundi.

The necessary démarches will be made in order to secure the broadest possible support for this proposal.
- 4.4. The European Union is prepared to help implement, for Burundi, and follow up the action plan adopted by the Regional Conference on assistance to refugees, displaced persons and returnees in the Great-Lake region held in Bujumbura from 15 to 17 February 1995.

The necessary démarches will be made to encourage third States to support the action plan.
- 4.5. The European Union is prepared to support the action taken by the OAU.
5. All the other European Union objectives and priorities as defined in the declaration adopted in

Carcassonne on 19 March 1995 will be pursued as soon as possible and will be covered, if appropriate, by a supplementary common position.

6. This common position will be followed up by the relevant Council working parties, to which the Presidency and the Commission will regularly report.

7. This common position shall be published in the Official Journal.

Done at Brussels, 24 March 1995.

For the Council
The President
A. JUPPÉ

(Common positions defined by the Council of the European Union)

COUNCIL DECISION

of 6 June 1995

on the implementation of the common position of 24 March 1995 defined by the Council on the basis of Article J.2 of the Treaty on European Union, with regard to Burundi

(95/206/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 the common position of 24 March 1995 defined by the Council on the basis of Article J.2 of the Treaty on European Union, with regard to Burundi⁽¹⁾,

HAS DECIDED AS FOLLOWS:

Article 1

1. For the purposes of the implementation of the common position of 24 March 1995 defined by the Council on the basis of Article J.2 of the Treaty on European Union, with regard to Burundi, and in particular point 4.5 thereof which states that the Union is prepared to support the action taken by the OAU, a contribution of ECU 1,5 million is hereby placed at the disposal of the OAU to finance the OAU's additional efforts towards the sending of observers to Burundi.

This amount shall be charged to the general budget of the European Communities.

2. Pursuant to point 4 of the common position of 24 March 1995, the Presidency and the Commission, acting within the scope of their respective responsibilities, shall define with the OAU the detailed arrangements for this contribution.

Article 2

This Decision shall be published in the Official Journal.

Done at Luxembourg, 6 June 1995.

For the Council
The President
M. BARNIER

⁽¹⁾ OJ No L 72, 1. 4. 1995, p. 1.

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

A. Trade

b) Agricultural products

COMMISSION REGULATION (EC) No 510/95
of 7 March 1995

on the exceptional allocation of a quantity additional to the tariff quota for imports of bananas during the first quarter of 1995 as a result of tropical storm Debbie

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 1442/93⁽³⁾, as last amended by Regulation (EC) No 478/95⁽⁴⁾, lays down the detailed rules for applying the arrangements for importing bananas into the Community;

Whereas on 10 September 1994 tropical storm Debbie caused severe damage to the banana plantations in the Community regions of Martinique and Guadeloupe and in the ACP States of Saint Lucia and Dominica; whereas the effects of these exceptional circumstances on production in the regions affected will be felt until July 1995 and will greatly affect imports and supplies to the Community markets during the first quarter of 1995; 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 1995 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 tropical storm Debbie, 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,

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ OJ No L 49, 4. 3. 1995, p. 13.

HAS ADOPTED THIS REGULATION :

Article 1

1. The tariff quota of 2 200 000 tonnes (net weight) fixed for 1995 is hereby increased to 2 245 000 tonnes (net weight).
2. The additional quantity of 45 500 tonnes (net weight) shall be allocated to the operators determined in accordance with Article 2 below as follows :
 - (a) 28 000 tonnes for operators supplying the Community with bananas produced in Martinique ;
 - (b) 3 600 tonnes for operators supplying the Community with bananas produced in Guadeloupe ;
 - (c) 13 900 tonnes for operators supplying the Community with bananas produced in the two Windward Islands (Saint Lucia and 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 tropical storm Debbie,
 - and who, during the first quarter of 1995, 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 tropical storm Debbie.
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

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

Done at Brussels, 7 March 1995.

— the damage sustained as a result of tropical storm Debbie.

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 15 March 1995 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 tropical storm Debbie 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 storm Debbie import licences shall be issued not later than 22 March 1995 and shall be valid until 9 May 1995.

The words 'Tropical storm Debbie 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 storm Debbie import licences shall be taken into consideration for the purpose of determining the reference quantity of each operator concerned, as regards 1995, 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 following its publication in the *Official Journal of the European Communities*.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 894/95
of 24 April 1995

amending Commission Regulation (EC) No 3144/94 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 African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCTs)⁽¹⁾, as last amended by Regulation (EC) No 2484/94⁽²⁾, and in particular Article 27 thereof,

Whereas, by Regulation (EC) No 3144/94⁽³⁾, the Commission opened Community tariff quotas, with reduced duty, for certain agricultural products; whereas a discrepancy has been found between the additional rates

shown in the table in Regulation (EC) No 3144/94 and those in the combined nomenclature; whereas this amendment is applicable with effect from 1 January 1995; whereas it seems necessary to amend this Regulation;

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 in Regulation (EC) No 3144/94 is replaced by the following table:

Order No	CN code	Taric subdivision	Description	Volume (tonnes)	Rate of duty (%)
'09.1610	0808 10 10		Apples, fresh from 1 January to 31 December 1995	1 000	4,5 MIN 0,2 ECU/100 kg/net
					4 MIN 1,1 ECU/100 kg/net
					4 MIN 1,1 ECU/100 kg/net
					4 MIN 1,1 ECU/100 kg/net
					3 MIN 0,7 ECU/100 kg/net
					3 MIN 0,7 ECU/100 kg/net
					3 MIN 0,7 ECU/100 kg/net
					2,7
					2,9 + 1 ECU/100 kg/net
					2,9 + 2 ECU/100 kg/net
					2,9 + 3 ECU/100 kg/net
					2,9 + 4 ECU/100 kg/net
					2,9 + 28,7 ECU/100 kg/net
					2,7
					2,9 + 1 ECU/100 kg/net
					2,9 + 2 ECU/100 kg/net
					2,9 + 3 ECU/100 kg/net
					2,9 + 4 ECU/100 kg/net
					2,9 + 28,7 ECU/100 kg/net
					2,7
					2,9 + 1 ECU/100 kg/net
	2,9 + 2 ECU/100 kg/net				
	2,9 + 3 ECU/100 kg/net				
	2,9 + 4 ECU/100 kg/net				
	2,9 + 28,7 ECU/100 kg/net				

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 332, 22. 12. 1994, p. 17.

Order No	CN code	Taric subdivision	Description	Volume (tonnes)	Rate of duty (%)	
09.1610 (cont'd)	0808 10 92	*10			6,6	
		*20			6,7 + 1 ECU/100 kg/net	
		*30			6,7 + 2 ECU/100 kg/net	
		*40			6,7 + 3 ECU/100 kg/net	
		*50			6,7 + 4 ECU/100 kg/net	
		*60			6,7 + 28,7 ECU/100 kg/net	
	0808 10 94	*10			6,6	
		*20			6,7 + 1 ECU/100 kg/net	
		*30			6,7 + 2 ECU/100 kg/net	
		*40			6,7 + 3 ECU/100 kg/net	
		*50			6,7 + 4 ECU/100 kg/net	
		*60			6,7 + 28,7 ECU/100 kg/net	
	0808 10 98	*10			6,6	
		*20			6,7 + 1 ECU/100 kg/net	
		*30			6,7 + 2 ECU/100 kg/net	
		*40			6,7 + 3 ECU/100 kg/net	
		*50			6,7 + 4 ECU/100 kg/net	
		*60			6,7 + 28,7 ECU/100 kg/net	
09.1612	0808 20 10		Pears, fresh from 1 January to 31 December 1995	1 000	4,5 MIN 0,2 ECU/100 kg/net	
	0808 20 31				5 MIN 0,7 ECU/100 kg/net	
	0808 20 37				2,5 MIN 1 ECU/100 kg/net	
	0808 20 41	*11				2,5 MIN 1 ECU/100 kg/net
		*19				
		*51				2,3 MIN 0,9 ECU/100 kg/net
		*59				
	0808 20 47	*11				2,3
		*19				
		*21				2,4 + 1 ECU/100 kg/net
		*29				
		*31				2,4 + 2,1 ECU/100 kg/net
		*39				
		*41				2,4 + 3,1 ECU/100 kg/net
		*49				
		*51				2,4 + 4,1 ECU/100 kg/net
		*59				
		*61				2,4 + 28,7 ECU/100 kg/net
		*69				
		0808 20 51	*11			
	*19					
	*21					4,8 + 1 ECU/100 kg/net
	*29					
	*31					4,8 + 2,1 ECU/100 kg/net
	*39					
	*41					4,8 + 3,1 ECU/100 kg/net
	*49					
	*51					4,8 + 4,1 ECU/100 kg/net
	*59					
*61					4,8 + 28,7 ECU/100 kg/net	
*69						
0808 20 57	*11				6,3	
	*19					
	*21				6,3 + 0,9 ECU/100 kg/net	
	*29					
	*31				6,3 + 1,7 ECU/100 kg/net	
	*39					
	*41				6,3 + 2,6 ECU/100 kg/net	
	*49					
	*51				6,3 + 3,5 ECU/100 kg/net	
	*59					
	*61				6,3 + 28,7 ECU/100 kg/net	
	*69					

Order No	CN code	Taric subdivision	Description	Volume (tonnes)	Rate of duty (%)
09.1612 (cont'd)	0808 20 67	*11			6,3
		*19			6,3 + 1,1 ECU/100 kg/net
		*21			6,3 + 2,2 ECU/100 kg/net
		*29			6,3 + 3,4 ECU/100 kg/net
		*31			6,3 + 4,5 ECU/100 kg/net
		*39			6,3 + 28,7 ECU/100 kg/net
		*41			
		*49			
09.1615	ex 0806 10 15 ex 0806 10 29 (*)		----- other :	400	0
			- seedless table grapes : - from 1 January to 31 December 1995		

(*) CN code from 1 January 1995.

Article 2

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

It is applicable from 1 January 1995.

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

Done at Brussels, 24 April 1995.

For the Commission

Mario MONTI

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 894/95 of 24 April 1995 amending Commission Regulation (EC) No 3144/94 opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States (ACP)

(Official Journal of the European Communities No L 92 of 25 April 1995)

On page 7 in the table of Article 1 :

— In the first line of order No 09.1610

for :

Order No	CN code	Taric subdivision	Description	Volume (tonnes)	Rate of duty (%)
'09.1610	0808 10 10		Apples, fresh from 1 January to 31 December 1995	1 000	4,5 MIN 0,2 ECU/100 kg/net'

read :

Order No	CN code	Taric subdivision	Description	Volume (tonnes)	Rate of duty (%)
'09.1610	0808 10 10		Apples, fresh from 1 January to 31 December	1 000	4,5 MIN 0,2 ECU/100 kg/net'

— In order No 09.1615 :

for :

Order No	CN code	Taric subdivision	Description	Volume (tonnes)	Rate of duty (%)
'09.1615	ex 0806 10 15 ex 0806 10 29 (*)		— other : — seedless table grapes : — from 1 January to 31 December 1995	400	0'

read :

Order No	CN code	Taric subdivision	Description	Volume (tonnes)	Rate of duty (%)
'09.1615	ex 0806 10 15 ex 0806 10 29 (*)		— other : — seedless table grapes : — from 1 December 1994 to 31 January 1995	400	0'

COMMISSION REGULATION (EC) No 895/95
of 24 April 1995
**amending Commission Regulation (EC) No 3147/94 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, and in particular Article 113 thereof,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP)⁽¹⁾, as last amended by Regulation (EC) No 2484/94⁽²⁾, and in particular Article 27 thereof,

0702 00 45, 0702 00 50; whereas a discrepancy has been found between the additional rates in the table in Regulation (EC) No 3147/94 and those in the combined nomenclature; whereas this amendment is applicable from 1 January 1995; whereas it seems necessary to amend this Regulation;

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:

Whereas pursuant to Regulation (EC) No 2763/94⁽³⁾, as amended by Commission Regulation (EC) No 3147/94⁽⁴⁾, the Commission opened duty-free or reduced-duty Community tariff quotas for certain agricultural products for including fresh or chilled tomatoes, other than cherry tomatoes, of CN codes ex 0702 00 15, 0702 00 20,

Article 1

The table in Regulation (EC) No 3147/94 is replaced by the following table:

Order No	CN code	Taric subdivision	Description	Volume (tonnes)	Rate of duty (%)
'09.1601	0702 00 15	*19	Tomatoes, other than the cherry tomatoes, fresh or refrigerated from 15 November to 30 April of next year	2 000	4,2
		*29			4,2 + 1,8 ECU/100 kg/net
		*39			4,2 + 3,6 ECU/100 kg/net
		*49			4,2 + 5,4 ECU/100 kg/net
		*59			4,2 + 7,3 ECU/100 kg/net
		*69			4,2 + 36 ECU/100 kg/net
	0702 00 20	*13			4,2
		*63			
		*17			4,2 + 2,4 ECU/100 kg/net
		*67			
		*23			4,2 + 4,8 ECU/100 kg/net
		*73			
		*27			4,2 + 7,1 ECU/100 kg/net
		*77			
		*33			4,2 + 9,5 ECU/100 kg/net
		*83			
*37	4,2 + 36 ECU/100 kg/net				
*87					

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 294, 15. 11. 1994, p. 6.

⁽⁴⁾ OJ No L 332, 22. 12. 1994, p. 26.

Order No	CN code	Taric subdivision	Description	Volume (tonnes)	Rate of duty (%)	
09.1601 (cont'd)	0702 00 45	*12			4,2	
		*32				
		*52				
		*14			4,2 + 1,4 ECU/100 kg/net	
		*34				
		*54				
		*17			4,2 + 2,8 ECU/100 kg/net	
		*37				
		*57				
		*22			4,2 + 4,1 ECU/100 kg/net	
	*42					
	*62					
	*24			4,2 + 5,5 ECU/100 kg/net		
	*44					
	*64					
	*27			4,2 + 36 ECU/100 kg/net		
	*47					
	*67					
		0702 00 50	*19			4,2
			*29			4,2 + 1,5 ECU/100 kg/net
	*39				4,2 + 3 ECU/100 kg/net	
	*49				4,2 + 4,4 ECU/100 kg/net	
	*59				4,2 + 5,9 ECU/100 kg/net	
	*69				4,2 + 36 ECU/100 kg/net	

Article 2

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

It is applicable from 1 January 1995.

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

Done at Brussels, 24 April 1995.

For the Commission
Mario MONTI
Member of the Commission

COMMISSION REGULATION (EC) No 896/95

of 24 April 1995

amending Commission Regulation (EC) No 1280/94 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, and in particular Article 113 thereof,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990, on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) ⁽¹⁾, as last amended by Regulation (EC) No 2484/94 ⁽²⁾, and in particular Article 27 thereof,

Whereas, by Regulation (EC) No 1280/94 ⁽³⁾, the Commission applied duty-free reference quantities to certain agricultural products; whereas following the Uruguay Round negotiations, certain combined nomenclature codes have been amended; whereas, by virtue of Regulation (EC) No 2484/94, seedless table grapes are

included among the products to which reference quantities apply; whereas the amendments in question are applicable from 1 February until 31 March for seedless table grapes and from 1 January 1995 for other products; Whereas it is necessary to amend this Regulation 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 of the Annex shown in Regulation (EC) No 1280/94 is to be replaced by the following table :

Order No	CN code	Taric code	Description	Period	Reference quantities (tonnes)
12.0030	ex 0704 90 90	0704 90 90*92	Cabbages, fresh or chilled	1.11 to 31.12.1995	1 000
12.0050	ex 0705 11 10	0705 11 10*23	Iceberg lettuce, (<i>Lactuca sativa</i> L, var. capitata L)	1.7 to 31.10.1995	1 000
12.0060	ex 0709 10 30 0709 10 40	0709 10 30*80	Globe artichokes fresh or chilled	1.10 to 31.12.1995	1 000
12.0080	ex 0809 10 10 ex 0809 10 50	0809 10 10*10 0809 10 50*30 0809 10 50*70	Apricots, fresh	1.9.1994 to 30. 4.1995	2 000
12.0090	ex 0809 20 11 ex 0809 20 19	0809 20 11*10 0809 20 19*11 *19	Cherries, fresh	1.11.1994 to 31.3.1995	2 000
	ex 0809 20 71 ex 0809 20 79	0809 20 71*50 0809 20 79*51 *59			
12.0100	ex 0809 30 11 ex 0809 30 19 ex 0809 30 51 ex 0809 30 59	0809 30 11*10 0809 30 19*10 0809 30 51*80 0809 30 59*80	Peaches (including nectarines, fresh)	1.12.1994 to 31. 3.1995	2 000
12.0110	ex 0809 40 10 ex 0809 40 40	0809 40 10*10 0809 40 40*80	Plums, fresh	15.12.1994 to 31. 3.1995	2 000
12.0120	ex 0806 10 29	0806 10 29*21	Seedless table grapes	1.2 to 31. 3.1995	100*

(1) OJ No L 84, 30. 3. 1990, p. 85.

(2) OJ No L 265, 15. 10. 1994, p. 3.

(3) OJ No L 140, 3. 6. 1994, p. 10.

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 February 1995 for grapes of order No 12.0120 and from 1 January 1995 for other products.

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

Done at Brussels, 24 April 1995.

For the Commission
Mario MONTI
Member of the Commission

Corrigendum to Commission Regulation (EC) No 896/95 of 24 April 1995 amending Commission Regulation (EC) No 1280/94 opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States (ACP)

(Official Journal of the European Communities No L 92 of 25 April 1995)

On page 12, in the table of Article 1 :

for :

(tonnes)					
Order No	CN code	Taric code	Description	Period	Reference quantities
"12.0030	ex 0704 90 90	0704 90 90*92	Cabbages, fresh or chilled	1.11 to 31.12.1995	1 000
12.0050	ex 0705 11 10	0705 11 10*23	Iceberg lettuce, (<i>Lactuca sativa</i> L, var. <i>capitata</i> L)	1.7 to 31.10.1995	1 000
12.0060	ex 0709 10 30 0709 10 40	0709 10 30*80	Globe artichokes fresh or chilled	1.10 to 31.12.1995	1 000
12.0080	ex 0809 10 10 ex 0809 10 50	0809 10 10*10 0809 10 50*30 0809 10 50*70	Apricots, fresh	1.9.1994 to 30.4.1995	2 000
12.0090	ex 0809 20 11 ex 0809 20 19	0809 20 11*10 0809 20 19*11 *19	Cherries, fresh	1.11.1994 to 31.3.1995	2 000
	ex 0809 20 71 ex 0809 20 79	0809 20 71*50 0809 20 79*51 *59			
12.0100	ex 0809 30 11 ex 0809 30 19 ex 0809 30 51 ex 0809 30 59	0809 30 11*10 0809 30 19*10 0809 30 51*80 0809 30 59*80	Peaches (including nectarines, fresh)	1.12.1994 to 31.3.1995	2 000
12.0110	ex 0809 40 10 ex 0809 40 40	0809 40 10*10 0809 40 40*80	Plums, fresh	15.12.1994 to 31.3.1995	2 000
12.0120	ex 0806 10 29	0806 10 29*21	Seedless table grapes	1.2 to 31.3.1995	100"

read :

(tonnes)					
Order No	CN code	Taric code	Description	Period	Reference quantities
"12.0030	ex 0704 90 90	0704 90 90*92	Cabbages, fresh or chilled	1.11 to 31.12	1 000
12.0050	ex 0705 11 10	0705 11 10*23	Iceberg lettuce, (<i>Lactuca sativa</i> L, var. <i>capitata</i> L)	1.7 to 31.10	1 000.
12.0060	ex 0709 10 30 0709 10 40	0709 10 30*80	Globe artichokes fresh or chilled	1.10 to 31.12	1 000
12.0080	ex 0809 10 10 ex 0809 10 50	0809 10 10*10 0809 10 50*30 0809 10 50*70	Apricots, fresh	1.9 to 30.4	2 000
12.0090	ex 0809 20 11 ex 0809 20 19	0809 20 11*10 0809 20 19*11 *19	Cherries, fresh	1.11 to 31.3	2 000
	ex 0809 20 71 ex 0809 20 79	0809 20 71*50 0809 20 79*51 *59			
12.0100	ex 0809 30 11 ex 0809 30 19 ex 0809 30 51 ex 0809 30 59	0809 30 11*10 0809 30 19*10 0809 30 51*80 0809 30 59*80	Peaches (including nectarines, fresh)	1.12 to 31.3	2 000
12.0110	ex 0809 40 10 ex 0809 40 40	0809 40 10*10 0809 40 40*80	Plums, fresh	15.12 to 31.3	2 000
12.0120	ex 0806 10 29	0806 10 29*21	Seedless table grapes	1.2 to 31.3	100"

COMMISSION REGULATION (EC) No 1163/95

of 23 May 1995

on the exceptional allocation of a quantity additional to the tariff quota for imports of bananas during the second quarter of 1995 as a result of tropical storm Debbie

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 1442/93⁽³⁾, as last amended by Regulation (EC) No 478/95⁽⁴⁾, lays down the detailed rules for applying the arrangements for importing bananas into the Community;

Whereas on 10 September 1994 tropical storm Debbie caused severe damage to the banana plantations in the Community regions of Martinique and Guadeloupe and in the ACP States of Saint Lucia and Dominica; whereas the effects of these exceptional circumstances on production in the regions affected will be felt until July 1995 and will greatly affect imports and supplies to the Community markets during the second quarter of 1995; 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 1995 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 tropical storm Debbie, 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,

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ OJ No L 49, 4. 3. 1995, p. 13.

HAS ADOPTED THIS REGULATION :

Article 1

1. The tariff quota of 2 245 500 tonnes (net weight) fixed for 1995 is hereby increased to 2 264 965 tonnes (net weight).
2. The additional quantity of 19 465 tonnes (net weight) shall be allocated to the operators determined in accordance with Article 2 below as follows :
 - (a) 12 000 tonnes for operators supplying the Community with bananas produced in Martinique ;
 - (b) 2 500 tonnes for operators supplying the Community with bananas produced in Guadeloupe ;
 - (c) 4 965 tonnes for operators supplying the Community with bananas produced in the two Windward Islands (Saint Lucia and 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 tropical storm Debbie,
 - and who, during the second quarter of 1995, 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 tropical storm Debbie.
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 tropical storm Debbie.

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 30 May 1995 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 tropical storm Debbie 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 storm Debbie import licences shall be issued not later than 9 June 1995 and shall be valid until 31 July 1995.

The words 'Tropical storm Debbie 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 storm Debbie import licences shall be taken into consideration for the purpose of determining the reference quantity of each operator concerned, as regards 1995, for the application of Articles 3 to 6 of Regulation (BEC) 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, 23 May 1995.

For the Commission
 Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1420/95
of 23 June 1995

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, and in particular Article 3 (i) 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 Commission Regulation (EEC) No 865/90⁽²⁾ lays down detailed rules for the application of the preferential conditions reducing the import levy for quotas of sorghum and millet; whereas, since the levies are being replaced by customs duties and the advance fixing of the import charge is being suspended from 1 July 1995, it is necessary to make transitional adjustments to these provisions;

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;

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

Done at Brussels, 23 June 1995.

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 1995/96:

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 1995 to 30 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 90, 5. 4. 1990, p. 16.

COMMISSION REGULATION (EC) No 1515/95

of 29 June 1995

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) in order to implement the agreement on agriculture concluded during the Uruguay Round negotiations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

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

Whereas in order to take account of the existing import arrangements in the cereals sector and those resulting from the agreement on agriculture concluded during the Uruguay Round of multilateral trade negotiations, transitional measures are necessary to adjust the preferential concessions in the form of exemption from the import levy on certain products covered by CN codes 0714 10 91 and 0714 90 11 originating in the ACP States and the OCT;

Whereas Commission Regulation (EEC) No 2245/90 of 31 July 1990 laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes 0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific States or in overseas countries and territories⁽²⁾ lays down detailed rules for the application of those arrangements as they concern preferential conditions in the form of exemption from the import levy for products covered by CN codes 0714 10 91 and 0714 90 11; whereas, since the levies are being replaced by customs duties and the advance fixing of the import charge is being suspended from 1 July 1995; it is necessary to make transitional adjustments to those provisions;

Whereas the rates of duties of the Common Customs Tariff shall be those applicable on the day of declaration of release for free circulation of the imports;

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

Article 1

For the 1995/96 marketing year Regulation (EEC) No 2245/90 is hereby amended as follows:

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

'2. The licence shall contain one of the following entries in box 24:

- Producto ACP/PTU :
 - exención de derechos de importación
 - apartado 2 del artículo 1 y apartados 1 y 3 del artículo 14 del Reglamento (CEE) n° 715/90,
- AVS/OLT-produkt :
 - fritagelse for importtold
 - forordning (EØF) nr. 715/90 : artikel 1, stk. 2, og artikel 14, stk. 1 og 3,
- Erzeugnis AKP/ÜLG :
 - Befreiung vom Einfuhrzoll
 - Verordnung (EWG) Nr. 715/90 Artikel 1 Absatz 2 und Artikel 14 Absätze 1 und 3,
- προϊόν ΑΚΕ/ΥΧΕ :
 - απαλλαγή από εισαγωγικό δασμό
 - άρθρο 1 παράγραφος 2 και άρθρο 14 παράγραφοι 1 και 3 του κανονισμού (ΕΟΚ) αριθ. 715/90,
- ACP/OCT product :
 - exemption from import duty
 - Regulation (EEC) No 715/90, Article 1 (2) and Article 14 (1) and (3),
- produit ACP/PTOM :
 - exemption de droit à l'importation
 - règlement (CEE) n° 715/90, article 1^{er} paragraphe 2 et article 14 paragraphes 1 et 3,
- prodotto ACP/PTOM :
 - esenzione dal dazio all'importazione
 - regolamento (CEE) n. 715/90, articolo 1, paragrafo 2 e articolo 14, paragrafi 1 e 3,

⁽¹⁾ OJ No L 349, 22. 12. 1994, p. 105.

⁽²⁾ OJ No L 203, 1. 8. 1990, p. 47.

- Produkt ACS/LGO :
 - vrijstelling van invoerrecht
 - Verordening (EEG) nr. 715/90 : artikel 1, lid 2, en artikel 14, leden 1 en 3,
 - produto ACP/PTU :
 - isenção do direito de importação
 - Regulamento (CEE) n° 715/90, n° 2 do artigo 1° e n° 1 e 3 do artigo 14°,
 - AKT-maista/Merentakaisista maista ja merentakaisilta alueilta peräisin oleva tuote:
 - vapautus tuontitullista
 - asetuksen (ETY) N:o 715/90 1 artiklan 2 kohta ja 14 artiklan 1 ja 3 kohta,
 - AVS/ULT-produkt:
 - Befriad från importtull
 - Förordning (EEG) nr 715/90 artiklarna 1.2, 14.1 och 14.3.'
2. Article 4 (3) is hereby replaced by the following :
- '3. The licence shall contain one of the following entries in box 24 ;
- Producto ACP/PTU :
 - exención de derechos de importación
 - apartado 1 del artículo 24 del Reglamento (CEE) n° 715/90
 - exclusivamente válido para el despacho a libre práctica en los departamentos de Ultramar,
 - AVS/OLT-produkt :
 - fritagelse for importtold
 - forordning (EØF) nr. 715/90 : artikel 24, stk. 1
 - gælder udelukkende for overgang til fri omsætning i de oversøiske departementer,
 - Erzeugnis AKP/ÜLG :
 - Befreiung vom Einfuhrzoll
 - Verordnung (EWG) Nr. 715/90 Artikel 24 Absatz 1
 - Gilt ausschließlich für die Abfertigung zum freien Verkehr in den französischen überseeischen Departements,
 - προϊόν ΑΚΕ/ΥΧΕ:
 - απαλλαγή από εισαγωγικό δασμό
 - άρθρο 24 παράγραφος 1, του κανονισμού (ΕΟΚ) αριθ. 715/90
 - ισχύει αποκλειστικά για τη θέση σε ελεύθερη κυκλοφορία στα υπερπόντια διαμερίσματα,
 - ACP/OCT product :
 - exemption from import duty
 - Regulation (EEC) No 715/90, Article 24 (1)
 - valid exclusively for release for free circulation in the overseas departments,
 - produit ACP/PTOM :
 - exemption de droit à l'importation
 - règlement (CEE) n° 715/90, article 24 paragraphe 1
 - exclusivement valable pour une mise en libre pratique dans les départements d'outre-mer,
 - prodotto ACP/PTOM :
 - esenzione dal dazio all'importazione
 - regolamento (CEE) n. 715/90, articolo 24, paragrafo 1
 - valido esclusivamente per l'immissione in libera pratica nei DOM,
 - Produkt ACS/LGO :
 - vrijstelling van invoerrecht
 - Verordening (EEG) nr. 715/90, artikel 24, lid 1
 - geldt uitsluitend voor het in het vrije verkeer brengen in de Franse overzeese departementen,
 - produto ACP/PTU :
 - isenção do direito de importação
 - Regulamento (CEE) n° 715/90, n° 1 do artigo 24°
 - válido exclusivamente para uma introdução em livre prática nos departamentos ultramarinos,
 - AKT-maista/Merentakaisista maista ja merentakaisilta alueilta peräisin oleva tuote:
 - vapautus tuontitullista
 - asetuksen (ETY) N:o 715/90 24 artiklan 1 kohta
 - voimassa ainoastaan merentakaisilla alueilla vapaseen liikkeeseen laskemiseksi,
 - AVS/ULT-produkt:
 - Befriad från importtull
 - Förordning (EEG) nr 715/90 artikel 24.1
 - Uteslutande avsedd för övergång till fri omsättning i de utomeuropeiska länderna och territorerna.'
- 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 1995 to 30 June 1996.

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

Done at Brussels, 29 June 1995.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2008/95
of 18 August 1995

fixing the single reduction coefficient for the determination of the quantity of third country or non-traditional ACP bananas to be allocated to each operator for import into Austria, Finland and Sweden for the fourth quarter of 1995

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Austria, Finland and Sweden,

Having regard to Commission Regulation (EC) No 1924/95 of 3 August 1995 laying down transitional measures for the application of the tariff quota arrangements for imports of bananas as a result of the accession of Austria, Finland and Sweden⁽¹⁾, and in particular Article 3 (3) thereof,

Whereas Commission Regulation (EEC) No 1442/93⁽²⁾, as last amended by Regulation (EC) No 1164/95⁽³⁾, lays down detailed rules for the application of the arrangements for importing bananas into the Community introduced by Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas⁽⁴⁾, as last amended by Regulation (EC) No 3290/94⁽⁵⁾;

Whereas Regulation (EC) No 1924/95 determines that up to 91 500 tonnes of third country or non-traditional ACP bananas may be imported into Austria, Finland and Sweden during the fourth quarter of 1995 by operators who have marketed such bananas in these Member States during the reference period (1991, 1992 and 1993) and are registered in accordance with Article 3 of Commission Regulation (EC) No 479/95⁽⁶⁾;

Whereas the total of the reference quantities calculated for the abovementioned operators is 352 224 tonnes; whereas therefore, Article 3 of Regulation (EC) No

1924/95 should be applied to ensure compliance with the additional tariff quota available for Austria, Finland and Sweden for the fourth quarter of 1995, and a single reduction coefficient should be fixed to be applied to the reference quantity of the abovementioned operators to determine the quantity to be allocated to each of these operators for this period;

Whereas, in order to meet the deadlines, this measure should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity to be allocated to each operator mentioned in Article 2 (a) of Regulation (EC) No 1924/95 for the period from 1 October to 31 December 1995 within the additional tariff quota opened in Article 1 of Regulation (EC) No 1924/95 shall be calculated by applying to the operator's reference quantity for trade in Austria, Finland and Sweden, determined in accordance with Article 3 of Regulation (EC) No 1924/95, the following single reduction coefficient: 0,259778.

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, 18 August 1995.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ No L 185, 4. 8. 1995, p. 24.

⁽²⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽³⁾ OJ No L 117, 24. 5. 1995, p. 14.

⁽⁴⁾ OJ No L 47, 25. 2. 1993, p. 1.

⁽⁵⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽⁶⁾ OJ No L 49, 4. 3. 1995, p. 18.

COMMISSION REGULATION (EC) No 2041/95

of 23 August 1995

fixing the single reduction coefficient for the determination of the quantity of third country or non-traditional ACP bananas to be allocated to each Category C operator registered in Austria, Finland and Sweden for import into those Member States for the fourth quarter of 1995

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

Having regard to the Act of Accession of Austria, Finland and Sweden,

Having regard to Commission Regulation (EC) No 1924/95 of 3 August 1995 laying down transitional measures for the application of the tariff quota arrangements for imports of bananas as a result of the accession of Austria, Finland and Sweden⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Commission Regulation (EEC) No 1442/93⁽²⁾, as last amended by Regulation (EC) No 1664/95⁽³⁾ lays down detailed rules for the application of the arrangements for importing bananas into the Community introduced by Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas⁽⁴⁾, as last amended by Regulation (EC) No 3290/94⁽⁵⁾;

Whereas Regulation (EC) No 1924/95 determines that up to 2 500 tonnes of third country or non-traditional ACP bananas may be imported into Austria, Finland and Sweden during the fourth quarter of 1995 by operators established in these Member States who have been registered as Category C operators pursuant to Article 4 of the aforementioned Regulation;

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

Done at Brussels, 23 August 1995.

Whereas the quantities covered by applications for the fourth quarter of 1995 amount to 120 500 tonnes and exceed the 2 500 tonnes of the additional tariff quota allocated according to Article 2 (b) of Regulation (EC) No 1924/95; whereas a single reduction coefficient should be applied to the quantities requested by each operator;

Whereas, in order to meet the deadlines, this measure should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity to be allocated to each Category C operator in accordance with Article 4 (1) (a) of Regulation (EC) No 1924/95 for the fourth quarter of 1995 within the additional tariff quota opened in Article 1 of Regulation (EC) No 1924/95 shall be calculated by reducing the quantity applied for by each operator by a percentage pursuant to Article 4 (2) of Regulation (EC) No 1924/95, expressed as a reduction coefficient of 0,020746.

Article 2

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

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 185, 4. 8. 1995, p. 24.

⁽²⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽³⁾ OJ No L 117, 24. 5. 1995, p. 14.

⁽⁴⁾ OJ No L 47, 25. 2. 1993, p. 1.

⁽⁵⁾ OJ No L 349, 31. 12. 1994, p. 105.

COMMISSION REGULATION (EC) No 2326/95
of 3 October 1995
on the issuing of licences for traditional imports of bananas originating in the
ACP States for the fourth quarter of 1995

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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 ⁽³⁾, as last amended by Regulation (EC) No 1164/95 ⁽⁴⁾, 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 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 1923/95 ⁽⁵⁾ fixes quantities for imports of bananas into the Community for the fourth quarter of 1995 for imports originating in the ACP States under the traditional quantities imported ;

Whereas, for Ivory Coast the quantities requested for traditional imports of ACP bananas during the fourth

quarter of 1995 are higher than the quantities fixed by Regulation (EC) No 1923/95 ; whereas, as a result, a single reduction percentage should be fixed for each application indicating this country of origin pursuant to Article 16 (2) of Regulation (EEC) No 1442/93 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

For the fourth quarter of 1995, as regards licence applications for traditional imports of bananas originating in the ACP States, import licences shall be issued :

- for the quantity indicated in the licence application, multiplied by a reduction coefficient of 0,9966 for applications indicating the origin Ivory Coast,
- 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, 3 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ OJ No L 117, 24. 5. 1995, p. 14.

⁽⁵⁾ OJ No L 185, 4. 8. 1995, p. 20.

COMMISSION DECISION

of 6 October 1995

adopting the forecast supply balance for banana production, consumption, imports and exports for the Community for 1995

(95/407/EC)

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

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

Whereas Article 16 of Regulation (EEC) No 404/93 provides for a forecast supply balance to be drawn up each year on the basis of a number of market parameters; whereas the main purpose of the supply balance is to establish the outlook for Community production and consumption and the forecast for imports of traditional ACP bananas, and hence the supply requirements for the Community market and the requisite tariff quota;

Whereas the supply balance should in accordance with Article 16 (3) of Regulation (EEC) No 404/93, take account of the impact of tropical storm Debbie, which seriously affected production in Martinique, Guadeloupe and certain ACP States up to July 1995, and the effects of storms Iris, Luis and Marilyn which struck the region during August and September 1995;

Whereas the supply balance also includes an additional quantity of 353 000 tonnes fixed as part of the transitional

measures for the supply of bananas to the Austrian, Finnish and Swedish markets as a result of the accession of those three countries;

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

HAS ADOPTED THIS DECISION:

Article 1

The forecast supply balance for banana production, consumption, imports and exports for the Community for 1995 shall be as shown in the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

(1) OJ No L 47, 25. 2. 1993, p. 1.

(2) OJ No L 349, 31. 12. 1994, p. 105.

ANNEX

PROVISIONAL BALANCE SHEET FOR BANANAS, 1995

		<i>(in tonnes)</i>
EC production		612 000
Traditional ACP imports		648 000
Tariff quota		
— basic tariff quota		2 200 000
— additional quantities Debbie		64 965
— additional quantities, Iris, Luis and Marilyn		90 800
— Additional quantities, accession of Austria, Finland, Sweden		353 000
Gross consumption		3 968 765
Exports		25 000
Net consumption		3 943 765

COMMISSION REGULATION (EC) No 2358/95

of 6 October 1995

on the exceptional allocation of a quantity additional to the tariff quota for imports of bananas during the fourth quarter of 1995 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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 3290/94 ⁽²⁾, and in particular Articles 16 (3), 20 and 30 thereof,

Whereas Commission Regulation (EEC) No 1442/93 ⁽³⁾, as last amended by Regulation (EC) No 1164/95 ⁽⁴⁾, 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 fourth quarter of 1995; 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 fourth quarter of 1995 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,

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ OJ No L 117, 24. 5. 1995, p. 14.

HAS ADOPTED THIS REGULATION :

Article 1

1. The tariff quota fixed for 1995 is increased by an additional quantity of 90 800 tonnes (net weight).
2. This additional quantity of 90 800 tonnes (net weight) shall be allocated to the operators determined in accordance with Article 2 below as follows :
 - (a) 22 000 tonnes for operators supplying the Community with bananas produced in Martinique ;
 - (b) 46 000 tonnes for operators supplying the Community with bananas produced in Guadeloupe ;
 - (c) 22 800 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 fourth quarter of 1995, 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

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

Done at Brussels, 6 October 1995.

— 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 16 October 1995 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 23 October 1995 and shall be valid until 31 January 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 1995, 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*.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2922/95
of 18 December 1995
on the issuing of licences for traditional imports of bananas originating in the
ACP States for the first 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 ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾,

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 ⁽³⁾, as last amended by Regulation (EC) No 1164/95 ⁽⁴⁾, 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 2710/95 ⁽⁵⁾ fixes quantities for imports of bananas into the Community for the first quarter of 1996 for imports originating in the ACP States under the traditional quantities imported ;

Whereas, for Cameroon the quantities requested for traditional imports of ACP bananas during the first quarter of

1996 are higher than the quantities fixed by Regulation (EC) No 2710/95 ; whereas, as a result, a single reduction percentage should be fixed for each application indicating this country of origin pursuant to Article 16 (2) of Regulation (EEC) No 1442/93 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

For the first 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 a reduction coefficient of 0,9999 for applications indicating the origin Cameroon,
- in the case of applications indicating other origins, for the quantities indicated in the application.

Article 2

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

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

Done at Brussels, 18 December 1995.

For the Commission
 Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.
⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.
⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.
⁽⁴⁾ OJ No L 117, 24. 5. 1995, p. 14.
⁽⁵⁾ OJ No L 282, 24. 11. 1995, p. 1.

COMMISSION REGULATION (EC) No 2941/95
of 20 December 1995

**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 (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 ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, as last amended by Regulation (EC) No 2484/94 ⁽²⁾, and in particular Article 27 thereof,

Whereas, pursuant to Regulation (EC) No 2763/94 ⁽³⁾, as last amended by Regulation (EC) No 895/95 ⁽⁴⁾, the Commission opened Community tariff quotas for certain agricultural products for 1995 at reduced or 0 % rate, among others, for tomatoes in a fresh or refrigerated state,

falling under CN code ex 0702 00 10 ; whereas, following the result of the GATT negotiations, in as much as the CN and Taric codes as well as the rate foreseen for the modifications in question will be applicable from 1 January 1996, it is appropriate to amend this Regulation ;

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 shown in Regulation (EC) No 2763/94 are hereby amended as follows :

Order No	CN code	Taric subdivision	Description	Volume (t)	Rate of duty (%)	
09.1601	0702 00 15	*19	Tomatoes, other than cherry tomatoes, fresh or refrigerated, from 15 November to 30 April of following year	2 000	4,1	
		*29			4,1 + 1,8 ECU/100 kg/net	
		*39			4,1 + 3,6 ECU/100 kg/net	
		*49			4,1 + 5,4 ECU/100 kg/net	
		*59			4,1 + 7,2 ECU/100 kg/net	
		*69			4,1 + 34,7 ECU/100 kg/net	
		0702 00 20			*13	4,1
					*63	
					*17	4,1 + 2,3 ECU/100 kg/net
	*67		4,1 + 4,7 ECU/100 kg/net			
	*23		4,1 + 7 ECU/100 kg/net			
	*73		4,1 + 7 ECU/100 kg/net			
	*27		4,1 + 9,4 ECU/100 kg/net			
	*77		4,1 + 9,4 ECU/100 kg/net			
	*33		4,1 + 34,7 ECU/100 kg/net			
	*83		4,1 + 34,7 ECU/100 kg/net			
	*37					
			*87			4,1 + 34,7 ECU/100 kg/net

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 294, 15. 11. 1994, p. 6.

⁽⁴⁾ OJ No L 92, 25. 4. 1995, p. 10.

Order No	CN code	Taric subdivision	Description	Volume (t)	Rate of duty (%)
09.1601 (cont'd)	0702 00 45	*12	Cherry tomatoes, fresh or refrigerated, from 15 November to 30 April of following year		4,1
		*32		4,1 + 1,3	
		*52		ECU/100 kg/net	
		*14		4,1 + 2,7	
		*34		ECU/100 kg/net	
		*54		4,1 + 4	
		*17		ECU/100 kg/net	
		*37		4,1 + 5,4	
		*57		ECU/100 kg/net	
		*22		4,1 + 4	
		*42		ECU/100 kg/net	
		*62		4,1 + 5,4	
		*24		ECU/100 kg/net	
		*44		4,1 + 34,7	
	*64	ECU/100 kg/net			
	*27	4,1			
	*47	4,1 + 1,4			
	*67	ECU/100 kg/net			
	0702 00 50	*19		4,1 + 2,9	
		*29		ECU/100 kg/net	
*39		4,1 + 4,3			
*49		ECU/100 kg/net			
*59		4,1 + 5,8			
*69		ECU/100 kg/net			
09.1613	0702 00 15	*11	Cherry tomatoes, fresh or refrigerated, from 15 November to 30 April of following year		0 (!)
		*21			
		*31			
		*41			
		*51			
	0702 00 20	*61			
		*11			
		*15			
		*21			
		*25			
		*31			
		*35			
		*61			
		*65			
		*71			
*75					
*81					
*85					

Order No	CN code	Taric subdivision	Description	Volume (t)	Rate of duty (%)	
09.1613 (cons'd)	0702 00 45	*11				
		*13				
		*16				
		*21				
		*23				
		*26				
		*31				
		*33				
		*36				
		*41				
		*43				
		*46				
		*51				
	*53					
	*56					
	*61					
	*63					
	*66					
		0702 00 50	*11			
			*21			
			*31			
			*41			
			*51			
	*61					

(¹) The additional specific rate is applicable.²

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 1996.

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

Done at Brussels, 20 December 1995.

For the Commission
Mario MONTI
Member of the Commission

COMMISSION REGULATION (EC) No 2942/95
of 20 December 1995
opening and providing for the administration of Community tariff quotas for
certain agricultural products originating in the African, Caribbean and Pacific
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 and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories⁽¹⁾, as last amended by Regulation (EC) No 2484/94⁽²⁾, and in particular Article 27 thereof,

Whereas Article 16 of Regulation (EEC) No 715/90 provide for the opening by the Community of quotas for imports of the following:

- 1 000 tonnes of fresh apples falling within CN code 0808 10, for the period 1 January to 31 December,
- 1 000 tonnes of fresh pears falling within CN codes 0808 20 10 to 0808 20 39, for the period 1 January to 31 December,
- 400 tonnes of seedless table grapes falling within CN code ex 0806 10 29 and ex 0806 10 69 for the period 1 December to 31 January of each year,

originating in the countries in question;

Whereas following the results of the GATT negotiations, in as much as the CN and Taric as well as the rate foreseen for modifications in question will be applicable from 1 January 1996;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and that the rates laid down for those quotas should apply consistently to all imports of the products concerned into all Member States until the quotas have been used up;

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 customs duties applicable to imports into the Community of the following products originating in the African Caribbean and Pacific States shall be suspended at the levels during the periods indicated and within the limits of the Community tariff quotas as shown below:

Order No	CN code	Taric subdivision	Description	Volume (t)	Rate of duty (%)
09.1610	0808 10 10	.	Apples, fresh from 1 January to 31 December 1995	1 000	4,2 MIN 0,2
		'10			ECU/100 kg/net
		'20			3,6
		'30			3,8 + 1,2
		'40			ECU/100 kg/net
		'50			3,8 + 2,5
		'60			ECU/100 kg/net
0808 10 51	'10	'20	Apples, fresh from 1 January to 31 December 1995	1 000	3,8 + 3,7
					ECU/100 kg/net
					3,8 + 4,9
					ECU/100 kg/net
					3,8 + 28,7
					ECU/100 kg/net
					ECU/100 kg/net

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

Order No	CN code	Taric subdivision	Description	Volume (t)	Rate of duty (%)
09.1610 (cont'd)	0808 10 53	*10			3,6
		*20			3,8 + 1,2 ECU/100 kg/net
		*30			3,8 + 2,5 ECU/100 kg/net
		*40			3,8 + 3,7 ECU/100 kg/net
		*50			3,8 + 4,9 ECU/100 kg/net
		*60			3,8 + 28,7 ECU/100 kg/net
	0808 10 59	*10			3,6
		*20			3,8 + 1,2 ECU/100 kg/net
		*30			3,8 + 2,5 ECU/100 kg/net
		*40			3,8 + 3,7 ECU/100 kg/net
		*50			3,8 + 4,9 ECU/100 kg/net
		*60			3,8 + 28,7 ECU/100 kg/net
	0808 10 61	*10			2,7
		*20			2,7 + 1,2 ECU/100 kg/net
		*30			2,7 + 2,5 ECU/100 kg/net
		*40			2,7 + 3,7 ECU/100 kg/net
		*50			2,7 + 4,9 ECU/100 kg/net
		*60			2,7 + 6,2 ECU/100 kg/net
		*70			2,7 + 7,4 ECU/100 kg/net
		*80			2,7 + 28,7 ECU/100 kg/net
	0808 10 63	*10			2,7
		*20			2,7 + 1,2 ECU/100 kg/net
		*30			2,7 + 2,5 ECU/100 kg/net
		*40			2,7 + 3,7 ECU/100 kg/net
		*50			2,7 + 4,9 ECU/100 kg/net
		*60			2,7 + 6,2 ECU/100 kg/net
		*70			2,7 + 7,4 ECU/100 kg/net
		*80			2,7 + 28,7 ECU/100 kg/net

Order No	CN code	Taric subdivision	Description	Volume (t)	Rate of duty (%)	
09.1610 (cont'd)	0808 10 69	*10			2,7	
		*20			2,7 + 1,2	
		*30			ECU/100 kg/net	
		*40			2,7 + 2,5	
		*50			ECU/100 kg/net	
		*60			2,7 + 3,7	
		*70			ECU/100 kg/net	
		*80			2,7 + 4,9	
	0808 10 71	*10				2,7 + 6,2
		*20				ECU/100 kg/net
		*30				2,7 + 7,4
		*40				ECU/100 kg/net
		*50				2,7 + 28,7
		*60				ECU/100 kg/net
		*70				2,5
		*80				2,8 + 1
	0808 10 73	*10				ECU/100 kg/net
		*20				2,8 + 2
		*30				ECU/100 kg/net
		*40				2,8 + 3
		*50				ECU/100 kg/net
		*60				2,8 + 4
		*70				ECU/100 kg/net
		*80				2,8 + 27,7
	0808 10 79	*10				ECU/100 kg/net
		*20				2,5
		*30				2,8 + 1
		*40				ECU/100 kg/net
		*50				2,8 + 2
		*60				ECU/100 kg/net
		*70				2,8 + 3
		*80				ECU/100 kg/net
	0808 10 92	*10				2,8 + 4
		*20				ECU/100 kg/net
		*30				2,8 + 27,7
		*40				ECU/100 kg/net
*50					2,5	
*60					2,8 + 1	
*70					ECU/100 kg/net	
*80					2,8 + 2	

Order No	CN code	Taric subdivision	Description	Volume (t)	Rate of duty (%)				
09.1610 (cont'd)	0808 10 94	*10			6,1				
		*20			6,5 + 1 ECU/100 kg/net				
		*30			6,5 + 2 ECU/100 kg/net				
		*40			6,5 + 3 ECU/100 kg/net				
		*50			6,5 + 4 ECU/100 kg/net				
		*60			6,5 + 27,7 ECU/100 kg/net				
	0808 10 98	*10			6,1				
		*20			6,5 + 1 ECU/100 kg/net				
		*30			6,5 + 2 ECU/100 kg/net				
		*40			6,5 + 3 ECU/100 kg/net				
		*50			6,5 + 4 ECU/100 kg/net				
		*60			6,5 + 27,7 ECU/100 kg/net				
		09.1612			0808 20 10		Pears, fresh from 1 January to 31 December 1995	1 000	4,2 MIN 0,2 ECU/100 kg/net
					0808 20 31	*11			4,8
		*12			4,8 + 1,1 ECU/100 kg/net				
		*13			4,8 + 2,2 ECU/100 kg/net				
		*14			4,8 + 3,4 ECU/100 kg/net				
		*15			4,8 + 4,5 ECU/100 kg/net				
		*16			4,8 + 28,7 ECU/100 kg/net				
	0808 20 37	*11			2,3				
		*12			2,3 + 1,1 ECU/100 kg/net				
		*13			2,3 + 2,2 ECU/100 kg/net				
		*14			2,3 + 3,4 ECU/100 kg/net				
		*15			2,3 + 4,5 ECU/100 kg/net				
		*16			2,3 + 5,6 ECU/100 kg/net				
		*17			2,3 + 6,7 ECU/100 kg/net				
		*18			2,3 + 28,7 ECU/100 kg/net				
	0808 20 41	*11			2,3 MIN 0,9 ECU/100 kg/net				
		*19							
		*51			2,1 MIN 0,8 ECU/100 kg/net				
		*59							

Order No	CN code	Taric subdivision	Description	Volume (t)	Rate of duty (%)
09.1612 (cont'd)	0808 20 47	*10			2,1
		*20			2,3 + 1
		*30			ECU/100 kg/net
		*40			2,3 + 2
		*50			ECU/100 kg/net
		*60			2,3 + 3
	0808 20 51	*10			ECU/100 kg/net
		*20			2,3 + 4
		*30			ECU/100 kg/net
		*40			2,3 + 27,7
		*50			ECU/100 kg/net
		*60			4,1
	0808 20 57	*10			4,6 + 1
		*20			ECU/100 kg/net
		*30			4,6 + 2
		*40			ECU/100 kg/net
		*50			4,6 + 3
		*60			ECU/100 kg/net
	0808 20 67	*10			4,6 + 4
		*20			ECU/100 kg/net
		*30			4,6 + 27,7
		*40			ECU/100 kg/net
		*50			6
		*60			6 + 0,9
09.1615	ex 0806 10 29	*11	Seedless table grapes, from 1 December to 31 January	400	0
		*81			
	ex 0806 10 69	*11			
		*12			
		*13			
		*14			

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer preserves an entry for release for free circulation in a Member States in respect of a product covered by this Regulation, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned

shall, by notifying the Commission, draw an amount corresponding to requirements from the quota.

Requests for drawings, indicating the data on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion of the corresponding quota as soon as possible.

If the quantities requested are greater than the available balance of the quota, the balance shall be allocated among applicants *pro rata*. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quotas so permits.

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

Done at Brussels, 20 December 1995.

Article 5

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

Article 6

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

It shall apply with effect from 1 December 1995 for quotas under order No 09.1615 (CN and Taric codes ex 0806 10 29* 11 and ex 0806 10 69* 81) and from 1 January 1996 for quotas under order Nos 09.1610 and 09.1612.

For the Commission

Mario MONTI

Member of the Commission

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

A. Trade

c) Cereals

COMMISSION REGULATION (EC) No 486/95
of 1 March 1995

amending Regulation (EC) No 2458/94 relating to the opening of standing invitations to tender for the export of bread-making wheat held by the French and German intervention agencies to certain ACP States during the 1994/95 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⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽²⁾, as amended by Regulation (EC) No 120/94⁽³⁾, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies;

Whereas Commission Regulation (EC) No 2458/94⁽⁴⁾, opened standing invitations to tender for the export of bread-making wheat held by the French and German intervention agencies to certain ACP States during the 1994/95 marketing year;

Whereas special rules must be laid down to ensure that the operations are properly carried out and monitored;

Whereas, to that end, the Member States must provide for all additional measures compatible with the provisions in force to ensure that the operation takes place smoothly and that the Commission is kept informed;

Whereas the monitoring arrangements should accordingly be supplemented by the possibility of taking reference samples;

Whereas, while the method set out in Commission Regulation (EEC) No 689/92⁽⁵⁾, as last amended by Regulation (EEC) No 2204/94⁽⁶⁾, can still be used when the cereals are delivered into intervention, its use is inappropriate when they are being withdrawn from intervention, given current sampling techniques; whereas reference should no longer be made to it;

Whereas the measures laid down in Article 6 of Regulation (EC) No 2458/94 satisfy, in the light of experience,

the monitoring objectives but involve excessive delays that make the conduct of the export operations difficult; whereas the frequency of sampling should be adjusted and the time limit for the analyses should be fixed, while continuing to observe the monitoring objectives;

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

Article 6 of Regulation (EC) No 2458/94 is hereby replaced by the following:

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 within three days.

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,

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽³⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁴⁾ OJ No L 262, 12. 10. 1994, p. 21.

⁽⁵⁾ OJ No L 74, 20. 3. 1992, p. 18.

⁽⁶⁾ OJ No L 236, 10. 9. 1994, p. 13.

- one percentage point for the moisture current,
- 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 Regulation (EEC) No 689/92,
- 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.'

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 to the quantities of bread-making wheat not removed under the invitations to tender opened by Regulation (EC) No 2458/94.

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

Done at Brussels, 1 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

Corrigendum to Commission Regulation (EC) No 486/95 of 1 March 1995 amending Regulation (EC) No 2458/94 relating to the opening of standing invitations to tender for the export of bread-making wheat held by the French and German intervention agencies to certain ACP States during the 1994/95 marketing year

(Official Journal of the European Communities No L 49 of 4 March 1995)

In the contents and on page 37 :

for: '1 March 1995',

read: '3 March 1995'.

COMMISSION REGULATION (EC) No 1162/95

of 23 May 1995

laying down special detailed rules for the application of the system of import and export licences for cereals and rice

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⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94⁽²⁾, and in particular Articles 9 (2), 12 (4) and 13 (11) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94, and in particular Articles 12 (4) and 14 (16) thereof,

Whereas the special detailed rules for the application of the system of import and export licences for cereals and rice were laid down in Commission Regulation (EEC) No 891/89⁽⁴⁾, as last amended by Regulation (EC) No 1043/95⁽⁵⁾;

Whereas Regulation (EEC) No 891/89 has been frequently and sometimes substantially amended; whereas, as a result and for the sake of clarity and efficient administration, the applicable provisions should be recast and any necessary adjustments following the implementation of the agreements concluded under the Uruguay Round of multilateral trade negotiations should be introduced;

Whereas, in view of the practices specific to trade in cereals and rice, provision should be made for rules further to or derogating from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products⁽⁶⁾, as last amended by Regulation (EC) No 340/95⁽⁷⁾;

Whereas, in the case of invitations to tender for the export of intervention stocks, licences should specify the

quantities and destinations for which they are issued and provision should be made for the special particulars to be shown on export licences, in particular in the case of invitations to tender for export refunds, of exports of cereal-based compound feedingstuffs and of advance fixing of export taxes;

Whereas the terms of validity of import and export licences for the various products should be fixed in accordance with market requirements and the need for sound management; whereas, in view of competition on the world market, a specially lengthy term of validity should be granted for malt exports, expiring, however, on 30 September in the case of licences issued prior to 1 July so that export commitments are not entered into for the new marketing year before the beginning of the barley harvest;

Whereas, in view of the risk of licences being issued for excessively high quantities, provision should be made for a period for reflection of three days to elapse before export licences are actually issued for any cereals and most processed cereal products;

Whereas certain provisions of Article 44 of Regulation (EEC) No 3719/88 concerning applications for export licences for certain products in connection with invitations to tender organized in importing third countries should be made more restrictive and thus more in keeping with commercial practice in the cereals trade;

Whereas, in view of the competition on the world market for cereals and rice, provision should be made for export licences to be granted for the main products, including durum wheat, with a special term of validity and for relatively large minimum quantities, with more advantageous minimum quantities for exports to the African, Caribbean and Pacific (ACP) States; whereas the licences should be granted subject to certain additional conditions concerning, in particular, presentation of the delivery contract to the competent agency within a specified time;

Whereas the securities to be lodged for import and export licences should be fixed at different levels for the various product groups according to the possible variations in the refund or export tax during the term of validity of the licences, preferential treatment being granted in respect of deliveries to ACP countries;

Whereas the applicable export refunds should be specified in cases where the terms of validity of licences are extended as a result of *force majeure* pursuant to Article 37 of Regulation (EEC) No 3719/88;

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 106, 11. 5. 1995, p. 8.

⁽⁶⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁷⁾ OJ No L 39, 21. 2. 1995, p. 1.

Whereas the Management Committee for Cereals, failed to deliver an opinion within the time allowed by its chairman,

HAS ADOPTED THIS REGULATION :

Article 1

This Regulation lays down the special detailed rules for the application of the system of import and export licences introduced by :

- Article 9 of Regulation (EEC) No 1766/92,
- Article 10 of Regulation (EEC) No 1418/76.

Article 2

1. Where applications for export licences are submitted in connection with invitations to tender issued pursuant to Article 7 of Commission Regulation (EEC) No 2131/93⁽¹⁾, the licences shall be issued only for the quantities for which the applicants have obtained contracts.

The export licences shall be valid for no more than the quantity indicated in Section 17. The figure '0' shall be entered in section 19.

2. Applications for export licences as provided for in Article 8 (2) of Regulation (EEC) No 2131/93 shall show the relevant destination in Section 7. The holders of the licences shall be obliged to export the products in question to that destination.

All countries for which the same rate of export refund or tax applies shall be considered as one destination.

Article 3

1. Where export refunds are fixed by tender, the rate of refund appearing in statements of award of contracts shall be entered in letters and figures in Section 22 of the licences. This rate shall be expressed in ecus and shall be preceded by one of the following :

- Tipo de la restitución de base a la exportación adjudicado
- Tilslagssats for basiseksportrestititionen
- Zugeschlagener Satz der Grundausfuhrerstattung
- Ποσοστό της κατακυρωθείσας επιστροφής θάσεως κατά την εξαγωγή
- Tendered rate of basic export refund
- Taux de la restitution de base à l'exportation adjugé
- Tasso della restituzione di base all'esportazione aggiudicato
- Gegunde basisrestitutie bij uitvoer
- Taxa de restituição de base à exportação adjudicada
- Tarjouskilpailutetun perusvientien määärä
- Anbudssats för exportbidrag.

2. Where export taxes are fixed by tender, the rate of tax appearing in statements of award of contracts shall be entered in letters and figures in Section 22 of the licences.

This rate shall be expressed in ecus and shall be preceded by one of the following :

- Tipo del gravamen a la exportación adjudicado
- Tilslagssats for eksportafgiften
- Zugeschlagener Satz der Ausfuhrabgabe
- Ύψος φόρου κατά την εξαγωγή
- Tendered rate of export tax
- Taux de la taxe à l'exportation adjugé
- Aliquota della tassa all'esportazione aggiudicata
- Gegunde belasting bij uitvoer
- Taxa de exportação adjudicada
- Tarjouskilpailutetusta viennistä kannettavan maksun määrä
- Anbudssats för exportavgift.

Article 4

1. Notwithstanding Article 13a of Regulation (EEC) No 3719/88, for products falling within CN codes 1101 00 15, 1102 20, 1103 11 10 and 1103 13, applications for export licences may indicate products falling within two contiguous eleven-digit subdivisions of the abovementioned subheadings.

The two subdivisions shown in applications shall appear on the export licences.

2. Notwithstanding Article 13a of Regulation (EEC) No 3719/88, for products falling within CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 containing less than 50 % by weight of milk products, export licence applications shall show :

- in Section 15, the description of the product, its eight-digit code and its cereal-product content in accordance with the refund nomenclature,
- in Section 16, the reference 'ex 2309',
- in Sections 17 and 18, the quantity of cereals which must be exported in the form of compound feeding-stuffs.

The details included on applications shall be shown on the export licences.

Article 5

For the purposes of Article 17 (10) of Regulation (EEC) No 1418/76, Section 22 of export licences shall show one of the following :

- Gravamen a la exportación no aplicable
- Eksportafgift ikke anvendelig
- Ausfuhrabgabe nicht anwendbar
- Μη εφαρμζόμενος φόρος κατά την εξαγωγή
- Export tax not applicable
- Taxe à l'exportation non applicable
- Tassa all'esportazione non applicabile
- Uitvoer niet van toepassing
- Taxa de exportação não aplicável
- Vientimaksua ei sovelleta

⁽¹⁾ OJ No L 191, 31. 7. 1993, p. 76.

— Exportavgift icke tillämplig.

Article 6

1. Import licences for products listed in Article 1 of Regulation (EEC) No 1766/92 and Article 1 of Regulation (EEC) No 1418/76 shall be valid from their date of issue pursuant to Article 21 (1) of Regulation (EEC) No 3719/88 until the end of their term of validity as laid down in Annex 1 to this Regulation.

2. Where a special term of validity is laid down for import licences for imports originating in and coming from certain third countries, Section 7 and 8 of licence applications and of the licences themselves shall state the country or countries of provenance and of origin. Licences shall entail an obligation to import from that country or those countries.

Article 7

1. Export licences for products listed in Article 1 of Regulation (EEC) No 1766/92 and Article 1 of Regulation (EEC) No 1418/76 shall be valid from their date of issue pursuant to Article 21 (1) of Regulation (EEC) No 3719/88 until the end of their term of validity as laid down in Annex II to this Regulation.

2. Notwithstanding paragraph 1, export licences for products falling within CN codes 1107 10 19, 1107 10 99 and 1107 20 00 shall be valid from their date of issue pursuant to Article 21 (1) of Regulation (EEC) No 3719/88, until:

- 30 September of the current calendar year, where they are issued from 1 January to 30 April,
- the end of the 11th month following that of issue, where they are issued from 1 July to 31 October,
- 30 September of the following calendar year, where they are issued from 1 November to 31 December.

Licences shall not be issued in pursuance of this paragraph from 1 May to 30 June. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, rights deriving from licences as referred to in this paragraph shall not be transferable.

3. Export licences for products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 and Article 1 of Regulation (EEC) No 1418/76 and for products falling within CN codes 1102 20 10, 1103 13 10, 1103 13 90, 1103 29 20, 1104 21 50, 1104 23 10, 1108 11 00, 1108 12 00, 1108 13 00, 1109 00 00, 1702 30 51, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 79, 2106 90 55, 2309 10 11, 2309 10 13,

2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 10 41, 2309 90 43, 2309 50 51 and 2309 90 53 as listed in Regulation (EEC) No 1766/92 shall be issued on the third working day after applications are lodged, provided that no special measures are taken in the meanwhile.

The Commission may decide not to grant applications.

The first subparagraph shall not apply to licences issued in connection with invitations to tender.

4. Where this paragraph is specifically referred to when an export refund on products listed in Article 1 (1), (a), (b) and (c) of Regulation (EEC) No 1766/92 and Article 1 (1) (a) of Regulation (EEC) No 1418/76 is fixed, export licence applications must be accompanied by a copy of a contract. The contract must come from an official body in the country of destination or an undertaking with its place of business in that country and must indicate a quantity covered by, and a delivery period not extending beyond, the term of validity of the licence. No export licences may have been issued previously for the contract under this Article. The Member State concerned shall verify that licence applications comply with the conditions laid down in this paragraph and shall notify the Commission on the day they are lodged of the quantity covered by licences which are admissible. The corresponding licences shall actually be issued only on the third working day following the day on which the applications are submitted, provided that no special measures are taken by the Commission before then.

If applications for export licences as referred to in the first paragraph cover quantities in excess of those which may be committed for export and which are indicated in the regulation fixing the refund in question, the Commission may fix a uniform percentage reduction in the quantities within two working days following submission of the applications. Licence applications may be withdrawn within two working days of the date of publications of the percentage reduction.

Notwithstanding Article 9 of Regulation (EEC) No 3719/88, rights deriving from licences shall not be transferable.

In the case of non-performance of the contract by the importing purchaser, the operator may export to a different country of destination but only against the export refund in force on the day on which applications for export licences to 'other third countries' were originally lodged. Where no export refund exists for 'other third countries' on the date of the original licence application, an *ad hoc* solution may be adopted, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92.

Article 8

1. Where export is effected pursuant to an invitation to tender opened in an importing third country, export licences for common wheat, durum wheat, rye, barley, maize, rice, wheat flour, rye flour, groats and meal of durum wheat and products covered by CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 containing less than 50 % by weight of milk products shall be valid from their date of issue within the meaning of Article 21 (1) of Regulation (EEC) No 3719/88 until the date on which the obligations arising from the award are to be fulfilled.

2. The term of validity of the licence may not exceed four months following the month of issue pursuant to Article 21 (1) of Regulation (EEC) No 3719/88.

3. Notwithstanding the third subparagraph of Article 44 (3) of Regulation (EEC) No 3719/88, licence applications may not be lodged more than four working days before the closing date for the submission of tenders specified in the invitation to tender.

4. Notwithstanding Article 44 (5) of Regulation (EEC) No 3719/88, the maximum period between the closing date for the submission of tenders and the notification given to the issuing agency by the applicant concerning the outcome of the invitation to tender as provided for in Article 44 (5) (a) to (d) of that Regulation shall be six working days.

Article 9

1. In special cases, the term of validity of export licences for common wheat, durum wheat, rye, barley, maize, rice, wheat flour, rye flour, groats and meal of durum wheat and products covered by CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 containing less than 50 % by weight of milk products may be longer than is provided for in Article 7 (1) where the party concerned is in the process of concluding a contract warranting a longer period. To that end, the party concerned shall submit to the competent authority a written statement from an official body in the country of destination or an undertaking with its place of business in that country. Such statements must indicate the projected quantity and quality of the products, the delivery period and the price terms. The Member State shall immediately send the Commission a copy of the statement for information.

2. In the cases set out in paragraph 1, the interested party shall lodge with the competent authority an application for an export licence accompanied by an application for advance fixing of the export refund or export tax applicable on the day of submission of the application for the intended destination, together with details of the minimum and maximum quantities that he intends to export and of the minimum and maximum time necessary to complete export as planned. However, the minimum quantity may not be less than 75 000 tonnes in

the case of common wheat, durum wheat, rye, barley, maize, wheat flour, rye flour and products falling within CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 containing less than 50 % by weight of milk products, and 15 000 tonnes in the case of groats and meal of durum wheat and rice. Notwithstanding Article 14 (2) of Regulation (EEC) No 3719/88, such applications shall not be accompanied by securities.

For exports to an ACP country or to several countries within one of the ACP country groups set out in Annex III, the minimum quantity laid down in the first subparagraph shall be reduced to:

- 20 000 tonnes in the case of common wheat, durum wheat, rye, barley, maize, rice, wheat flour, rye flour and products covered by CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53 containing less than 50 % by weight of milk products, and
- 5 000 tonnes in the case of groats and meal of durum wheat and rice.

Applications relating to several countries within a group of ACP countries must specify the name of each intended country of destination.

3. The Member State of the competent authority receiving applications shall examine them, in particular as to quantity, economic implications of the planned exports and the practicality of execution and, where it finds them admissible, shall notify the Commission, which shall take a decision in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 or Article 27 of Regulation (EEC) No 1418/76. Where the Commission accepts an application, it shall in particular set a time limit for presentation of the contract to the competent authority. The latter shall inform the applicant of the Commission's decision.

4. Where the term of validity fixed for the licence is the same as that applied for, the applicant shall, within the time limit set in accordance with paragraph 3, submit to the competent authority a signed original of the contract, together with a copy thereof. The contract shall specify at least the quantity covered, which must fall within the minimum and maximum quantities indicated in the licence application, the destination, the period within which export is to be carried out (which must fall within the minimum and maximum periods indicated), the price fixed for the duration of the contract and the terms of payment. The licence shall then be issued after the security provided for in Article 9 (1) of Regulation (EEC) No 1766/92 or Article 10 (1) of Regulation (EEC) No 1418/76 has been lodged.

The country (or countries within a single group) of destination shall be shown in Section 7 and the licence shall carry with it an obligation to export to that country or countries. However, up to 10 % of the quantities shown on the licence may be delivered under the contract to another country indicated in Annex III as falling within the same group.

Where the applicant is unable to conclude such a contract, he shall so inform the competent authority within the time limit set for submission of the contract and the licence shall not be issued.

5. Except in cases of *force majeure*, where the applicant does not comply with paragraph 4, no licence shall be issued.

6. Where the term of validity fixed is different from that applied for but is longer than that laid down in Article 7, paragraphs 4 and 5 shall apply. However, the applicant may, within the time limit set for submission of the contract, withdraw his application for a licence.

7. Where an application for an extension of the term of validity as provided for in Article 7 is rejected, no licence shall be issued.

8. Licences issued under the conditions laid down in this Article shall not be subject to the provisions of Article 7 (3).

Article 10

Securities for licences for products listed in Article 1 of Regulation (EEC) No 1766/92 and Article 1 of Regulation (EEC) No 1418/76 shall be at the following rates:

(a) ECU 1 per tonne in the case of import licences to which the fourth indent of Article 10 (4) of Regulation (EEC) No 1766/92 does not apply, if products covered by Regulation (EEC) No 1418/76 and export licences without a refund;

(b) in the case of import licences to which the fourth indent of Article 10 (4) of Regulation (EEC) No 1766/92 does not apply:

— ECU 15 tonne for products falling within CN codes 0709 90 60, 0712 90 19, 1001 10 00, 1001 90 91, 1001 90 99, 1002 00 00, 1003 00, 1004, 1005 10 90, 1005 90 00, 1007 00 and 1008;

— ECU 5 per tonne for other products;

(c) ECU 30 per tonne for products listed in Article 1 of Regulation (EEC) No 1418/76 in the case of export licences. For exports to ACP countries under licences with special terms of validity, in accordance with Article 9 of this Regulation the security shall be ECU 12 per tonne;

(d) ECU 20 per tonne for products listed in Article 1 of Regulation (EEC) No 1766/92 with the exception of products falling within CN code 1107 in the case of export licences. For exports to ACP countries under

licences with special terms of validity, in accordance with Article 9 of this Regulation the security shall be ECU 12 per tonne;

(e) ECU 15 per tonne for products falling within CN code 1107 in the case of export licences. However, in the case of licences issued with a refund, in accordance with Article 7 (2) the security shall be:

— ECU 24 per tonne for licences issued from 1 January to 30 April,

— ECU 32 per tonne for licences issued from 1 July to 31 December.

Article 11

Where the term of validity of licences is extended pursuant to Article 37 of Regulation (EEC) No 3719/88, the corrective amount applicable shall be that in force on the day the licence application was submitted for export during the last month of the normal term of validity of the licence.

In addition, the export refund shall be adjusted in accordance with Article 12.

Article 12

1. Refunds applicable pursuant to Article 13 (5) of Regulation (EEC) No 1766/92 on products listed in Article 1 (1) (a) and (b) of that Regulation with the exception of maize and grain sorghum shall be adjusted, during the months of August to May of the same marketing year, by an amount equal to the monthly increase applicable to the intervention price fixed for that marketing year.

In the case of maize and grain sorghum, the refunds shall be adjusted, during the months of November of one marketing year to August of the following marketing year, by an amount equal to the monthly increase applicable to the intervention prices fixed for the marketing year concerned.

The first adjustment shall be made on the first day of the calendar month following that of application. Subsequent adjustments shall apply each month.

In the case of the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1766/92 with the exception of maize and grain sorghum, refunds adjusted in accordance with the first subparagraph and applicable in May shall continue to apply in June. In the case of maize and grain sorghum, refunds adjusted in accordance with the second subparagraph and applicable in August shall continue to apply in September.

2. Where the term of validity of licences extends beyond the end of the marketing year, refunds on products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1766/92 with the exception of maize and grain sorghum shall be reduced by the price break between the two marketing years. That price break shall occur on 1 July and shall be defined as:

- (a) the difference between the intervention prices, exclusive of any monthly increase, for the previous and the new marketing years; plus
- (b) an amount equal to the monthly increase, multiplied by the number of months elapsing between August and the month of the licence application, inclusive.

Refunds corrected by the price break shall be increased as from August in the new marketing year, in accordance with the rules set out in paragraph 1, by the monthly increase applying to the new marketing year.

In the case of maize and grain sorghum, the rules on adjustment set out in the first and second sub-paragraphs shall apply *mutatis mutandis*, with the following exceptions:

- the abovementioned price break shall occur on 1 October instead of 1 July,
- for the purposes of this paragraph, the month of August shall be replaced by November,
- the monthly increases shall be those applying in the marketing year concerned.

3. In the case of products listed in Article 1 (1) (c) and (d) of Regulation (EEC) No 1766/92 and Article 1 (1) (c) of Regulation (EEC) No 1418/76, the amount resulting from each of the adjustments mentioned in paragraphs 1 and 2 shall be multiplied by the processing coefficient applying to the product in question.

Article 13

1. With regard to export licences, the Member States shall notify the Commission:

- (a) on each working day:
 - (i) — of applications for licences with advance fixing of the refund or that no applications have been submitted,
 - of applications for licences as referred to in Article 44 of Regulation (EEC) No 3719/88,

submitted on the working day preceding that of notification;

- (ii) of the quantities covered by licences issued in respect of applications for licences as referred to in Article 44 of Regulation (EEC) No 3719/88;

Notifications of applications and quantities must specify:

- the quantity by eleven-digit product code of the agricultural product nomenclature for export refunds. Where licences are issued for more than one eleven-digit code, only the first code shall be shown,
- the quantity by code broken down by destination where the refund rate varies by destination;

- (b) before the 15th day of each month in respect of the preceding month:

- (i) of the quantities for which licences for food aid have been issued;
- (ii) of the quantities covered by licences issued but not used, and of the refund by code;
- (iii) of the quantities to which Article 7 (3) does not apply and for which licences have been issued.

- (c) once per marketing year and by 30 April at the latest, of the precise quantities used under licences taking into account the tolerance provided for in Article 8 (4) of Regulation (EEC) No 3719/88.

2. With regard to import licences issued, each day the Member States shall forward the quantities covered by licences by product code and, in the case of common wheat, by quality grade and by origin.

Article 14

Regulation (EEC) No 891/89 is hereby repealed from 1 September 1995.

As regards products falling within Regulation (EEC) No 1766/92, and import licences for products falling within Regulation (EEC) No 1418/76, Regulation (EEC) No 891/89 shall cease to apply from 1 July 1995.

Regulation (EEC) No 891/89 shall continue to apply to the licences issued:

- before 1 July 1995, for products falling within Regulation (EEC) No 1766/92 and to import licences for products covered by Regulation (EEC) No 1418/76,
- before 1 September 1995, for export licences for products falling within Regulation (EEC) No 1418/76.

Article 15

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

It shall apply:

- to licences issued from 1 July 1995 for products falling within Regulation (EEC) No 1766/92 and to

import licences for products falling within Regulation (EEC) No 1418/76,

- to export licences issued from 1 September 1995 for products falling within Regulation (EEC) No 1418/76.

However, for licences issued before 1 July 1995, the adjustment of the refund referred to in Article 13 (4) of Regulation (EEC) No 1766/92 shall be calculated in accordance with the method referred to in Article 12 (2) and (3) of this Regulation.

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

Done at Brussels, 23 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Period of validity of import licences

A. For cereals

CN code	Description	Term of validity	
0709 90 60	Sweet corn, fresh or chilled	} 45 days	
0712 90 19	Dried sweet corn, whole, cut, sliced, broken or in powder, but not further prepared, other than hybrid maize for sowing		
1001 90 91	Common wheat and meslin seed		
1001 90 99	Spelt, common wheat and meslin other than for sowing		
1002 00 00	Rye		
1003 00	Barley		
1004 00	Oats		
1005 10 90	Maize other than hybrid seed		
1005 90 00	Maize other than seed		
1007 00 90	Grain sorghum other than hybrids for sowing		
1008	Buckwheat, millet and canary seed ; other cereals		
1001 10	Durum wheat		} 60 days
1101 00	Wheat or meslin flour		
1102 10 00	Rye flour		
1103 11 00	Wheat groats and meal		
	The products listed in Annex A to Regulation (EEC) No 1766/92	Until the end of the fourth month following that of issue	

B. For rice

1006 10 21	Rice in the husk (paddy rice)	} Until the end of the second month following that of issue	
1006 10 23			
1006 10 25			
1006 10 27			
1006 10 92			
1006 10 94			
1006 10 96			
1006 10 98			
1006 20			Husked (cargo or brown) rice
1006 30			Semi-milled or wholly milled rice, whether or not polished or glazed
1006 40 00	Broken rice	Until the end of the third month following that of issue	
1102 30 00	Rice flour	} Until the end of the fourth month following that of issue	
1103 14 00	Rice groats and meal		
1103 29 50	Rice pellets		
1104 19 91	Flaked rice		
1108 19 10	Rice starch		

ANNEX II

Period of validity of export licences

A. For cereals

CN code	Description	Term of validity
0709 90 60	Sweet corn, fresh or chilled	} Until the end of the fourth month following that of issue
0712 90 19	Dried sweet corn, whole, cut, sliced, broken or in powder, but not further prepared, other than hybrid maize for sowing	
1001 90 91	Common wheat and meslin seed	
1001 90 99	Spelt, common wheat and meslin other than for sowing	
1002 00 00	Rye	
1003 00	Barley	
1004 00	Oats	
1005 10 90	Maize other than hybrid seed	
1005 90 00	Maize other than seed	
1007 00 90	Grain sorghum other than hybrids for sowing	
1008	Buckwheat, millet and canary seed ; other cereals	
1001 10	Durum wheat	
1101 00	Wheat or meslin flour	
1102 10 00	Rye flour	
1103 11 90	Common wheat and spelt groats and meal	} Until the end of the fourth month following that of issue
	The products listed in Annex A to Regulation (EEC) No 1766/92	
1103 11 10	Durum wheat groats and meal	Until the end of the fourth month following that of issue
	The abovementioned products exported under licences in which Section 20 contains the words 'Licence under GATT — food aid'	Until the end of the fourth month following that of issue

B. For rice

1006 10 21	Rice in the husk (paddy rice)	} Until the end of the fourth month following that of issue
1006 10 23		
1006 10 25		
1006 10 27		
1006 10 92		
1006 10 94		
1006 10 96		
1006 10 98		
1006 20	Husked (cargo or brown) rice	
1006 30	Semi-milled or wholly milled rice, whether or not polished or glazed	

CN code	Description	Term of validity
1006 40 00	Broken rice	30 days } Until the end of the fourth month following that of issue
1102 30 00	Rice flour	
1103 14 00	Rice groats and meal	
1103 29 50	Rice pellets	
1104 19 91	Flaked rice	
1108 19 10	Rice starch	
	The abovementioned products exported under licences in which Section 20 contains the words 'Licence under GATT — food aid'	Until the end of the fourth month following that of issue

ANNEX III

Groups of ACP signatories to the Lomé Convention

Group I	Group II	Group III	Group IV	Group V	Group VI	Group VII
Mauritania	Chad	Angola	Sudan	Seychelles	Haiti	Papua New Guinea
Mali	Central African Republic	Zambia	Djibouti	Comoros	Dominican Republic	Fiji
Niger	Benin	Malawi	Ethiopia	Madagascar	Antigua and Barbuda	Kiribati
Senegal	Nigeria	Mozambique	Somalia	Mauritius	Bahamas	Solomon Islands
Burkina Faso	Cameroon	Namibia	Uganda		Barbados	Samoa
Gambia	Equatorial Guinea	Botswana	Kenya		Belize	Tonga
Guinea-Bissau	São Tomé and Príncipe	Zimbabwe	Tanzania		Dominica	Tuvalu
Guinea	Gabon	Lesotho			Grenada	Vanuatu
Cape Verde	Congo	Swaziland			Jamaica	
Sierra Leone	Zaire				Saint Christopher and Nevis	
Liberia	Rwanda				Saint Lucia	
Côte d'Ivoire	Burundi				Saint Vincent and the Grenadines	
Ghana					Trinidad and Tobago	
Togo					Guyana	
					Surinam	

COMMISSION REGULATION (EC) No 1319/95

of 9 June 1995

amending Regulation (EEC) No 338/92 laying down detailed rules for the application of Council Regulation (EEC) No 3763/91 with regard to the Community quota for the import of 8 000 tonnes of wheat bran falling within CN code 2302 30 originating in the ACP States into the French department of Réunion

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 3 (5) thereof,

Whereas the implementation of the Uruguay Round Agreement on Agriculture calls for major changes in the import arrangements; whereas the detailed rules for the application of Commission Regulation (EEC) No 338/92⁽³⁾ must therefore be adapted accordingly;

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

Article 1

Article 1 of Regulation (EEC) No 338/92 is hereby replaced by the following :

'Article 1

This Regulation lays down detailed rules for the application of the annual Community quota for imports into the French department of Réunion exempt from the import duty of 8 000 tonnes of wheat bran covered by CN code 2302 30 originating in the ACP States pursuant to Article 3 (4) of Regulation (EEC) No 3763/91.'

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, 9 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 36, 13. 2. 1992, p. 16.

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

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

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 ACP States or in the overseas countries and territories (OCT)⁽²⁾, as last amended by Regulation (EC) No 2484/94⁽³⁾, provides for exemption from customs duties and from the fixed component of the levy and for a reduction in or exemption from the variable component of the levy on imports into the Community of certain cereal substitute products and certain processed cereal and rice products originating in the ACP States or the OCT;

Whereas Commission Regulation (EEC) No 2245/90 of 31 July 1990 laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes 0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT)⁽⁴⁾, as amended by Regulation (EC) No 1515/95⁽⁵⁾, lays down detailed rules for the application of those arrangements;

Whereas Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁶⁾ provides that products originating in the OCT are to be imported into the Community free of customs duties and charges having an equivalent effect;

Whereas, pursuant to the Agreement on Agriculture concluded during the Uruguay Round of multilateral

trade negotiations⁽⁷⁾, the Community has undertaken to convert variable levies into tariffs and to replace them by customs duties as from 1 July 1995; whereas such replacement is likely to render the special arrangements inoperative and whereas, pending the conclusion of new arrangements with the countries concerned, Regulation (EEC) No 2245/90 must be adapted by way of a temporary measure while the essentials of such arrangements are maintained;

Whereas, in this connection, the exemption from the fixed component of the levy granted to third countries must be applied to customs duties applicable as from 1 July; whereas, in order not to damage the interests of the exporting countries, the concession covering the variable component of the levy must also be replaced by a flat-rate reduction in the whole import duty or part thereof;

Whereas the measures provided for 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:

1. Article 1 is replaced by the following:

'Article 1

1. For the purposes of Article 14 (1) of Regulation (EEC) No 715/90, the customs duties on imports of products listed in Annex A to Council Regulation (EEC) No 1766/92^(*) and Article 1 (1) (c) of Council 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 on imports of the products designated hereinafter 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 0714 90 19, with the exception of arrowroot,

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽³⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽⁴⁾ OJ No L 203, 1. 8. 1990, p. 47.

⁽⁵⁾ OJ No L 147, 30. 6. 1995, p. 46.

⁽⁶⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁷⁾ OJ No L 336, 23. 12. 1994, p. 22.

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

- products covered by CN code 0714 10 91,
- products covered by CN code 0714 90 11 and arrowroot covered by CN code ex 0714 90 19,
- arrowroot flour and meal covered by CN code ex 1106 20,
- arrowroot starch covered by 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 covered by CN codes 0714 10 91 and 0714 90 11 originating in the ACP States and imported into the Community (Title I),
- products covered by CN code 0714 90 11 originating in the ACP States or the OCT and imported into the French overseas territories (Title II).

(*) OJ No L 181, 1. 7. 1992, p. 21

(**) OJ No L 166, 25. 6. 1976, p. 1.

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

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, 21 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

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 or dried, whether or not sliced or in the form of pellets,	
0714 10	– Manioc (cassava)	
0714 10 10	– – Pellets of flour and meal	ECU 13,5/100 kg/net
	– – Other :	
0714 10 91	– – – Of a kind used for human consumption in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	ECU 13,5/100 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 :	
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 13,5/100 kg/net
0714 90 19	– – – Other	ECU 13,5/100 kg/net
1102	Cereal flours other than that of wheat or meslin (¹) :	
1102 20	– Maize (con) 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 198,6/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 (¹) :	
	– 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 (!):	
	– 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 10	– – – Hulled (shelled or husked)	ECU 234,2/tonne
	– – – Clipped oats	
	– – – Other	
1104 22 30	– – – Hulled and sliced or kibbled ('Grütze' or 'grutten')	ECU 234,2/tonne
1104 22 50	– – – Pearled	ECU 208,3/tonne
1104 22 90	– – – Not otherwise worked than kibbled	ECU 132,7/tonne
1104 22 99	– – – Other	
	– – – Blunted	ECU 132,7/tonne
	– – – 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 ; flour, meal and powder of the products of Chapter 8 :	
1106 20	— Flour and meal 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 mass
1702 30 59	— — — — Other	ECU 21,2/100 kg/net mass
1702 30 91	— — — — In the form of white crystalline powder, whether or not agglomerated	ECU 27,6/100 kg/net mass
1702 30 99	— — — — Other	ECU 21,2/100 kg/net mass
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 21,2/100 kg/net mass
1702 90	— Other, including invert sugar :	
1702 90 50	— — Maltodextrine and maltodextrine syrup	ECU 21,2/100 kg/net mass
	— — Caramel :	
	— — — Other :	
1702 90 75	— — — — In the form of powder, whether or not agglomerated	ECU 29/100 kg/net
1702 90 79	— — — — Other	ECU 20,1/100 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 stepping 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 1 060,8/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

(¹) 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 Ewres 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.

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

COMMISSION REGULATION (EC) No 2372/95
of 10 October 1995

**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⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, 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 breadmaking quality; whereas part of the wheat coming from the intervention stocks held by the aforementioned agencies should therefore be resold to the ACP countries so as to meet their quantitative and qualitative needs; whereas to take account of the world market situation the common wheat successfully tendered for must be sent to the countries of destination by 31 January 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, 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⁽⁵⁾, as last amended by Regulation (EC) No 2137/95⁽⁶⁾, provision should be made for the release for consumption in the ACP State(s) laid down in the Regulation;

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

- 150 000 tonnes of common wheat of breadmaking quality, held by the French intervention agency,
- 350 000 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 150 000 tonnes of French and 350 000 tonnes of German common wheat of breadmaking quality are stored are listed in Annex II.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁶⁾ 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 p.m. (Brussels time) on Thursday 19 October 1995.

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

The time limit for the last partial invitation to tender shall be 9 November 1995.

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 October 1995 to February 1996 for quantities traditionally supplied, such proof shall be lodged with the intervention 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 monthly increase shall be granted 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 January 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 (1)

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 transshipment costs. The cost 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 26 January 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.

(1) 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 derecho a restitución, destinado a (nombre del Estado o de los Estados ACP), Reglamento (CE) n° 2372/95,

- Bageegnet blød hvede fra intervention uden restitutionsydelse bestemt for (navnet på det eller de pågældende AVS-lande), forordning (EF) nr. 2372/95,
- Interventions-Brotweichweizen ohne Ausfuhrerstattung, Bestimmung (Name des AKP-Staates oder der AKP-Staaten), Verordnung (EG) Nr. 2372/95,
- Μαλακός αροτοποιήσιμος σίτος παρέμβασης, που δεν παρέχει δικαίωμα επιστροφής, προοριζόμενος για (όνομα της χώρας ΑΚΕ ή των χωρών ΑΚΕ), κανονισμός (ΕΚ) αριθ. 2372/95,
- Intervention common wheat of breadmaking quality not eligible for refund, bound for (name of the ACP State or States), Regulation (EC) No 2372/95,
- Blé tendre d'intervention panifiable ne donnant pas droit à restitution, destiné à (nom de l'État ACP ou des États ACP), règlement (CE) n° 2372/95,
- Frumento tenero d'intervento panificabile non dante diritto a restituzione, destinato al (nome del paese o dei paesi ACP), regolamento (CE) n. 2372/95,
- Zachte tarwe van bakkwaliteit uit interventie, zonder recht op restitutie, bestemd voor (naam van de ACS-Staat of de ACS-Staten), Verordening (EG) nr. 2372/95,
- Trigo mole panificável de intervenção que não dá direito a uma restituição, destinado a (nome do Estado ou dos Estados ACP), Regulamento (CE) n° 2372/95,
- Interventioleipävehnä, jolle ei makseta tukea ja jonka määräraikka on (AKT-maan nimi tai AKT-maiden nimet), asetus (EY) N:o 2372/95,
- Interventionsvete av brödkvalitet, ej bidragsberättigande, avsett för (AVS-staternas eller AVS-staternas namn), förordning (EG) nr 2372/95.

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, 10 October 1995.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

Groups of ACP States signatories to the Lomé Convention

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

ANNEX II

(tonnes)

Region of storage	Quantities
FRANCE :	
Orléans	50 000
Rouen	100 000
GERMANY :	
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	184 835
Hessen/Rheinland-Pfalz/ Baden-Württemberg/ Saarland/Bayern	8 781
Berlin/Brandenburg/ Mecklenburg-Vorpommern	47 354
Sachsen/Sachsen-Anhalt/ Thüringen	108 995

ANNEX III

Standing invitation to tender for the export of 150 000 tonnes of common wheat of breadmaking quality held by the French intervention agency and 350 000 tonnes of common wheat of breadmaking quality held by the German intervention agency

(Regulation (EC) No 2372/95)

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 500 000 tonnes of bread-making wheat held by the French and German intervention agency

(Article 6 of Regulation (EC) No 2372/95)

- 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"> — Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not wheat of unimpaired quality — Other

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

A. Trade

d) Beef and veal

COMMISSION DECISION

of 20 January 1995

**on import licences in respect of beef and veal products originating in Botswana,
Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

(95/10/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 or in the overseas countries and territories⁽¹⁾, as last amended by Regulation (EC) No 235/94⁽²⁾, in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽³⁾, as last amended by Regulation (EC) No 1084/94⁽⁴⁾, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 January 1995, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 February 1995, 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 animals and swine, fresh meat or meat products from third countries⁽⁵⁾, as last amended by Regulation (EEC) No 1601/92⁽⁶⁾,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 January 1995 import licences concerning beef and veal products, expressed in terms of boned meat, originating in certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 230,00 tonnes originating in Botswana,
- 204,90 tonnes originating in Madagascar,
- 50,00 tonnes originating in Namibia;

Netherlands:

- 30,00 tonnes originating in Madagascar;

United Kingdom:

- 10,00 tonnes originating in Botswana,
- 250,00 tonnes originating in Namibia.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of February 1995 in respect of the following quantities of boned beef and veal:

- | | |
|---------------|-------------------|
| — Botswana: | 18 676,00 tonnes |
| — Kenya: | 142,00 tonnes |
| — Madagascar: | 7 344,10 tonnes |
| — Swaziland: | 3 363,00 tonnes |
| — Zimbabwe: | 9 100,00 tonnes |
| — Namibia: | 12 700,00 tonnes. |

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 12.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 120, 11. 5. 1994, p. 30.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁶⁾ OJ No L 173, 27. 6. 1992, p. 13.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 January 1995.

For the Commission
René STEICHEN
Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 February 1995

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(95/36/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 or in the overseas countries and territories ⁽¹⁾, as last amended by Regulation (EC) No 235/94 ⁽²⁾, and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽³⁾, as last amended by Regulation (EC) No 1084/94 ⁽⁴⁾, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 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 1995, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities

available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 March 1995, 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 animals and swine and fresh meat from third countries ⁽⁵⁾, 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 1995 import licences concerning beef and veal products, expressed in terms of boned meat, originating in certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 50,00 tonnes originating in Botswana,
- 306,50 tonnes originating in Madagascar;

Netherlands:

- 152,60 tonnes originating in Madagascar;

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 12.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 120, 11. 5. 1994, p. 30.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

United Kingdom :

- 4,00 tonnes originating in Swaziland,
- 395,00 tonnes originating in Namibia.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of March 1995 in respect of the following quantities of boned beef and veal :

- | | |
|----------------|------------------|
| — Botswana : | 18 626,00 tonnes |
| — Kenya : | 142,00 tonnes |
| — Madagascar : | 6 885,00 tonnes |
| — Swaziland : | 3 359,00 tonnes |

- | | |
|--------------|-------------------|
| — Zimbabwe : | 9 100,00 tonnes |
| — Namibia : | 12 305,00 tonnes. |

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 February 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 17 March 1995

**on import licences in respect of beef and veal products originating in Botswana,
Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

(95/83/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 (OCT) territories⁽¹⁾, as last amended by Regulation (EC) No 235/94⁽²⁾, in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽³⁾, as last amended by Regulation (EC) No 1084/94⁽⁴⁾, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 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 1995, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, 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 April 1995, 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 animals and swine

and fresh meat from third countries⁽⁵⁾, 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 1995 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated :

Germany :

- 173,000 tonnes originating in Madagascar,
- 32,000 tonnes originating in Zimbabwe,
- 99,000 tonnes originating in Namibia;

France :

- 4,032 tonnes originating in Botswana,
- 15,760 tonnes originating in Madagascar;

Netherlands :

- 117,000 tonnes originating in Madagascar;

United Kingdom :

- 405,000 tonnes originating in Botswana,
- 60,000 tonnes originating in Swaziland,
- 950,000 tonnes originating in Zimbabwe,
- 248,000 tonnes originating in Namibia.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of April 1995 in respect of the following quantities of boned beef and veal :

- Botswana : 18 216,968 tonnes,
- Kenya : 142,000 tonnes,
- Madagascar : 6 579,240 tonnes,
- Swaziland : 3 299,000 tonnes,
- Zimbabwe : 8 118,000 tonnes,
- Namibia : 11 958,000 tonnes.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 12.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 120, 11. 5. 1994, p. 30.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 March 1995.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 658/95
of 28 March 1995

fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) ⁽¹⁾, as last amended by Regulation (EC) No 2484/94 ⁽²⁾, and in particular Article 3 thereof,

Whereas Article 3 of Regulation (EEC) No 715/90 provides for a 90 % reduction in the import duties on beef and veal ; whereas the amount of this reduction must be calculated in conformity with Article 3 of Commission

Regulation (EEC) No 970/90 ⁽³⁾, as last amended by Regulation (EEC) No 3808/92 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The amounts by which import duties on beef and veal are to be reduced pursuant to Article 3 of Regulation (EEC) No 715/90 shall, in respect of importations during the second quarter of 1995 be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 28 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.
⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 99, 19. 4. 1990, p. 8.
⁽⁴⁾ OJ No L 384, 30. 12. 1992, p. 33.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO —
LIITE — BILAGA

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-nummer	Importe (en ecus/100 kg) Beløb (ECU/100 kg) Betrag (ECU/100 kg) Εισαφορά (Ecu/100 kg) Amount (ECU/100 kg) Montant (en écus/100 kg) Importo (ECU/100 kg) Bedrag (ecu/100 kg) Montante (Em ECU/100 kg) Rahamäärä (ecua/100 kg) Belopp (i ecu/100 kg)
0102 90 05	142,839
0102 90 21	142,839
0102 90 29	142,839
0102 90 41	142,839
0102 90 49	142,839
0102 90 51	142,839
0102 90 59	142,839
0102 90 61	142,839
0102 90 69	142,839
0102 90 71	142,839
0102 90 79	142,839
0201 10 00	271,393
0201 20 20	271,393
0201 20 30	217,115
0201 20 50	325,672
0201 20 90	407,090
0201 30 00	465,655
0202 10 00	170,148
0202 20 10	170,148
0202 20 30	136,119
0202 20 50	212,684
0202 20 90	255,222
0202 30 10	212,684
0202 30 50	212,684
0202 30 90	292,654
0206 10 95	465,655
0206 29 91	292,654
0210 20 10	407,090
0210 20 90	465,655
0210 90 41	465,655
0210 90 90	465,655
1602 50 10	465,655
1602 90 61	465,655

NB: Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) n° 2658/87 modificado.

NB: KN-koderne, herunder henvisninger til fodnoter, er fastsat i den ændrede forordning (EØF) nr. 2658/87.

NB: Die KN-Codes sowie die Verweisungen und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 bestimmt.

NB: Οι κωδικοί της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87.

NB: The CN codes and the footnotes are defined in amended Regulation (EEC) No 2658/87.

NB: Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) n° 2658/87 modifié.

NB: I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n. 2658/87 modificato.

NB: GN-codes en voetnoten: zie de gewijzigde Verordening (EEG) nr. 2658/87.

NB: Os códigos NC, incluindo as remissões em pé-de-página são definidos no Regulamento (CEE) n° 2658/87 alterado.

HUOM: Tuotekoodit ja niihin liittyvät alaviitteet määritellään komission asetuksessa (ETY) N:o 2658/87, sellaisena kuin se on muutettuna.

Anm: KN-numren och fotnoterna definieras i kommissionens ändrade förordning (EEG) nr 2658/87.

COMMISSION

COMMISSION DECISION

of 20 April 1995

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(95/146/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 (OCT) territories⁽¹⁾, as last amended by Regulation (EC) No 235/94⁽²⁾, in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽³⁾, as last amended by Regulation (EC) No 1084/94⁽⁴⁾, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 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 1995, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, 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 1995, 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 animals and swine and fresh meat from third countries⁽⁵⁾, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 April 1995 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 820 000 tonnes originating in Botswana,
- 360,000 tonnes originating in Madagascar,
- 625,000 tonnes originating in Zimbabwe,
- 620,000 tonnes originating in Namibia;

Italy:

- 30,700 tonnes originating in Madagascar;

Netherlands:

- 120,000 tonnes originating in Botswana,
- 5,500 tonnes originating in Madagascar,
- 95,000 tonnes originating in Namibia;

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 12.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 120, 11. 5. 1994, p. 30.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

United Kingdom :

- 690,000 tonnes originating in Botswana,
- 75,000 tonnes originating in Swaziland,
- 1 260,000 tonnes originating in Zimbabwe,
- 915,000 tonnes originating in Namibia.

- Botswana : 16 586,968 tonnes,
- Kenya : 142,000 tonnes,
- Madagascar : 6 183,040 tonnes,
- Swaziland : 3 224,000 tonnes,
- Zimbabwe : 6 233,000 tonnes,
- Namibia : 10 328,000 tonnes.

Article 3

This Decision is addressed to the Member States.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of May 1995 in respect of the following quantities of boned beef and veal :

Done at Brussels, 20 April 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 18 May 1995

**on import licences in respect of beef and veal products originating in Botswana,
Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

(95/182/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 (OCT) territories⁽¹⁾, as last amended by Regulation (EC) No 2484/94⁽²⁾, in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽³⁾, as last amended by Regulation (EC) No 1084/94⁽⁴⁾, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 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 1995, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 June 1995, 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 animals and swine and fresh meat from third countries⁽⁵⁾, 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 1995 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 800,000 tonnes originating in Botswana,
- 372,500 tonnes originating in Madagascar,
- 1 200,000 tonnes originating in Zimbabwe,
- 600,000 tonnes originating in Namibia;

Greece:

- 30,616 tonnes originating in Madagascar;

France:

- 4,032 tonnes originating in Botswana;

Netherlands:

- 250,000 tonnes originating in Botswana,
- 115,500 tonnes originating in Madagascar,
- 120,000 tonnes originating in Zimbabwe,
- 100,000 tonnes originating in Namibia;

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 120, 11. 5. 1994, p. 30.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

United Kingdom :

- 1 350,000 tonnes originating in Botswana,
- 2 000,000 tonnes originating in Zimbabwe,
- 650,000 tonnes originating in Namibia.

- Botswana : 14 182,936 tonnes,
- Kenya : 142,000 tonnes,
- Madagascar : 5 664,424 tonnes,
- Swaziland : 3 224,000 tonnes,
- Zimbabwe : 2 913,000 tonnes,
- Namibia : 8 978,000 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 18 May 1995.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of June 1995 in respect of the following quantities of boned beef and veal :

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 20 June 1995

on import licences in respect of beef and veal products originating in Botswana,
Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(95/229/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) (¹), as last amended by Regulation (EC) No 2484/94 (²), in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (³), as last amended by Regulation (EC) No 1084/94 (⁴), and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 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 1995, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 July 1995, 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 (⁵), 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 1995 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated :

Germany :

- 600,000 tonnes originating in Botswana,
- 304,000 tonnes originating in Madagascar,
- 430,000 tonnes originating in Namibia;

Greece :

- 15,500 tonnes originating in Madagascar;

Italy :

- 15,308 tonnes originating in Madagascar;

Netherlands :

- 320,000 tonnes originating in Botswana,
- 320,000 tonnes originating in Madagascar,
- 300,000 tonnes originating in Zimbabwe;

(¹) OJ No L 84, 30. 3. 1990, p. 85.

(²) OJ No L 265, 15. 10. 1994, p. 3.

(³) OJ No L 241, 13. 9. 1980, p. 5.

(⁴) OJ No L 120, 11. 5. 1994, p. 30.

(⁵) OJ No L 302, 31. 12. 1972, p. 28.

United Kingdom :

- 450,000 tonnes originating in Botswana,
- 250,000 tonnes originating in Zimbabwe,
- 750,000 tonnes originating in Namibia.

- Botswana : 12 812,936 tonnes,
- Kenya : 142,000 tonnes,
- Madagascar : 5 009,616 tonnes,
- Swaziland : 3 224,000 tonnes,
- Zimbabwe : 2 363,000 tonnes,
- Namibia : 7 798,000 tonnes.

Article 3

This Decision is addressed to the Member States.

Article 2

Done at Brussels, 20 June 1995.

Applications for licences may be submitted for the month of July 1995 in respect of the following quantities of boned beef and veal :

For the Commission

Franz FISCHLER

Member of the Commission

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 implementation of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations

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

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.

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⁽²⁾, as last amended by Regulation (EC) No 2484/94⁽³⁾ and in particular Article 27 thereof,

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 tariff headings CN 0206, 0210 and 1602.

Whereas, as a result of the implementation of the Uruguay Round Agreement on Agriculture, variable levies are replaced by fixed duties as from 1 July 1995 ; whereas, as a consequence, it is necessary to temporarily adapt a certain number of provisions currently laid down in Commission Regulation (EEC) No 970/90 of 18 April 1990 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⁽⁴⁾, as last amended by Regulation (EC) No 3808/92⁽⁵⁾ ; whereas it appears useful to incorporate into one Commission Regulation all provisions relating to the import arrangements for ACP beef in particular those on applications and issuing of import licences ;

Article 2

1. The specific rate of customs duty fixed in the Common Customs Tariff is reduced by 90 % 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⁽⁶⁾ the reduction referred to in paragraph 1 shall not apply on quantities exceeding those indicated in the import licence.

Article 3

Whereas Regulation (EEC) No 970/90 should be repealed ;

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, as appropriate, for either a reduction of the specific rate of customs duties fixed in the Common Customs Tariff in accordance with Article 3 of the said Regulation or exemption from duties in accordance with Article 24 of the said Regulation shall contain :

Whereas the measures provided for in the Regulation are in accordance with the opinion of the Management Committee for beef and veal,

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽³⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽⁴⁾ OJ No L 99, 19. 4. 1990, p. 8.

⁽⁵⁾ OJ No L 384, 30. 12. 1992, p. 35.

⁽⁶⁾ OJ No L 331, 2. 12. 1988, p. 1.

(a) in the heading 'notes' and in Section 24 respectively :

- Producto ACP — Reglamentos (CEE) n° 715/90 y (CE) n° 1636/95,
- AVS-produkt — forordning (EØF) nr. 715/90 og (EF) nr. 1636/95,
- AKP Erzeugnis — Verordnungen (EWG) Nr. 715/90 und (EG) Nr. 1636/95,
- Προϊόν ΑΚΕ — Κανονισμοί (ΕΟΚ) αριθ. 715/90 και (ΕΚ) αριθ. 1636/95,
- ACP product — Regulations (EEC) No 715/90 and (EC) No 1636/95,
- Produit ACP — règlements (CEE) n° 715/90 et (CE) n° 1636/95,
- Prodotto ACP — regolamenti (CEE) n. 715/90 e (CE) n. 1636/95,
- ACS-produkt — Verordeningen (EEG) nr. 715/90 en (EG) nr. 1636/95,
- Produto ACP Regulamento (CEE) n° 715/90 e (CE) n° 1636/95,
- AKT-tuote — asetys (ETY) N:o 715/90 ja (EY) N:o 1636/95,
- AVS-produkt — förordning (EEG) nr 715/90 och (EG) nr 1636/95.

(b) In Section 8, the name of the State, country or territory in which the product is to originate.

2. The licence shall carry with it an obligation to import from the State, country of territory in question.

3. Applications for licences may be lodged only during the first 10 days of each month. However, as to the month of July 1995 applications may be lodged during the first 10 days following the entry into force of the present Regulation.

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.

Those notifications shall include the quantities applied for in respect of each third country concerned and broken down on CN codes 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

The provisions of Regulation (EEC) No 3719/88 shall apply, subject to the provisions of this Regulation.

Article 8

Regulation (EEC) No 970/90 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*.

It shall apply from 1 July 1995 until 30 June 1996.

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

Done at Brussels, 5 July 1995.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

Products referred to in Article 4 (1)

Código NC KN-kode KN-Code Καδικός ΣΟ GN 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) nº 2658/87 modificado (DO nº L 256 de 7. 9. 1987, p. 1).

NB: KN-koderne, herunder henvisninger til fodnoter, er fastsat i den 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 bestimmt (ABl. Nr. L 256 vom 7. 9. 1987, S. 1).

NB: Οι κωδικοί της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87 (ΕΕ αριθ. L 256 της 7. 9. 1987, σ. 1).

NB: The CN codes and the footnotes are defined in amended Regulation (EEC) No 2658/87 (OJ No L 256, 7. 9. 1987, p. 1).

NB: Les codes NC ainsi que les renvois au bas de page sont définis au règlement (CEE) nº 2658/87 modifié (JO nº 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 modificato (GU n. L 256 del 7. 9. 1987, pag. 1).

NB: GN-codes en voetnoten: zie de gewijzigde Verordening (EEG) nr. 2658/87 (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) nº 2658/87 alterado (JO nº L 256 de 7. 9. 1987, p. 1).

HUOM: Tuotekoodit ja niihin liittyvät alaviitteet määritellään komission asetuksessa (ETY) N:o 2658/87, sellaisena kuin se on muutettuna (EYVL N:o L 256, 7.9.1987, s. 1).

Anm: KN-numren och fotnoterna definieras i kommissionens 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 1636/95)

(in tonnes)

CN code	Code	From					
		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 26 July 1995

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(95/314/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) ⁽¹⁾, as last amended by Regulation (EC) No 2484/94 ⁽²⁾, 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 Council 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 ⁽³⁾,

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 in July 1995, expressed in terms of boned meat, in accordance with Regulation (EC) No 1636/95, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 August 1995, 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 ⁽⁴⁾, 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 in July 1995 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 20,000 tonnes originating in Botswana,
- 115,000 tonnes originating in Madagascar,
- 500,000 tonnes originating in Namibia;

France:

- 107,500 tonnes originating in Botswana,
- 84,010 tonnes originating in Madagascar,
- 28,000 tonnes originating in Swaziland,
- 167,000 tonnes originating in Zimbabwe,
- 73,200 tonnes originating in Namibia;

Greece:

- 105,985 tonnes originating in Madagascar;

Italy:

- 30,700 tonnes originating in Madagascar;

Netherlands:

- 102,000 tonnes originating in Botswana;

United Kingdom:

- 795,000 tonnes originating in Botswana,
- 40,000 tonnes originating in Swaziland,
- 800,000 tonnes originating in Zimbabwe,
- 650,000 tonnes originating in Namibia.

Article 2

Applications for licences may be submitted, in accordance with Article 3 (3) of Regulation (EC) No 1635/95, during

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 155, 6. 7. 1995, p. 25.

⁽⁴⁾ OJ No L 302, 31. 12. 1972, p. 28.

the first 10 days of August 1995 in respect of the following quantities of boned beef and veal :

- Botswana : 11 788,436 tonnes,
- Kenya : 142,000 tonnes,
- Madagascar : 4 673,921 tonnes,
- Swaziland : 3 156,000 tonnes,
- Zimbabwe : 1 396,000 tonnes,
- Namibia : 6 574,800 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 18 August 1995

on import licences in respect of beef and veal products originating in Botswana,
Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(95/361/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) ⁽¹⁾, as last amended by Regulation (EC) No 2484/94 ⁽²⁾, 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 Council 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 ⁽³⁾,

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 in August 1995, expressed in terms of boned meat, in accordance with Regulation (EC) No 1636/95, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 September 1995, 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 ⁽⁴⁾, 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 in August 1995 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 400,000 tonnes originating in Botswana,
- 100,000 tonnes originating in Madagascar,
- 40,300 tonnes originating in Zimbabwe,
- 465,000 tonnes originating in Namibia;

France:

- 4,032 tonnes originating in Botswana,
- 0,450 tonnes originating in Madagascar;

Greece:

- 85,116 tonnes originating in Madagascar;

Netherlands:

- 250,000 tonnes originating in Botswana,
- 15,000 tonnes originating in Madagascar,
- 290,000 tonnes originating in Namibia;

United Kingdom:

- 1 125,000 tonnes originating in Botswana,
- 112,000 tonnes originating in Swaziland,
- 1 355,670 tonnes originating in Zimbabwe,
- 960,000 tonnes originating in Namibia.

Article 2

Applications for licences may be submitted, in accordance with Article 3 (3) of Regulation (EC) No 1635/95, during

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 155, 6. 7. 1995, p. 25.

⁽⁴⁾ OJ No L 302, 31. 12. 1972, p. 28.

the first 10 days of September 1995 in respect of the following quantities of boned beef and veal :

- Botswana : 10 009,404 tonnes,
 - Kenya : 142,000 tonnes,
 - Madagascar : 4 473,355 tonnes,
 - Swaziland : 3 044,000 tonnes,
 - Zimbabwe : 0,030 tonnes,
 - Namibia : 4 859,800 tonnes.
-

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 18 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION
of 20 September 1995
on import licences in respect of beef and veal products originating in Botswana,
Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(95/386/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) ⁽¹⁾, as last amended by Regulation (EC) No 2484/94 ⁽²⁾, 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 Council 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 ⁽³⁾,

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 September 1995, expressed in terms of boned meat, in accordance with Regulation (EC) No 1636/95, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested for those countries; whereas the quantities available from Zimbabwe are insufficient to cover the applications for import licences; whereas, therefore, the quantities applied for should be reduced on a proportional basis;

Whereas the quantities, in respect of which licences may be applied for from 1 October 1995, 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 ⁽⁴⁾, 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 1995 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 550,000 tonnes originating in Botswana,
- 219,000 tonnes originating in Madagascar,
- 480,000 tonnes originating in Namibia;

Denmark:

- 15,000 tonnes originating in Madagascar;

France:

- 233,020 tonnes originating in Botswana,
- 5,500 tonnes originating in Madagascar,
- 28,500 tonnes originating in Swaziland,
- 0,030 tonnes originating in Zimbabwe,
- 58,500 tonnes originating in Namibia;

Italy:

- 49,550 tonnes originating in Madagascar;

Netherlands:

- 250,000 tonnes originating in Botswana;

United Kingdom:

- 1 100,000 tonnes originating in Botswana,
- 22,000 tonnes originating in Swaziland,
- 1 050,000 tonnes originating in Namibia.

Article 2

Applications for licences may be submitted, in accordance with Article 3 (3) of Regulation (EC) No 1636/95, during

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 155, 6. 7. 1995, p. 25.

⁽⁴⁾ OJ No L 302, 31. 12. 1972, p. 28.

the first 10 days of October 1995 in respect of the following quantities of boned beef and veal:

- Botswana : 7 876,384 tonnes,
- Kenya : 142,000 tonnes,
- Madagascar : 4 184,305 tonnes,
- Swaziland : 2 993,500 tonnes,
- Namibia : 3 271,300 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2449/95
of 19 October 1995

establishing for 1995 the breakdown for beef imports from the African, Caribbean and Pacific (ACP) States pursuant to Council Regulation (EEC) No 715/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories⁽¹⁾, as last amended by Regulation (EC) No 2484/94⁽²⁾, and in particular Article 4 (3) thereof,

Whereas Article 4 of Regulation (EEC) No 715/90 provides for the breakdown between the ACP States for beef to be imported into the Community and for the possibility, at the request of ACP States which are not able to supply their full quotas, of a different breakdown between those States, up to the limit of 52 100 tonnes;

Whereas, by letter of 25 September 1995, the ACP States concerned requested a transfer of 1 642 tonnes to Zimbabwe for 1995 involving a reduction of 142, 1 000 and 500 tonnes respectively in the quotas for Kenya, Swaziland and Namibia; whereas the transfer to

Zimbabwe requested by the other ACP States should be agreed to;

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

Imports of beef from the African, Caribbean and Pacific (ACP) States pursuant to Regulation (EEC) No 715/90 for the 1995 calendar year shall be as follows :

— Botswana :	18 916 tonnes,
— Kenya :	— tonnes,
— Madagascar :	7 579 tonnes,
— Swaziland :	2 363 tonnes,
— Zimbabwe :	10 742 tonnes,
— Namibia :	12 500 tonnes.

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 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

COMMISSION DECISION

of 16 October 1995

on the list of establishments in the Republic of Namibia approved for the purpose of importing meat products into the Community

(Text with EEA relevance)

(95/427/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 and fresh meat or meat products from third countries⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 4 (1) thereof,

Whereas establishments in third countries cannot be authorized to export meat products to the Community unless they satisfy the general and special conditions laid down in Directive 72/462/EEC;

Whereas, in accordance with Article 4 (3) of Directive 72/462/EEC, the Republic of Namibia forwarded the data of one establishment authorized to export to the Community;

Whereas a Community on-the-spot inspection has shown that the hygiene-standards of this establishment are sufficient and may therefore be entered on a first list of establishments from which imports of meat may be authorized;

Whereas imports of meat products from the establishment on the list in the Annex hereto continue to be the subject to provisions already laid down, the general provisions of the Treaty and in particular the other Community veterinary regulations, particularly as regards animal health protection;

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

1. The establishment in the Republic of Namibia listed in the Annex is hereby approved for the purposes of exporting meat products to the Community.

2. Imports from this establishment shall remain subject to the Community veterinary provisions laid down elsewhere, and in particular those concerning animal health protection.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

*ANNEX***LIST OF ESTABLISHMENTS**

Number of approval	Establishment	Address
22	Meat Corporation of Namibia Ltd	Windhoek

COMMISSION DECISION
of 19 October 1995
on import licences in respect of beef and veal products originating in Botswana,
Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(95/439/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) ⁽¹⁾, as last amended by Regulation (EC) No 2484/94 ⁽²⁾, 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 Council 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 ⁽³⁾,

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 October 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 and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested for those countries;

Whereas Commission Regulation (EC) No 2449/95 of 19 October 1995 establishing for 1995 the breakdown for beef imports from the African, Caribbean and Pacific (ACP) States pursuant to Council Regulation (EEC) No 715/90 ⁽⁴⁾ provides in 1995 for a transfer to Zimbabwe of 1 642 tonnes from the quotas allocated to Kenya, Swaziland and Namibia; whereas, on the basis of that transfer and the licences applied for in October, the quantities for which licence applications may be submitted from 1

November 1995 should be fixed within 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 ⁽⁵⁾, 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 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:

- 980,000 tonnes originating in Botswana,
- 630,000 tonnes originating in Namibia;

France:

- 148,732 tonnes originating in Botswana,
- 15,000 tonnes originating in Swaziland,
- 60,000 tonnes originating in Namibia;

Greece:

- 1,227 tonnes originating in Madagascar;

Italy:

- 120,000 tonnes originating in Madagascar,

Netherlands:

- 79,193 tonnes originating in Madagascar;

United Kingdom:

- 657,000 tonnes originating in Botswana,
- 220,000 tonnes originating in Swaziland,
- 400,000 tonnes originating in Namibia.

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 155, 6. 7. 1995, p. 25.

⁽⁴⁾ OJ No L 252, 20. 10. 1995, p. 1.

⁽⁵⁾ 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 November 1995 for the following quantities of boned beef and veal:

— Botswana :	6 090,652 tonnes,
— Kenya :	0,000 tonnes,
— Madagascar :	3 983,885 tonnes,
— Swaziland :	1 758,500 tonnes,
— Namibia :	1 681,300 tonnes,
— Zimbabwe :	1 642,000 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION

COMMISSION DECISION

of 20 November 1995

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(95/497/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) ⁽¹⁾, as last amended by Regulation (EC) No 2484/94 ⁽²⁾, 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 Council 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 ⁽³⁾,

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 November 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 December 1995, 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 ⁽⁴⁾, 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 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:

- 145,500 tonnes originating in Madagascar,
- 230,000 tonnes originating in Zimbabwe,
- 380,000 tonnes originating in Namibia;

France:

- 75,420 tonnes originating in Botswana,
- 15,000 tonnes originating in Swaziland,
- 7,245 tonnes originating in Zimbabwe,
- 39,500 tonnes originating in Namibia;

Netherlands:

- 70,000 tonnes originating in Botswana,
- 150,000 tonnes originating in Namibia;

United Kingdom:

- 600,000 tonnes originating in Botswana,
- 1 180,000 tonnes originating in Zimbabwe,
- 400,000 tonnes originating in Namibia.

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 155, 6. 7. 1995, p. 28.

⁽⁴⁾ 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 December 1995 for the following quantities of boned beef and veal:

— Botswana :	5 345,232 tonnes,
— Kenya :	0,000 tonnes,
— Madagascar :	3 838,385 tonnes,
— Swaziland :	1 743,500 tonnes,
— Namibia :	821,800 tonnes,
— Zimbabwe :	224,755 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 November 1995.

For the Commission

Franz FISCHLER

Member of the Commission



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

A. Trade

e) Pigmeat

COMMISSION REGULATION (EC) No 1592/95
of 30 June 1995

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⁽¹⁾, 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⁽²⁾, as last amended by Regulation (EEC) No 1740/90⁽³⁾ 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, it is necessary to make transitional adjustments to these rules;

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 1995 to 30 June 1996.

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

Done at Brussels, 30 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 93, 10. 4. 1990, p. 23.

⁽³⁾ OJ No L 161, 27. 6. 1990, p. 30.



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

A. Trade

f) Poultrymeat

COMMISSION REGULATION (EC) No 144/95
of 27 January 1995
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 agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽¹⁾, as last amended by Regulation (EC) No 2484/94 ⁽²⁾, and in particular Article 27 thereof,

Whereas Article 4 (5) of Commission Regulation (EEC) No 903/90 ⁽³⁾, as amended by Regulation (EEC) No 1741/90 ⁽⁴⁾, 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 January 1995;

Whereas Article 4 (5) of Regulation (EEC) No 903/90 stipulates that if the total quantity for which applications have been submitted is less than that available, the Commission is to determine the quantity remaining, which is to be added to that available for the following quarter; whereas the quantity available for the second six

months of 1995 of the products referred to in Article 6 of Regulation (EEC) No 715/90 should therefore be determined,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences lodged in accordance with Regulation (EEC) No 903/90 for the period 1 January to 30 June 1995 shall be accepted in full.

Article 2

Licence applications may be lodged in accordance with Article 4 of Regulation (EEC) No 903/90 during the first 10 days of July 1995 for:

- 154,8 tonnes of products falling within CN code 0207,
- 250 tonnes of products falling within CN codes 1602 31 and 1602 39.

Article 3

This Regulation shall enter into force on 28 January 1995.

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

Done at Brussels, 27 January 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 93, 10. 4. 1990, p. 20.

⁽⁴⁾ OJ No L 161, 27. 6. 1990, p. 32.

COMMISSION REGULATION (EC) No 1505/95
of 29 June 1995

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⁽¹⁾, 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⁽²⁾, as last amended by Regulation (EEC) No 1741/90⁽³⁾, 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 are

being replaced by customs duties from 1 July 1995, it is necessary to make transitional adjustments to these rules;

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 1995 to 30 June 1996.

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

Done at Brussels, 29 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 93, 10. 4. 1990, p. 20.

⁽³⁾ OJ No L 161, 27. 6. 1990, p. 32.

**COMMISSION REGULATION (EC) No 1804/95
of 25 July 1995**

**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) ⁽¹⁾,
as last amended by Regulation (EC) No 2484/94 ⁽²⁾, and in
particular Article 27 thereof,

Whereas Article 4 (5) of Commission Regulation (EEC)
No 903/90 ⁽³⁾, as last amended by Regulation (EC) No
1505/95 ⁽⁴⁾, 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 1995 without exceeding the quotas;

Whereas Council Regulation (EEC) No 444/92 ⁽⁵⁾ extends
until 29 February 2000 the application of Regulation
(EEC) No 715/90,

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
31 December 1995 shall be accepted in full.

Article 2

This Regulation shall enter into force on 26 July 1995.

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

Done at Brussels, 25 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 93, 10. 4. 1990, p. 20.

⁽⁴⁾ OJ No L 147, 30. 6. 1995, p. 21.

⁽⁵⁾ OJ No L 52, 27. 2. 1992, p. 7.

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

A. Trade

g) Milkproducts

COMMISSION REGULATION (EC) No 85/95

of 19 January 1995

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) ⁽¹⁾, as last amended Regulation (EC) No 2484/94 ⁽²⁾, and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 ⁽³⁾, as last amended by Regulation (EC) No 3337/94 ⁽⁴⁾, 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 Article 4 (4) of Regulation (EEC) No 1150/90 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 1995 of the products referred to in Article 7 of Regulation (EEC) No 715/90 should be determined,

HAS ADOPTED THIS REGULATION :

Article 1

1. Licence applications lodged pursuant to Article 4 of Regulation (EEC) No 1150/90 from 1 to 10 January 1995 are hereby accepted.
2. Further licence applications may be lodged during the first 10 days of July 1995 for the following quantities :
 - 250 tonnes of products falling within CN code 0402,
 - 475 tonnes of products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 20 January 1995.

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

Done at Brussels, 19 January 1995.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 114, 5. 5. 1990, p. 21.

⁽⁴⁾ OJ No L 350, 31. 12. 1994, p. 66.

COMMISSION REGULATION (EC) No 1677/95
of 10 July 1995

amending Regulation (EEC) No 1150/90 as regards the transitional adjustment of certain provisions relating to imports into the Community 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⁽¹⁾, and in particular Article 3 (1) thereof,

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

Whereas 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)⁽²⁾, as amended by Regulation (EC) No 3337/94⁽³⁾, lays down detailed rules for the application of the preferential conditions reducing the import levy for quotas of milk and cheese; whereas, since the levies are being replaced by customs duties from 1 July 1995, it is necessary to make transitional adjustments to those provisions;

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

Regulation (EEC) No 1150/90 is hereby amended as follows for the 1995/96 marketing year:

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 114, 5. 5. 1990, p. 21.

⁽³⁾ OJ No L 350, 31. 12. 1994, p. 66.

1. Article 3 (d) is 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 reducida en un 50 %, Producto ACP/PTOM
Reglamento (CEE) n° 715/90,
- Told netsat 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
Regulamento (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 1995 to 30 June 1996.

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

Done at Brussels, 10 July 1995.

For the Commission
FRANZ FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1779/95
of 24 July 1995

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) ⁽¹⁾, as last amended Regulation (EC) No 2484/94 ⁽²⁾, and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 ⁽³⁾, as last amended by Regulation (EC) No 1677/95 ⁽⁴⁾, 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 1995 and notified to the Commission are hereby accepted.

Article 2

This Regulation shall enter into force on 25 July 1995.

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

Done at Brussels, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 114, 5. 5. 1990, p. 21.

⁽⁴⁾ OJ No L 159, 11. 7. 1995, p. 5.

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

A. Trade

h) Rum

COUNCIL REGULATION (EC) No 1787/95

of 24 July 1995

opening and providing for the administration of a Community tariff quota for rum, tafia and arrack originating in the African, Caribbean and Pacific (ACP) States (second half 1995)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the Fourth ACP-EEC Convention⁽¹⁾ entered into force on 1 September 1991;

Whereas Protocol 6 of that Convention stipulates that products originating in the African, Caribbean and Pacific (ACP) States which fall within CN codes 2208 40 10, 2208 40 90, 2208 90 11 and 2208 90 19 shall, until the entry into force of a common organization of the market in spirits, be allowed into the Community free of customs duties under conditions such as to permit the development of traditional trade flows between the ACP States and the Community; whereas the Community shall until 31 December 1995 fix each year the quantities which may be imported free of customs duties;

Whereas by Regulation (EC) No 1989/94⁽²⁾ the Council opened, for the period 1 July 1994 to 30 June 1995, a Community tariff quota (Order No 09.1605) for rum, tafia and arrack of 244 87 hl of pure alcohol;

Whereas pursuant to Article 2 (a) of the said Protocol 6 the volume of the tariff quota for the period from 1 July 1995 to 31 December 1995 will be equivalent to half that of the previous year increased by 10 000 hl of pure alcohol;

Whereas Article 2 (c) of the said Protocol provides that, in cases where the application of that provision hampers the development of a traditional trade flow between the ACP States and the Community, the latter should take appropriate measures to remedy that situation, and Article 2 (d) thereof provides that to the extent that the consumption of rum increases significantly in the Community, the Community undertakes to carry out a new examination of the annual rate of increase;

Whereas economic data currently available leads to the conclusion that the traditional trade flows between the ACP States and the Community with respect to rum have greatly increased;

Whereas taking into account in particular the consumption requirements of the three new Member States the quota should be aligned in accordance with Article 2 (d) of the said Protocol,

HAS ADOPTED THIS REGULATION :

Article 1

From 1 July 1995 to 31 December 1995 the following products originating in the ACP States shall be imported into the Community free of customs duty within the limits of the relevant Community tariff quota shown below :

Order No	CN code	Description	Quota volume (in hl of pure alcohol)	Quota duty
09.1605	2208 40 10 2208 40 90 2208 90 11 2208 90 19	Rum, tafia and arrack	207 414	Free

⁽¹⁾ OJ No L 229, 17. 8. 1991, p. 3.

⁽²⁾ OJ No L 200, 3. 8. 1994, p. 2.

Article 2

The tariff quota referred to in Article 1 shall be administered by the Commission which may take all administrative measures to ensure the effective administration thereof.

Article 3

If an importer presents in a Member State a declaration of entry for free circulation together with a request for preferential treatment for a product referred to in Article 1 and the declaration is accepted by the customs authorities, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements from the quota volume.

Requests to draw from the quota, indicating the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

Drawings shall be granted by the Commission by reference to the date of acceptance by the customs authorities of the Member State concerned, of the declarations of entry for free circulation, provided the residual balance so permits.

If a Member State does not use the quantities drawn, it shall return them to the quota as soon as possible.

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

Done at Brussels, 24 July 1995.

If the quantities requested are greater than the available balance of the quota volume, allocation shall be made on a pro rata basis. The Member States shall be informed by the Commission of the drawings granted.

Article 4

Each Member State shall ensure that importers of the products concerned have equal and continuous access to the quota volume as long as the residual balance so permits.

Article 5

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

Article 6

Council Regulation (EEC) No 3705/90 of 18 December 1990 on the safeguard measures provided for in the Fourth ACP-EEC Convention (1) shall apply to the products covered by this Regulation.

Article 7

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.

For the Council
The President
P. SOLBES MIRA

(1) OJ No L 358, 21. 12. 1990, p. 4.

COUNCIL REGULATION (EC) No 2599/95

of 30 October 1995

opening and providing for the administration of a Community tariff quota for rum originating in the African, Caribbean and Pacific (ACP) States (1996 to 1999)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the Fourth ACP-EEC Convention⁽¹⁾ entered into force on 1 September 1991;

Whereas, pursuant to Protocol 6 to the said Convention, with regard to the arrangements applicable from 1996 the Council has decided, on the basis of a report from the Commission, to discontinue as from 1 January 1996 the quota for 'light' ACP rum and to retain a tariff quota for 'traditional' ACP rum until full liberalization on 1 January 2000;

Whereas the volume of the tariff quota decided on by the Council has been set at 58 000 hectolitres of pure alcohol for 1996, 61 000 hectolitres for 1997, 64 000 hectolitres for 1998 and 67 000 hectolitres for 1999;

Whereas for these reasons an appropriate definition of 'traditional' ACP rum should be given; whereas to that end the general definition of rum given in Regulation (EEC) No 1576/89⁽²⁾ which stipulates that traditional rum is characterized by a high content of volatile substances other than ethyl and methyl alcohol, should be taken as a basis;

Whereas equal and continuous access to the said quota should be ensured for all Community importers and the rates laid down for the quota should be applied consis-

tently to all imports of the products in question into all Member States until the quota is exhausted; whereas the decision for the opening of tariff quotas in fulfilment of its international obligations should be taken by the Community; whereas, to ensure the efficient common administration of these quotas, however, there is no obstacle to authorizing the Member States to draw from the quota volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close cooperation between the Member States and the Commission and the latter must, in particular, be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas measures should be laid down to ensure that Protocol 6 is implemented under conditions such as to permit the development of traditional trade flows between the ACP States and the Community, and between the Member States,

HAS ADOPTED THIS REGULATION:

Article 1

The following products originating in ACP States shall be imported free of customs duties for the periods and within the limits of the Community tariff quotas shown next to each of them.

Order No	CN code	Taric sub-division	Description	Period	Quota volume (in hl of pure alcohol)	Quota duty
09.1617	ex 2208 40 10	*10	Rum with a content of volatile substances other than ethyl and methyl alcohol equal to or exceeding 225 grams per hectolitre of pure alcohol with a 10 % tolerance	1.1.1996-31.12.1996	58 000	Free
	ex 2208 40 90	*10		1.1.1997-31.12.1997	61 000	
				1.1.1998-31.12.1998	64 000	
				1.1.1999-31.12.1999	67 000	

⁽¹⁾ OJ No L 229, 17. 8. 1991, p. 3.

⁽²⁾ OJ No L 160, 12. 6. 1989, p. 1. Regulation as last amended by the 1994 Act of Accession.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take all appropriate administrative measures to ensure the effective administration thereof.

Article 3

The provisions required to implement Article 1, and in particular:

- (a) the technical amendments and adjustments which may be needed as a result of amendments to the combined nomenclature and the Taric codes;
- (b) the adjustments required as a result of the conclusion of protocols or exchanges of letters between the Community and the ACP States concerned in the framework of the Convention referred to herein;

shall be adopted in accordance with the procedure laid down in Article 4 (2).

Article 4

1. The Commission shall be assisted by the Customs Code Committee established by Article 247 of Regulation (EEC) No 2913/92 (1).

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission shall defer application of the measures which it has decided upon for three months from the date of such communication,
- the Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous indent.

3. The Committee may examine any issue in connection with the implementation of this Regulation put

forward by its chairman either on his own initiative or at the request of a Member State.

Article 5

If an importer presents in a Member State a declaration of entry for free circulation together with a request for preferential treatment for a product referred to in Article 1 and the declaration is accepted by the customs authorities, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements from the quota volume.

Requests to draw from the quota, indicating the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

Drawings shall be granted by the Commission by reference to the date of acceptance by the customs authorities of the Member State concerned of the declarations of entry for free circulation, provided the residual balance so permits.

If a Member State does not use the quantities drawn, it shall return them to the quota as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, allocation shall be made on a pro rata basis. The Member States shall be informed by the Commission of the drawings granted.

Article 6

Each Member State shall ensure that importers of the products concerned have equal and continuous access to the quota as long as the residual balance so permits.

Article 7

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

Article 8

Council Regulation (EEC) No 3705/90 of 18 December 1990 on the safeguard measures provided for in the Fourth ACP-EEC Convention (2) shall apply to the products covered by this Regulation.

Article 9

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

It shall apply from 1 January 1996.

(1) OJ No L 302, 19. 10. 1992, p. 1. Regulation as last amended by the 1994 Act of Accession.

(2) OJ No L 358, 21. 12. 1990, p. 4.

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

Done at Luxembourg, 30 October 1995.

For the Council

The President

J. SOLANA

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

B. Financial and technical cooperation

COUNCIL RECOMMENDATION

of 20 March 1995

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1979) (Fifth EDF) for the financial year 1993

(95/111/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 Second ACP-EEC Convention, signed at Lomé on 31 October 1979,

Having regard to Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾,

Having regard to the 1979 Internal Agreement on the financing and administration of Community aid⁽²⁾, signed on 20 November 1979, and in particular Article 29 (3) thereof,

Having regard to the Financial Regulation of 17 March 1981 applicable to the Fifth European Development Fund⁽³⁾, and in particular Articles 66 to 70 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1979) (Fifth EDF) as at 31 December 1993 and the Court of Auditors' report relating to the financial year 1993 together with the Commission's replies⁽⁴⁾,

Whereas, pursuant to Article 29 (3) of the Internal Agreement, the discharge for the management of the European Development Fund (1979) (Fifth 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 (1979) (Fifth EDF) during the financial year 1993 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 (1979) (Fifth EDF) for the financial year 1993.

Done at Brussels, 20 March 1995.

For the Council

The President

E. ALPHANDÉRY

⁽¹⁾ OJ No L 361, 31. 12. 1980, p. 1.

⁽²⁾ OJ No L 347, 22. 12. 1980, p. 210.

⁽³⁾ OJ No L 101, 11. 4. 1981, p. 12.

⁽⁴⁾ OJ No C 327, 24. 11. 1994, pp. 264-300 and 421-435.

COUNCIL RECOMMENDATION

of 20 March 1995

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 1993

(95/112/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-BEC 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⁽¹⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid⁽²⁾, signed in Brussels on 19 February 1985, as amended by Decision 86/281/EEC⁽³⁾, and in particular Article 29 (3) thereof,

Having regard to the Financial Regulation of 11 November 1986 applicable to the Sixth European Development Fund⁽⁴⁾, 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 1993 and the Court of Auditors' report relating to the financial year 1993 together with the Commission's replies⁽⁵⁾,

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 1993 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 1993.

Done at Brussels, 20 March 1995.

For the Council

The President

E. ALPHANDÉRY

⁽¹⁾ OJ No L 175, 1. 7. 1986, p. 1.

⁽²⁾ OJ No L 86, 31. 3. 1986, p. 210.

⁽³⁾ OJ No L 178, 2. 7. 1986, p. 13.

⁽⁴⁾ OJ No L 325, 20. 11. 1986, p. 42.

⁽⁵⁾ OJ No C 327, 24. 11. 1994, pp. 264-300 and 421-435.

COUNCIL RECOMMENDATION

of 20 March 1995

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 1993

(95/113/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 206 thereof,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid⁽²⁾, 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⁽³⁾, 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 1993 and the Court of Auditors' report relating to the financial year 1993 together with the Commission's replies⁽⁴⁾,

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 1993 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 1993.

Done at Brussels, 20 March 1995.

For the Council

The President

E. ALPHANDÉRY

⁽¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ No L 229, 17. 8. 1991, p. 288.

⁽³⁾ OJ No L 266, 21. 9. 1991, p. 1.

⁽⁴⁾ OJ No C 327, 24. 11. 1994, pp. 264-300 and 421-435.

EUROPEAN PARLIAMENT DECISION

of 5 April 1995

giving discharge to the Commission in respect of the financial management of the fifth European Development Fund for the 1993 financial year

(95/225/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the EC Treaty,
- having regard to the second ACP-EEC Convention ⁽¹⁾,
- having regard to the balance sheets and revenue and expenditure accounts of the fifth, sixth and seventh European Development Funds for the 1993 financial year (COM(94) 0365),
- having regard to the report of the Court of Auditors concerning the 1993 financial year and the replies of the institutions ⁽²⁾,
- having regard to the Council recommendation of 20 March 1995 (C4-0101/95),
- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A4-0060/95),

1. Gives discharge to the Commission in respect of the financial management of the fifth European Development Fund for the 1993 financial year on the basis of the following amounts :

	(ECU)
— Annual Revenue :	
Contributions paid	0
Sundry receipts	0
— Annual expenditure	521 525 000 ;

2. Records its observations in the resolution which forms part of this Decision ;

3. Instructs its President to forward this Decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and European Investment Bank and to have them published in the *Official Journal of the European Communities* (L series).

The Secretary-General
 Enrico VINCI

The President
 Klaus HÄNSCH

⁽¹⁾ OJ No L 347, 22. 12. 1980.

⁽²⁾ OJ No C 327, 24. 11. 1994.

EUROPEAN PARLIAMENT DECISION

of 5 April 1995

giving discharge to the Commission in respect of the financial management of the sixth European Development Fund for the 1993 financial year

(95/226/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the EC Treaty,
- having regard to the third ACP-EEC Convention ⁽¹⁾,
- having regard to the balance sheets and revenue and expenditure accounts of the fifth, sixth and seventh European Development Funds for the 1993 financial year (COM(94) 0365),
- having regard to the report of the Court of Auditors concerning the 1993 financial year and the replies of the institutions ⁽²⁾,
- having regard to special report 2/94 of the Court of Auditors on the import programmes carried out under the sixth European Development Fund (EDF), together with the Commission's replies ⁽³⁾,
- having regard to the Council recommendation of 20 March 1995 (C4-0102/95),
- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A4-0060/95),

1. Gives discharge to the Commission in respect of the financial management of the sixth European Development Fund for the 1993 financial year on the basis of the following amounts ⁽⁴⁾:

	<i>(ECU)</i>
— Annual Revenue :	
Contributions paid	1 609 339 000
Sundry receipts	20 897 000
— Annual expenditure	571 591 000 ;

2. Records its observations in the resolution which forms part of this Decision ;

3. Instructs its President to forward this Decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and European Investment Bank and to have them published in the *Official Journal of the European Communities* (L series).

The Secretary-General

Enrico VINCI

The Presidents

Klaus HÄNSCH

⁽¹⁾ OJ No L 86, 31. 3. 1986.

⁽²⁾ OJ No C 327, 24. 11. 1994.

⁽³⁾ OJ No C 97, 6. 4. 1994.

⁽⁴⁾ The figures proposed for discharge in the EDF accounts contain an error for the sixth EDF. The figures used here are corrected accordingly on the basis of the detailed accounts.

EUROPEAN PARLIAMENT DECISION

of 5 April 1995

giving discharge to the Commission in respect of the financial management of the seventh European Development Fund for the 1993 financial year

(95/227/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the EC Treaty,
- having regard to the fourth ACP-EEC Convention ⁽¹⁾,
- having regard to the balance sheets and revenue and expenditure accounts of the fifth, sixth and seventh European Development Funds for the 1993 financial year (COM(94) 0365),
- having regard to the report of the Court of Auditors concerning the 1993 financial year and the replies of the institutions ⁽²⁾,
- having regard to the Council recommendation of 20 March 1995 (C4-0103/95),
- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A4-0060/95),

1. Gives discharge to the Commission in respect of the financial management of the seventh European Development Fund for the 1993 financial year on the basis of the following amounts :

	<i>(ECU)</i>
— Annual revenue :	
Contributions paid	0
Sundry receipts	0
— Annual expenditure	705 646 000 ;

2. Records its observations in the resolution which forms part of this Decision ;
3. Instructs its President to forward the Decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and European Investment Bank and to have them published in the *Official Journal of the European Communities* (L series).

The Secretary-General
 Enrico VINCI

The President
 Klaus HÄNSCH

⁽¹⁾ OJ No L 229, 17. 8. 1991.

⁽²⁾ OJ No C 327, 24. 11. 1994.

RESOLUTION

containing the observations which form part of the Decisions giving discharge to the Commission in respect of the financial management of the fifth, sixth and seventh European Development Funds for the 1993 financial year

THE EUROPEAN PARLIAMENT,

- having regard to Articles 137 and 206 of the EC Treaty,
- having regard to Articles 70, 73 and 77 of the Financial Regulations applicable respectively to the fifth, sixth and seventh European Development Funds (EDFs), under which the Commission is required to take all appropriate steps to act on the observations appearing in discharge Decisions,
- having regard to the forthcoming review of the Lomé Convention and the establishment of the eighth European Development Fund,
- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A4-0060/95),

General

1. Endorses the basic concept of the EDFs as multi-lateral development funds, this being the most effective and equitable method for the provisions of long-term structural development aid; notes in this context that the current provisions for the financing of the EDFs do not correspond to this concept, and will not do so until the funds are incorporated within the Community budget;

Budgetary implementation

2. Continues to be concerned at the slow implementation rate of the EDFs particularly in the field of traditional, project-based aid programmes jointly managed with ACP countries;
3. Calls on the Commission to introduce provisions allowing appropriations under national or regional indicative programmes, which remain unused for defined lengths of time following their transfer to subsequent EDFs, to be re-allocated to non-programmable aid programmes;

Administration and management

4. Asks the Commission to review all Financial Regulations applying to the EDFs and, following the budgetization of the EDFs, of the general Community Financial Regulation, to adapt their provisions more

closely to the circumstances of the implementation of the EDFs;

5. Calls on the Commission to report to the Parliament in its report on the follow-up to the present discharge Decisions on all the changes made to its EDF financial management and accounting systems as a result of the observations of the Court of Auditors in its 1993 annual report⁽¹⁾;
6. Calls on the Commission, within the context of a process of management decentralization, to delegate decision-making powers and responsibility for defined aspects of financial management to its delegations in ACP countries; asks the Commission in this connection to review its staffing policy in the delegations, and, in any event, to ensure that they are fully staffed;
7. Calls on the Commission, the European Investment Bank and the Court of Auditors to cooperate in carrying out regular and frequent on-the-spot audit checks of operations managed under mandate by the European Investment Bank (EIB);
8. Asks the Court of Auditors to give summary details of all on-the-spot audit visits carried out in preparation of its annual report on EDF expenditure as an annex to the relevant chapter in the annual report;
9. Acknowledges and welcomes the efforts made by the Commission since 1993 to improve its financial management and accounting systems for the EDF and the progress thus made;
10. Recognizes that the Court of Auditors has discovered a certain number of discrepancies in the EDF accounts and notes that the Commission has acknowledged these; expects these errors to be corrected in the 1994 accounts, the legality and regularity of which the Court of Auditors will for the first time be required to certify in its Statement of Assurance;

Structural adjustment

11. Stresses the importance of the respect for democratic practice as a precondition for the provision of assistance under the Structural Adjustment Facility, and the crucial importance of the Community taking all possible action to alleviate the serious adverse social consequences caused by structural reforms;

⁽¹⁾ OJ No C 327, 24. 11. 1994.

12. Finds that counterpart funds created under the sixth EDF are not being used in accordance with the Community's stated priorities for the health and education sectors ; asks the Commission, in spite of the notable improvements visible in this context in the seventh EDF, to bring to bear its influence with ACP Governments to ensure that the health and education sectors are suitably funded by the counterpart funds ;
13. Asks the Commission to provide the European Parliament, by 30 September 1995, with a report giving an evaluation of the results achieved so far by the Structural Adjustment Facility, and by the counterpart funds generated by it, including details of the criteria used to carry out that evaluation ;
14. Asks the Court of Auditors to include in the relevant chapter of its next annual report an evaluation of the

results achieved so far by the Structural Adjustment Facility, including details of the criteria used to carry out that evaluation ;

Stabex

15. Expresses its concern over the continuing impasse between the Commission and the ACP States over the question of Stabex finance ; asks the Commission to ensure that the ACP States respect their obligations relating to the mutual obligation frameworks ; also asks the Commission thoroughly to review the entire operation of the Stabex system within the context of the new EDFs ;

EDF finance for UN operations

16. Reaffirms its insistence that EDF funds must only be applied for purposes for which there is a clear legal basis in the Lomé Conventions.
-

COUNCIL

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL

of 20 December 1995

on the conversion into grants of special loans provided for under the Second and Third Lomé Conventions

(95/580/EC)

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

HAVE DECIDED AS FOLLOWS:

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

Whereas Articles 91 *et sequitur* of the second ACP-EEC Convention, signed at Lomé on 31 October 1979 and Articles 194 *et sequitur* of the Third ACP-EEC Convention, signed at Lomé on 8 December 1984 provide for special loans;

Whereas at the final ministerial negotiating session on the mid-term review of the fourth ACP-EC Convention held in Brussels on 30 June 1995, the Community adopted a Declaration to the effect that the special loans not yet committed under the second and third Lomé Conventions should be converted into grants,

Article 1

The special loans provided for under the second and third Lomé Conventions which have not been the subject of financing agreements on the date of adoption of this Decision shall be converted into grants.

The first paragraph shall also apply to balances released before or after that date, following the termination of commitments resulting from all financing agreements concluded in connection with special loans provided for under the second and third Lomé Conventions.

Article 2

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

Done at Brussels, 20 December 1995.

The President

J. L. DICENTA BALLESTER

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL

of 20 December 1995

on the provisional application of certain provisions of the internal agreement (Eighth EDF) relating to programming of the Agreement amending the Fourth ACP-EC Convention

(95/581/EC)

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

HAVE DECIDED AS FOLLOWS:

Having regard to the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989, as amended by the Agreement amending the said Convention, signed in Mauritius on 4 November 1995,

Article 1

The provisions of the Internal Agreement (Eighth EDF) relating to the programming process, as set out in Articles 17, 18, 21, 22 and 23 of the said Agreement and in the statements thereon, shall be applied provisionally.

Having regard to the Internal Agreement on the Financing and Administration of Community Aid under the Second Financial Protocol to the Fourth ACP-EC Convention,

Article 2

This Decision shall enter into force on the same day as the transitional measures which are to be adopted by the ACP-EC Council.

Whereas the transitional measures to be adopted by the ACP-EC Council of Ministers provide for the provisional application of the provisions on programming in the Agreement amending the Fourth ACP-EC Convention;

Done at Brussels, 20 December 1995.

Whereas it is therefore important, pending the entry into force of the Internal Agreement, that some provisions of the said Agreement be applied provisionally,

The President

J. L. DICENTA BALLESTER

**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 1892/95

of 29 June 1995

on the conclusion of the Protocol establishing for the period 1 July 1994 to 30 June 1997 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43, in conjunction with Article 228 (2) and (3) first subparagraph,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea ⁽²⁾, the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations, a new Protocol establishing the fishing rights and financial compensation provided for in the abovementioned Agreement for the period 1 July 1994 to 30 June 1997 was initialled on 30 June 1994;

Whereas it is in the Community's interest to approve the Protocol,

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol establishing, for the period 1 July 1994 to 30 June 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 3

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

⁽¹⁾ OJ No C 56, 6. 3. 1995, p. 197.

⁽²⁾ OJ No L 188, 16. 7. 1984, p. 2. Agreement amended by the Agreement approved by Regulation (EEC) No 252/87 (OJ No L 29, 30. 1. 1987, p. 1).

PROTOCOL

establishing for the period from 1 July 1994 to 30 June 1997 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

Article 1

For a period of three years from 1 July 1994, the fishing rights granted pursuant to Article 2 of the Agreement shall be:

- freezer tuna seiners: 47 vessels,
- pool-and-line tuna vessels: two vessels,
- surface longliners: four vessels.

Article 2

1. The financial compensation referred to in Article 6 of the Agreement shall be, for the period referred to in Article 1, ECU 412 500, payable in three equal annual instalments. This compensation shall cover a catch weight in waters of Equatorial Guinea of 2 750 tonnes of tuna fished per year. If the tuna caught by Community vessels in Equatorial Guinea's fishing zone exceeds this weight, the amount referred to above shall be proportionately increased.

2. The use to which this compensation is put shall be the sole responsibility of the Government of the Republic of Equatorial Guinea.

3. The compensation shall be paid into account No 4160 of the Treasury of Equatorial Guinea, opened at the 'Banque des Etats d'Afrique Centrale' (BEAC) in Malabo. Any changes shall be notified to the Commission of the European Communities.

Article 3

The Community shall also contribute, during the period referred to in Article 1, the sum of ECU 120 000 towards the financing of an Equatorial Guinea scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of Equatorial Guinea.

This sum shall be made available to the Government of the Republic of Equatorial Guinea and paid into the account indicated by the Equatorial Guinea authorities.

The competent authorities of Equatorial Guinea shall send to the Commission a brief report on the utilization of the funds.

Article 4

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 Equatorial Guinea to find places in training 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 127 500. At the request of the Equatorial Guinea authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries.

The sum shall be payable as and when it is used.

Article 5

Should the Community fail to make the payments provided for in Articles 2 and 3, the application of this Protocol may be suspended.

Article 6

The Annex to the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea is hereby repealed and replaced by the Annex to this Protocol.

Article 7

This Protocol shall enter into force on the date on which it is signed.

It shall apply with effect from 1 July 1994.

ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN EQUATORIAL GUINEA'S FISHING ZONE

A. Licence application and issuing formalities

The procedure for applications for, and issue of, the licences enabling vessels flying the flags of the Member States of the Community to fish in Equatorial Guinea's fishing zone shall be as follows:

The relevant Community authorities shall present to the Ministry of Water, Forestry and Reafforestation of the Republic of Equatorial Guinea, via the delegation of the Commission of the European Communities in Equatorial Guinea, an application for each vessel that is to be used for fishing under the Agreement.

The applications shall be made on the forms provided for that purpose by the competent authorities of the Republic of Equatorial Guinea, a specimen of which is attached hereto (Annex 1).

Once signed, the licences shall be issued by the Equatorial Guinea authorities to the shipowners or their representatives via the delegation of the Commission of the European Communities in Equatorial Guinea within 15 working days of the date on which the application was submitted.

However, at the request of the European Economic 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 owner of the first vessel shall return the cancelled licence to the Ministry of Water, Forestry and Reafforestation of the Republic of Equatorial Guinea via the delegation of the Commission of the European Communities.

The new licence shall indicate:

- the date of issue,
- the fact that the licence cancels and replaces that granted to the previous vessel.

In this case, no new lump sum shall be due.

The licence document must be held on board at all times. However, on receipt of the notification of the advance payment sent by the Commission of the European Communities to the authorities of Equatorial Guinea, the vessel will be included on a list to be notified to the fisheries control authorities of Equatorial Guinea. Whilst awaiting receipt of the licence document, a fax copy of this licence document may be obtained and shall be kept on board, which will authorize the vessel to fish, pending delivery on board of the licence document.

Licences shall be valid for a period of one year. They are renewable.

The fees shall be ECU 20 per tonne caught within Equatorial Guinea's fishing zone.

The competent authorities of Equatorial Guinea shall indicate the detailed rules for payment of the fees, in particular the bank accounts and currencies to be used.

Licences shall be issued following payment to the Ministry of Water, Forestry and Reafforestation of a lump sum of ECU 1 000 a year for each tuna seiner and ECU 200 a year for each pole-and-line tuna vessel and surface longliner.

B. Declaration of catches and breakdown of fees due by shipowners

The captain shall complete a fishing form corresponding to the model given in Annex 2 for each period spent fishing in Equatorial Guinea's fishing zone.

The form, which must be legible and signed by the captain of the ship, shall be sent without delay to Orstom or Spanish Oceanographical Institute, for processing.

Should this provision not be adhered to, the Government of Equatorial Guinea reserves the right to suspend the licence of the offending vessel until the formality has been complied with and to apply the penalties laid down under fisheries law No 2/1987 of 16 February 1987.

Member States shall inform the Commission of the European Communities before 15 April of the tonnages caught during the past year, as confirmed by the scientific institutes. On the basis of those figures the Commission shall establish a breakdown of the fees due in respect of a fishing year which it shall then send to the authorities of Equatorial Guinea for their comments.

Shipowners shall be notified by the Commission of the European Communities of this breakdown by the end of April at the latest and shall have 30 days in which to meet their financial obligations. The shipowner cannot recover the balance in cases where the amount payable in respect of actual fishing operations is less than the advance payment.

C. Inspection and monitoring

Any Community vessel fishing in Equatorial Guinea's fishing zone shall allow on board any official of Equatorial Guinea responsible for inspection and monitoring and shall assist him in the accomplishment of his duties. 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.

D. Fishing zones

The vessels referred to in Article 1 of the Protocol shall be authorized to fish in waters beyond four nautical miles from the base lines.

E. Entering and leaving the zone

All Community vessels fishing under the Agreement in the Equatorial Guinea zone shall communicate to the radio station indicated on the licence the date and time and their position when entering and leaving the Equatorial Guinea fishing zone.

F. Procedure in case of boarding

1. The delegation of the Commission of the European Communities in Equatorial Guinea shall be notified within two working days of any boarding within the Equatorial Guinea exclusive economic zone of a fishing vessel flying the flag of a Member State of the Community and holding a valid licence granted under the Agreement. The delegation shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.
2. Before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within one working day from the receipt of the abovementioned information, between the delegation of the Commission of the European Communities in Equatorial Guinea, the Fisheries Department and the inspection authorities, possibly attended by a representative of the Member State concerned. At the meeting, the parties shall exchange any relevant documentation or information helping to clarify the circumstances of the 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 Equatorial Guinea judicial body, a reasonable bank security shall be fixed by the competent authority within two working days, following the conclusion of the compromise procedure, pending the judicial decision. The bank security shall be released by the competent authority once the master of the vessel concerned has been acquitted by the judicial decision.
 5. The vessel and its crew shall be released either:
 - at the end of the consultation meeting, if the established facts permit, or
 - on receipt of payment of a fine (compromise procedure), or
 - once a bank security is deposited (judicial procedure).
 6. Should one of the Parties consider that there is a problem in the application of the abovementioned procedure, it may request urgent consultations under Article 8 of the Agreement.
-

Annex 1

REPUBLIC OF EQUATORIAL GUINEA

APPLICATION FOR A FISHING LICENCE

1. Valid from: to
2. Name of vessel:
3. Name of shipowner:
4. Port and registration number:
5. Type of fishing:
6. Authorized mesh size:
7. Length of vessel:
8. Width of vessel:
9. Gross registered tonnage:
10. Hold capacity:
11. Engine rating:
12. Type of construction:
13. Usual number of seamen aboard:
14. Radio/electrical equipment:
15. Master's name:

The above information is the sole responsibility of the shipowner or his representative.

Date of application:

- Longline
- Balloon
- Purse seine
- Trolling
- Others

Page _____ of _____ pages

Flag country _____ Capacity (M. T.) _____
 Registration No _____ Captain _____
 Company or Owner _____ No of crew _____
 Address _____ Reporting date _____
 Reported by _____

Boat RETURNED _____ Boat LEFT _____
 Number of days at sea _____ Number of fishing days or number of sets made _____
 Trip number _____ 19 _____

C A T C H E S

Month	Day	N or S	Longitude	Area	Surf Water Temp (°C)	Effort (Number of Hooks used)	Bluelin tuna <i>Thunnus thynnus</i> or <i>maccoyii</i>		Yellowfin tuna <i>Thunnus albacares</i>		Bigeye tuna <i>Thunnus obesus</i>		Albacore <i>Thunnus alalunga</i>		Swordfish <i>Xiphias gladius</i>		Striped marlin White marlin <i>Tetrapturus audax</i> or <i>albidus</i>		Black marlin <i>Makaira indica</i>		Sailfin <i>Istiophorus</i> <i>albicans</i> or <i>platypterus</i>		Striped <i>Katsuwonus</i> <i>palmatus</i>		Miscellaneous fishes		Daily total (in weight kg only)	Bait used Squid Lizard Others			
							number fish	weight in kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg			No	kg	No
01																															
02																															
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1. Use one sheet per month, and one line per day.
 2. At the end of each trip, forward a copy of this log to your correspondent or to: ICCAT, General Mesa 17, Madrid 1, Spain
 3. 'Day' refers to the day you set the line.
 4. Fishing area refers to the noon position of the boat. Round off minutes, and record degrees of latitude and longitude. Be sure to record NS and EW.
 5. The bottom line (landing weight) should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
 6. All information reported herein will be kept strictly confidential.

COUNCIL REGULATION (EC) No 1893/95
of 29 June 1995

relating to the conclusion of the Protocol setting out the fishing opportunities and financial consideration provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off Comoros for the period 20 July 1994 to 19 July 1997

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof in conjunction with the first sentence of Article 228 (2) and the first subparagraph of Article 228 (3),

Article 1

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas, in accordance with the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off Comoros ⁽²⁾, the two Contracting Parties held negotiations with a view to determining amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

The Protocol setting out the fishing opportunities and financial consideration provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off Comoros for the period 20 July 1994 to 19 July 1997 is hereby approved on behalf of the Community.

The text of the Protocol is attached hereto.

Whereas, as a result of those negotiations, a new Protocol defining the fishing opportunities and financial consideration provided for in the abovementioned Agreement for the period from 20 July 1994 to 19 July 1997 was initialled on 18 July 1994;

Article 2

Whereas it is in the Community's interest to approve the said Protocol,

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No C 89, 10. 4. 1995, p. 196.

⁽²⁾ OJ No L 137, 2. 6. 1988, p. 19.

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setting out the fishing opportunities and financial consideration provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off Comoros for the period 20 July 1994 to 19 July 1997

Article 1

1. Pursuant to Article 2 of the Agreement, licences authorizing simultaneous fishing in Comorian waters shall be granted to 37 ocean-going freezer tuna vessels for a period of three years beginning on 20 July 1994.

2. In addition, at the request of the Community, certain authorizations may be granted to other categories of fishing vessel under terms to be defined by the Joint Committee referred to in Article 7 of the Agreement.

Article 2

1. The financial consideration referred to in Article 6 of the Agreement shall be fixed at ECU 675 000 for the period provided for in Article 1 of this Protocol, payable in three equal annual instalments. That amount shall cover an annual catch of 4 500 tonnes of tuna in Comorian waters. If the tuna caught by Community vessels in Comorian waters exceeds that weight, the abovementioned amount shall be increased proportionately.

2. The use to which the contribution is to be put shall fall within the exclusive competence of the Government of the Islamic Federal Republic of the Comoros.

Article 3

1. The Community shall also contribute, during the period referred to in Article 1, to the financing of Comorian scientific or technical programmes (equipment, infrastructure, reinforcement of administrative and training structures in the fishing sector, etc.) designed to improve knowledge of fishery resources in Comorian waters.

2. The contribution shall be ECU 260 000 for the duration of this Protocol.

3. The authorities of the Comoros shall forward a brief report on the way that amount is used to the Commission staff.

4. The Community's contribution to the scientific or technical programmes shall be paid to an account indicated on each occasion by the Ministry of

Production, Rural Development, Industry and the Environment.

Article 4

1. The Contracting Parties hereby agree that improving the skills and knowledge of those concerned with sea fishing is essential to the success of their cooperation. To that end, the Community shall facilitate the entry of Comorian nationals to establishments in its Member States and for that purpose shall make available to them grants for study or practical training courses lasting a maximum of five years in the various scientific, technical and economic fields linked to fishing. The total cost of such grants may not exceed ECU 145 000. The grants may also be used in any country linked to the Community by a cooperation agreement.

2. A part of the amount referred to in paragraph 1, which must not exceed ECU 45 000, may be used, at the request of the Comorian authorities, to cover the costs of participation in international meetings relating to fishing.

3. The amount referred to in paragraph 1 shall be payable as it is used.

Article 5

Should the Community fail to make the payments provided for in Articles 2 and 3, the Fishing Agreement may be suspended.

Article 6

The Protocol to the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros is hereby repealed and replaced by this Protocol.

Article 7

This Protocol shall enter into force on the date on which it is signed.

It shall apply from 20 July 1994.

ANNEX

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN COMORIAN WATERS

1. Application for and issue of licences

The procedure for application for, and issue of, the licences allowing Community vessels to fish in Comorian waters shall be as follows:

- (a) the Commission of the European Communities, through its representative of the Commission in Comoros, shall submit to the fishing authorities of the Comoros at least 20 days before the date of commencement of the period of validity requested, an application in respect of each vessel wishing to fish under this Agreement, drawn up by the owner. The applications shall be made on the forms provided for that purpose by Comoros, a specimen of which is attached;
- (b) licences are issued to a shipowner for a specific vessel. At the request of the Commission of the European Communities, a licence issued for one vessel may, in a case of force majeure, be replaced by a licence issued for another Community vessel;
- (c) the licence shall be delivered by the authorities of the Comoros to the representative of the Commission of the European Communities in Comoros;
- (d) licences must be held on board at all times; however, the authorities of the Comoros shall upon receipt of notification from the Commission of the European Communities that advance payment has been made, enter the vessel concerned in the list of vessels with authorization to fish, which is sent to the control authority of Comoros. Pending receipt of the original of the licence, a copy of the licence that has been drawn up may be issued by telefax to be held on board the vessel;
- (e) before the entry into force of the Agreement the authorities of the Comoros shall communicate the arrangements for payment of the licence fees, in particular the details of the bank accounts and the currencies to be used.

2. Validity of licences and payment of fees

- (a) Licences shall be valid for one year. They shall be renewable.
- (b) The licence fee shall be set at 20 ECU/tonne of tuna caught in Comorian waters.

Licences shall be issued following advance payment to Comoros of a lump sum of ECU 1 500 a year for each tuna seiner, equivalent to fees for a catch of 75 tonnes of tuna a year in Comorian waters.

The captain shall complete a fishing form corresponding to the model given in Appendix 2 for each period spent fishing in the Comorian fishing zone. The form may be replaced during the period of application of the Protocol by another document devised for the same purpose by an international organization responsible for tuna fishing in the Indian Ocean after the agreement of the Joint Committee referred to in Article 7 of the Fisheries Agreement.

The form, which must be legible and signed by the captain of the ship, shall be sent to l'Office de la recherche scientifique et technique d'outre-mer (Office of Overseas Scientific and Technical Research) and El Instituto Oceanografico Español (Spanish Oceanographical Institute) for processing within one month of the end of each calendar quarter.

Member States shall inform the Commission of the European Communities before 15 April of the tonnages caught during the past year, as confirmed by the scientific institutes. On the basis of those figures the Commission shall establish a breakdown of the fees due in respect of a fishing year which it shall then send to the authorities of the Comoros for their comments.

Shipowners shall be notified by the Commission of the European Communities of this breakdown by the end of April at the latest and shall have 30 days in which to meet their financial obligations. The shipowner cannot recover the balance in cases where the amount payable in respect of actual fishing operations is less than the advance payment.

3. Observers

At the request of the authorities of the Comoros tuna vessels shall take on board an observer designated by the authorities in order to check catches made in Comorian waters. Observers shall have all facilities, including access to parts of the ship and documents, necessary for the performance of their duties. Observers shall not remain on board for longer than the time required to carry out their duties. Observers shall be provided with suitable food and accommodation while on board. Should a tuna vessel with a Comorian observer on board leave Comorian waters, every step shall be taken to ensure that the observer returns to Comoros as soon as possible, at the shipowner's expense.

4. Radio communications

Whenever Community vessels enter or leave Comorian waters they must contact the Comorian radio station to notify their position and the quantities of fish on board. The call sign and frequency shall be notified to shipowners when the fishing licence is issued.

In cases where radio communication cannot be used, vessels may use alternative means of communication, such as telefax.

5. Fishing zones

To avoid adverse effects on small-scale fisheries in Comorian waters, Community tuna vessels shall not be allowed to fish within 10 nautical miles of any of the islands nor within a radius of three nautical miles of fish aggregating devices placed by the authorities of the Comoros, the positions of which have been communicated to the representative of the Commission of the European Communities in Comoros.

These provisions may be reviewed by the Joint Committee referred to in Article 7 of the Agreement.

6. Ownership of rare species

Any coelacanth (*Latimeria chalumnae*) caught by a Community vessel authorized to fish in Comorian waters remains the property of Comoros and must be turned over, without charge, to the port authorities of Moroni or Mutsamudu immediately in the best state possible.

7. Transshipment

Community vessel owners must give consideration to the existence of the harbour facilities of Mutsamudu for any transshipment operations.

Appendix 1

LICENCE APPLICATION FORM FOR A FOREIGN FISHING VESSEL

Name of applicant:

Address of applicant:

.....

Name and address of charterer of vessel if different from above:

.....

Name and address of representative (agent) in Comoros:

.....

Name of vessel:

Type of vessel:

Country of registry:

Port and registration number:

Vessel's external identification:

Radio call sign and frequency:

Length of vessel:

Width of vessel:

Engine type and horse power:

Gross registered tonnage of vessel:

Net registered tonnage of vessel:

Minimum crew:

Type of fishing:

Proposed catch species:

.....

Period of validity requested:

I, the undersigned, certify that the above particulars are correct.

Date: Signature:

Bailboat
 Purse seine
 Trolling
 Others

Page of pages

Flag country:
 Capacity (M.T.):
 Registration No:
 Company or Owner:
 Address:
 Reported by:
 Reporting date:
 Boat RETURNED:
 Boat LEFT:
 No of crew:
 Captain:
 month: day: year: port:
 days: Number of fishing days or number of sets made: Trip number: 19

Dates		Area		Surt Water Temp (in °C)		Effort (Number of Hooks used)		Bluelin tuna <i>Thunnus thynnus</i> or <i>maccoyii</i>		Yellowfin tuna <i>Thunnus albacares</i>		Bigeye tuna <i>Thunnus obesus</i>		Albacore <i>Thunnus albacora</i>		Swordfish <i>Xiphus gladius</i>		Striped marlin White marlin <i>Tropus</i> or <i>albidus</i>		Black marlin <i>Makaira indica</i>		Sailfish <i>Istiophorus</i> <i>platypterus</i>		Sheephead <i>Karencorus</i> <i>patulus</i>		Miscellaneous fishes		Daily total (in weight kg only)		Bait used			
Month	Day	Latitude	Longitude	Surf	Water	Temp	(in °C)	number	weight	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	Squid	Salmon	Others	
01	01																																
01	02																																
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01	04																																
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Remarks: _____
 1. Use one sheet per month, and one line per day.
 2. At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mode 17, Madrid 1, Spain.
 3. 'Day' refers to the day you set the line.
 4. Fishing area refers to the noon position of the boat. Round off minutes, and record degrees of latitude and longitude. Be sure to record NS and EW.
 5. The bottom line ('landing weight') should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
 6. All information reported herein will be kept strictly confidential.

COUNCIL REGULATION (EC) No 1894/95

of 29 June 1995

on the conclusion of the Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire for the period from 1 July 1994 to 30 June 1997

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof in conjunction with the first sentence of Article 228 (2) and the first subparagraph of Article 228 (3),

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas, pursuant to the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire ⁽²⁾, the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of these negotiations, a new Protocol establishing the fishing rights and financial compensation provided for in the abovementioned Agreement for the period from 1 July 1994 to 30 June 1997 was initialled on 29 June 1994;

Whereas it is in the Community's interest to conclude the new Protocol,

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

Article 1

The Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire for the period from 1 July 1994 to 30 June 1997 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 3

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

⁽¹⁾ OJ No C 109, 1. 5. 1995, p. 279.

⁽²⁾ OJ No L 379, 31. 12. 1990, p. 3.

PROTOCOL

establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

Article 1

From 1 July 1994 and for a period of three years, fishing rights pursuant to Article 2 of the Agreement shall be as follows:

- (a) freezer trawlers designed to fish demersal species, taking deepwater crustaceans, cephalopods and demersal fish: 600 GRT per month, averaged over the year;
- (b) surface longliners and pole-and-line tuna vessels: seven vessels;
- (c) tuna seiners: 46 vessels.

Article 2

The fishing rights referred to in Article 1 may be increased at the request of the Community if they do not thereby compromise the rational exploitation of Côte d'Ivoire's resources.

In this case the financial compensation referred to in Article 3 (1) shall be increased proportionately and pro rata temporis.

Article 3

1. For the period referred to in Article 1 the total financial contribution referred to in Article 8 of the Agreement shall be ECU 2,5 million, including ECU 2,1 million in financial compensation payable in three equal annual instalments.

2. For tuna fishing, this total financial contribution shall cover a catch of 7 500 tonnes a year in Côte d'Ivoire waters. If the catch of Community vessels in Côte d'Ivoire waters in any one year exceeds this amount the compensation shall be increased by ECU 50 per additional tonne.

The share of trawlers in the total contribution shall be ECU 700 000.

3. Financial compensation shall be paid into an account opened with a financial institution or any other body designated by the Côte d'Ivoire authorities.

4. The use to which the compensation is put shall be the sole responsibility of the Côte d'Ivoire Government.

Article 4

1. Out of the total contribution referred to in Article 3 (1), the Côte d'Ivoire authorities shall allocate ECU 250 000 over the period defined in Article 1, to the financing of scientific and technical programmes to promote better understanding of fisheries and the living resources of the fishing zone of Côte d'Ivoire. The amount shall be shared equally between the scientific and technical programmes.

After notification by the Côte d'Ivoire authorities of the content of the programmes, the corresponding amounts will be paid into the bank accounts designated by them.

2. The Côte d'Ivoire authorities shall report to the competent Commission departments on the implementation of the programmes.

3. Part of the amount referred to in paragraph 1, not exceeding 20 % of the total amount, may be used to cover Côte d'Ivoire's contributions to the international fishery organizations.

Article 5

1. Out of the total contribution referred to in Article 3 (1), the Côte d'Ivoire authorities shall allocate ECU 150 000 over the period defined in Article 1, to theoretical and practical training in the various scientific, technical and economic disciplines relating to fisheries. To that end, the Community shall make it easier for Côte d'Ivoire nationals to find places in establishments in its Member States.

Awards financed under this Article may be used in Côte d'Ivoire or any other country that has a cooperation agreement with the Community.

2. Part of the amount referred to in paragraph 1 may be used to cover the costs of participation in international meetings or training courses concerning fisheries.

3. The sum shall be payable as and when it is used.

Article 7

The Annex to the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire shall be replaced by the Annex to this Protocol.

Article 6

Should the Community fail to make the payments provided for under Articles 3 and 4 of this Protocol, the obligations of Côte d'Ivoire resulting from the Fisheries Agreement may be suspended.

Article 8

This Protocol shall enter into force on the date on which it is signed.

It shall apply from 1 July 1994.

ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN THE
CÔTE D'IVOIRE FISHING ZONE

A. Licence application and issuing formalities

1. The relevant Community authorities shall present to the Office of the Secretary of State for Fisheries of Côte d'Ivoire, via the Commission Delegation in Côte d'Ivoire, an application for each vessel wishing to fish under the Agreement, at least 45 days before the date of commencement of the period of validity requested.

The application shall be made on the forms provided for that purpose by Côte d'Ivoire, 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.

The fees shall include all national and local charges except for port taxes and service charges.

The authorities of Côte d'Ivoire shall give notice, before the Agreement enters into force, of the arrangements for payment of the fee, including information on bank accounts.

2. Licences shall be issued for a specific vessel and shall not be transferable.

However, at the request of the Commission of the European Communities, a vessel's licence shall, in the case of *force majeure*, be replaced by a new licence for another vessel with characteristics similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Office of the Secretary of State for Fisheries of Côte d'Ivoire via the Delegation of the Commission of the European Communities in Côte d'Ivoire.

The new licence shall indicate:

- the date of issue,
- the fact that it invalidates and replaces the licence of the previous vessel.

No fee as laid down in Article 4 (2) of the Agreement shall be due for any unexpired period of validity.

3. Licences shall be transmitted by the Côte d'Ivoire authorities to the Delegation of the Commission of the European Communities in Côte d'Ivoire within 45 days of receipt of the application.
4. The original of the licence must be held on board at all times and be presented at any time on request of the competent Côte d'Ivoire authorities.

However, for tuna seiners, pole-and-line tuna vessels and surface longliners, the Côte d'Ivoire authorities shall, upon receipt of notification from the Commission of the European Communities that advance payment has been made, enter the vessel concerned in the list of vessels with authorization to fish, which is sent to the control authority of Côte d'Ivoire. Pending receipt of the original of the licence, a copy of the licence that has been drawn up may be issued by telefax to be held on board the vessel.

5. Trawlers authorized under Article 2 of the Agreement must notify the competent Côte d'Ivoire authorities of any changes to the characteristics of a vessel as entered on the licence when issued and as listed in Appendix 1.

6. Any increase in gross registered tonnage of a trawler shall require a new licence application.

B. Provisions applicable to licences for tuna vessels and surface longliners

1. Licences shall be valid for one year. They shall be renewable.
2. The fee shall be set at ECU 20 per tonne of tuna caught within the Côte d'Ivoire fishing zone.
3. Licences shall be issued following payment of a lump sum of ECU 1 500 a year for each tuna seiner and ECU 200 a year for each pole-and-line tuna vessel and surface longliner, equivalent to the fees payable for a catch of:
 - 75 tonnes of tuna per year in the case of seiners,
 - 10 tonnes per year of species caught by pole-and-line tuna vessels and surface longliners.
4. The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data such as the French Office de la recherche scientifique et technique d'outre-mer (Orstom) and the Instituto Español de Oceanografía (IEO) on the one hand and the Centre de recherche océanographique de Côte d'Ivoire (Côte d'Ivoire oceanographic research centre) on the other. The statement shall be forwarded simultaneously to the sea fishing services of Côte d'Ivoire and to the shipowners. Any additional payment due shall be made by the shipowners to the Côte d'Ivoire fishing services not later than 30 days after notification of the final statement.

However, if the amount of the final statement is lower than the abovementioned advance, the resulting balance shall not be reimbursable to the shipowner.

5. The authorities of the Côte d'Ivoire shall communicate, before the entry into force of the Agreement, all information concerning the bank account to be used for the payment of the fees.

C. Provisions applicable to licences for freezer trawlers

1. In the case of freezer trawlers, licences shall be valid for three, six or 12 months. They shall be renewable.
2. The annual fee shall be fixed at the rate of ECU 130 per GRT.

Fees for licences for periods of less than one year shall be paid on a pro rata basis according to the length of time.

D. Statements of catch

1. Vessels authorized to fish in the Côte d'Ivoire fishing zone under this Agreement shall send their statements of catch to the sea-fishing services with a copy to the Delegations of the Commission of the European Communities in Côte d'Ivoire, as follows:
 - (a) trawlers shall notify their catches using the form given in Appendix 2. These statements shall be monthly and must be communicated at least once every three months;
 - (b) for tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with the model in Appendix 3 in the case of surface longliners and Appendix 4 in the case of seiners and pole-and-line vessels for each fishing period spent in the Côte d'Ivoire fishing zone.

zone. The form shall either be collected in port by the relevant departments of the Centre de recherche océanographique de Côte d'Ivoire or sent to the same department within 45 days of the end of the fishing trip spent in the Côte d'Ivoire fishing zone.

Forms must be completed legibly and be signed by the master of the vessel.

2. Should these provisions not be adhered to, the Côte d'Ivoire authorities reserve the right to suspend the licence of the offending vessel until the required formality has been complied with. In this case, the Delegation of the Commission of the European Communities in Côte d'Ivoire shall be informed without delay.

E. Landing of catches

Tuna vessels and surface longliners landing their catches in a Côte d'Ivoire port shall, wherever possible, make their by-catches available to Côte d'Ivoire dealers at local market prices.

In addition, Community tuna vessels shall contribute towards supplying the Côte d'Ivoire's tuna-canning factories at a price fixed by mutual agreement between the Community shipowners and Côte d'Ivoire dealers on the basis of current prices on the international market. Payment shall be made in convertible currency. The landing schedule must be drawn up by mutual agreement between the Community shipowners and the Côte d'Ivoire dealers.

F. Fishing zones

1. To protect nurseries and local small-scale fishing activities, Community vessels with licences may not carry out fishing activities as provided in Article 2 of the Agreement in the following zones:
 - up to six nautical miles from the coast in the case of surface longliners, pole-and-line tuna vessels and freezer trawlers,
 - up to the 200-metre isobath in the case of freezer tuna seiners.
2. However, pole-and-line tuna vessels fishing for live bait shall be authorized to do so in the prohibited zone defined above to obtain bait strictly within the limits of their own requirements.

G. Entering and leaving the zone

1. All Community vessels fishing under the Agreement in the Côte d'Ivoire zone shall communicate to the radio station indicated on the licence the date and time and their position when entering and leaving the Côte d'Ivoire fishing zone.
2. In cases where radio communication cannot be used, vessels may use alternative means, such as telex or fax.
3. A vessel found to be fishing without having informed the Côte d'Ivoire authorities shall be regarded as a vessel without a licence.

H. Authorized mesh sizes

The minimum mesh size authorized (mesh fully extended) shall be:

- (a) 40 mm for freezer trawlers taking deepwater shellfish and freezer trawlers taking cephalopods;
- (b) 60 mm for freezer trawlers taking fish;
- (c) in the case of tuna, the international standards recommended by ICCAT shall apply.

I. Signing-on of seamen

Owners of vessels which have been granted licences as provided by the Agreement shall contribute to the practical vocational training of Côte d'Ivoire nationals, on the following terms and subject to the following limits:

1. Each trawler owner shall undertake to employ:

- one seaman for vessels under 250 GRT,
- two seamen for vessels over 250 GRT.

The owners of tuna vessels and surface longliners shall be responsible for employing Côte d'Ivoire nationals, on the following terms and subject to the following limits:

- for the fleet of tuna seiners, 25 Côte d'Ivoire seamen shall be signed on,
 - for the fleet of pole-and-line tuna vessels, four Côte d'Ivoire seamen shall be signed on during the tuna fishing period in the Côte d'Ivoire fishing zone, each being assigned to a different vessel,
 - for the fleet of surface longliners, two Côte d'Ivoire seamen shall be signed on during the fishing period in the Côte d'Ivoire fishing zone, each being assigned to a different vessel.
2. The wages of these seamen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the relevant Côte d'Ivoire authorities; the wages shall be borne by the shipowners and must include the social contributions to which the seaman is subject (including life assurance and accident and sickness insurance).
3. Should the seamen not be signed on, owners of tuna seiners, pole-and-line tuna vessels and surface longliners shall be obliged to pay a lump sum equivalent to the wages of the seamen not signed on.

This sum will be used for the training of seamen in Côte d'Ivoire and is to be paid into the account specified by the Côte d'Ivoire fishing authorities.

J. Taking on board of scientific observers

Any vessel may be requested to take on board a scientific observer appointed by the relevant Côte d'Ivoire authorities.

On board, the observer shall be accorded the same conditions enjoyed by officers of the vessel. This applies equally, as far as is possible, to the quarters assigned to the observer. Similarly, as far as possible, he shall be offered every facility needed to carry out his duties. The work of the observer and the conditions under which he is taken on board must not interrupt or hamper fishing activities.

The salary and the social contributions of the observer shall be borne by the relevant Côte d'Ivoire authorities.

K. Inspection and monitoring

At the request of the Côte d'Ivoire authorities, Community vessels operating within the Agreement shall permit and facilitate the boarding and fulfilment of the tasks of Côte d'Ivoire officials responsible for the inspection and monitoring of fishing activities.

These officials should not remain on board any longer than the time required to carry out their duties.

L. Seizure and detention of vessels

The seizure or detention, under the terms of the applicable Côte d'Ivoire legislation, of a fishing vessel flying the flag of a Member State of the Community shall be notified to the Delegation of the Commission of the European Communities in Côte d'Ivoire within 72 hours and simultaneously to the consular agent of the Member State whose flag the vessel flies.

The circumstances and reasons which led to the seizure or detention shall be brought to the attention of the Delegation of the Commission of the European Communities in Côte d'Ivoire.

Appendix 1

MINISTRY FOR
ANIMAL PRODUCTION
BP V 84, Abidjan
(Republic of Côte d'Ivoire)

REPUBLIC OF CÔTE D'IVOIRE
UNION-DISCIPLINE-WORK

LICENCE APPLICATION FOR SEA-FISHING

SECTION A

1. Name of shipowner:
2. Nationality of shipowner:
3. Business address of shipowner:
.....
.....

SECTION B

(To be completed for each vessel)

1. Valid for (duration):
2. Name of vessel:
3. Year of construction:
4. Original flag:
5. Currently flying the flag of:
6. Date of acquiring current flag:
7. Year of acquisition:
8. Port of registration and registration No:
9. Operating in zones:
10. Type of fishing:
11. Gross tonnage (GRT):
12. Net tonnage (NRT):
13. Radio call sign:
14. Length overall (metres):
15. Stem (metres):
16. Depth (metres):
17. Hull material:
18. Engine rating:
19. Speed (knots):
20. Cabins:
21. Capacity of tanks (cubic metres):
22. Capacity of fish holds (cubic metres):
23. Chilling/freezing capacity (tonnes/hour) and system used:
24. Colour of hull:
25. Colour of superstructure:
26. Crew complement:

27. On-board communications equipment:

Type	Make	Model	Power (watts)	Year of manufacture	Frequencies	
					receive	transmit

28. Navigaton and detection equipment:

Type	Make	Model

- 29. Additional boats used (for each vessel):
- 29.1. Gross tonnage:
- 29.2. Length overall (metres):
- 29.3. Stem (metres):
- 29.4. Depth (metres):
- 29.5. Hull material:
- 29.6. Engine rating:
- 29.7. Speed (knots):
- 30. Additional out-of-water equipment for detecting fish (even if not installed on board):
- 31. Port of registration:
- 32. Name of master:
- 33. Address:
- 34. Nationality of master:

Please include:

- three colour photographs of vessel (side view), additional boats used for fishing and additional out-of-water equipment for detecting fish,
- an illustration and detailed description of the fishing gear used,
- a document proving that the representative of the shipowner is empowered to sign this application.

.....
(Date of application)

.....
(Signature of representative of shipowner)

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1982/95

of 29 June 1995

on the conclusion of the Protocol establishing the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period 2 October 1994 to 1 October 1996

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof in conjunction with the first sentence of Article 228 (2) and the first subparagraph of Article 228 (3),

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal ⁽²⁾, the two parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of those negotiations, a new Protocol establishing the fishing possibilities and financial compensation provided for in the abovementioned Agreement for the period 2 October 1994 to 1 October 1996 was initialled on 29 September 1994; whereas, it is in the Community's interest to conclude the new Protocol;

Whereas it is necessary to lay down the procedure applying to fixing the direct landings by the freezer tuna seiners provided for in the said Protocol,

Article 1

The Protocol establishing the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period 2 October 1994 to 1 October 1996 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation ⁽³⁾.

Article 2

The scale for direct landings by freezer tuna seiners given in point C (c) of Annex I appearing in the Annex to the Protocol and any amendments shall be fixed by the Commission in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92 ⁽⁴⁾.

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.

⁽¹⁾ See page 6 of the present Official Journal.

⁽⁴⁾ Council Regulation (EEC) No 3760 of 20 December 1992 establishing a Community system for fisheries and aquaculture (OJ No L 389, 31. 12. 1992, p. 1).

¹ OJ No C 151, 19. 6. 1995.

² OJ No L 226, 29. 8. 1980, p. 17.

Article 4

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

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 23 January 1995

on the conclusion of an Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, for the period from 2 October 1994 to 1 October 1996

(95/334/EC)

THE COUNCIL OF THE EUROPEAN UNION,

having regard to the Treaty establishing the European Community,

having regard to the Agreement between the European Community and the Government of the Republic of Senegal on fishing off the coast of Senegal⁽¹⁾, signed in Brussels on 15 June 1979,

having regard to the proposal from the Commission,

whereas, pursuant to the second paragraph of Article 17 of the abovementioned Agreement, the Community and the Republic of Senegal entered into negotiations to determine the amendments or additions to be made to the Agreement on the expiry of the application period of the Protocol annexed thereto;

whereas, as a result of these negotiations, a new Protocol establishing the fishing possibilities and financial compensation provided for in the said Agreement was concluded on 29 September 1994;

Whereas, under this Protocol, Community fishermen enjoy fishing possibilities in the waters falling within the sovereignty or jurisdiction of Senegal for the period from 2 October 1994 to 1 October 1996;

Whereas, in order to avoid an interruption in the fishing activities of Community vessels, the Protocol in question should be applied as soon as possible; whereas for this reason the two Parties have initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following that on which the Protocol currently in force expires;

Whereas that Agreement should be approved, pending a final decision to be 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 the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of

⁽¹⁾ OJ No L 226, 29. 8. 1980, p. 17.

Senegal, for the period from 2 October 1994 to 1 October 1996 is hereby approved on behalf of the Community.

in the form of an exchange of letters in order to bind the Community.

The text of the Agreement in the form of an exchange of letters and that of the Protocol is attached to this Decision.

Done at Brussels, 23 January 1995.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement

For the Council

The President

J. PUECH

AGREEMENT

in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, for the period from 2 October 1994 to 1 October 1996

A. Letter from the Government of Senegal

Brussels,

Sirs,

With reference to the Protocol initialled on 29 September 1994 establishing the fishing possibilities and financial compensation for the period from 2 October 1994 to 1 October 1996, I have the honour to inform you that the Government of Senegal is prepared to apply the Protocol on a provisional basis with effect from 2 October 1994, pending its entry into force in accordance with Article 8 thereof, provided that the European Community is disposed to do the same.

This is on the understanding that the first instalment equal to 50 % of the financial compensation fixed in Article 2 of the Protocol and 50 % of the amounts provided for in Articles 3 and 5 of the Protocol is to be paid before 31 January 1995.

I should be obliged if you would confirm the European Community's agreement to such provisional application of the Protocol.

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

*For the Government of
the Republic of Senegal*

B. Letter from the Community

Brussels,

Sirs,

I am in receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol initialled on 29 September 1994 establishing the fishing possibilities and financial compensation for the period from 2 October 1994 to 1 October 1996, I have the honour to inform you that the Government of Senegal is prepared to apply the Protocol on a provisional basis with effect from 2 October 1994, pending its entry into force in accordance with Article 8 thereof, provided that the European Community is disposed to do the same.

This is on the understanding that the first instalment equal to 50 % of the financial compensation fixed in Article 2 of the Protocol and 50 % of the amounts provided for in Articles 3 and 5 of the Protocol is to be paid before 31 January 1995.

I should be obliged if you would confirm the European Community's agreement to such provisional application of the Protocol.'

I have the honour to confirm the European Community's agreement to such provisional application of the Protocol.

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

*On behalf of the Council of
the European Union*

PROTOCOL

establishing the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 2 October 1994 to 1 October 1996

Article 1

From 2 October 1994, for a period of two years, the limits referred to in Article 4 (2) of the Agreement shall be as follows:

1. trawlers (inshore demersal fishing for fish and cephalopods) not landing their catch in Senegal: 1 000 GRT/year, with the option of fishing with freezing facilities for 500 GRT;
2. ocean-going fish trawlers (deep-water demersal species) not landing their catch in Senegal and fishing for a period of four months: 4 000 GRT in each four-month period, with the option of fishing with freezing facilities for 1 000 GRT;
3. freezer trawlers (inshore demersal fishing for fish and cephalopods) landing and selling part of their catch in Senegal: 1 000 GRT/year;
4. freezer trawlers (inshore demersal fishing for fish and cephalopods) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan to be notified to the Senegalese Government by the Community every six months: 2 000 GRT in each four-month period;
5. ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal: 5 000 GRT/year;
6. pole-and-line tuna vessels: 11 vessels;
7. freezer tuna seiners: 47 vessels;
8. surface longliners: six vessels.

Article 2

1. The financial compensation referred to in Article 9 of the Agreement is hereby fixed, for the period referred to in Article 1, at ECU 15 800 000 payable in two equal annual instalments.
2. The compensation shall be paid into the account of Senegal's Treasurer General.

Article 3

In addition, during the period referred to in Article 1, the Community shall contribute the sum of ECU 458 000 to

the financing of Senegal's scientific programmes intended to improve knowledge of fish stocks in Senegal's exclusive economic zone. This sum shall be made available to the Centre de Recherches Océanographiques de Dakar-Thiaroye (CRODT). The competent authorities in Senegal shall send the Commission summary reports on the programmes carried out.

Article 4

The two Parties agree that an essential factor for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community will make it easier for nationals of Senegal to find places in establishments in its Member States and will provide for that purpose study and practical training awards in various scientific, technical and economic disciplines connected with fisheries.

These awards may be used also in any other State linked to the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 230 000. At the request of the Senegalese authorities, part of this amount may be converted to cover the cost of attending international meetings or training courses in the fisheries field, and for the organization of seminars on fisheries matters in Senegal and as a contribution to the budget of regional cooperation bodies in the fisheries field. The amount shall be payable as and when it is used.

Article 5

The Commission shall also contribute to the financing of the following programmes:

- ECU 860 000 by way of assistance for the structures responsible for fisheries surveillance (PSPS),
- ECU 452 000 by way of institutional assistance for the structures in the Ministry of Fisheries responsible for monitoring and assessment,
- ECU 200 000 by way of assistance for non-industrial fishing.

These amounts shall be made available to the structures in question. The Senegalese authorities shall communicate the bank accounts to be used for these payments.

Article 6

Failure by the Community to make the payments provided for in Articles 2, 3 and 5 of this Protocol may result in the suspension of the Fisheries Agreement.

Article 7

Annex I to the Agreement between the European Economic Community and the Government of the

Republic of Senegal on fishing off the coast of Senegal is hereby repealed and replaced by the Annex to this Protocol.

Article 8

This Protocol shall enter into force on the date of its signing.

It shall apply with effect from 2 October 1994.

ANNEX

ANNEX I

**CONDITIONS GOVERNING FISHING ACTIVITIES IN SENEGAL'S FISHING ZONE BY VESSELS
FLYING THE FLAG OF A MEMBER STATE OF THE COMMUNITY**

A. Application for and issue of licences

- 1.1. The relevant Community authorities shall present to the Senegalese Ministry responsible for sea fisheries an application in respect of each vessel wishing to fish under the Agreement.

The application shall be made on the form provided for that purpose by the Government of Senegal, a specimen of which is at Appendix 1. It shall be accompanied by a tonnage certificate and proof of payment of the fee.

- 1.2. Fees shall include all national and local charges with the exception of port charges and the costs of services.

After payment of the fee, the licence shall be signed and forwarded to the delegation of the Commission of the European Communities in Dakar.

- 1.3. The period of validity of licences and the rate of fees shall be determined on the basis of the following annual periods:

- first year: from 2 October 1994 to October 1995
- second year: from 2 October 1995 to 1 October 1996

Trawlers fishing demersal species may, within the limits laid down in points 2 and 4 of Article 1 of the Protocol, obtain special licences valid for four months.

- 1.4. The fees and advances shall be for one year, except those referred to in point 1.3. They shall be set in accordance with the following rates:

(A) Fees for trawlers

1. Trawlers (inshore demersal fishing for fish and cephalopods) not landing their catch in Senegal: ECU 180 per GRT/year.
2. Ocean-going fish trawlers (demersal) not landing their catch in Senegal and fishing for a period of four months: ECU 35 per GRT/four months for wet fish trawlers and ECU 40 per GRT/four months for freezer trawlers.
3. Freezer trawlers (inshore demersal fishing for fish and cephalopods) landing and selling part of their catch in Senegal: ECU 140 per GRT/year.
4. Freezer trawlers (inshore demersal fishing for fish and cephalopods) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan to be notified to the Senegalese Government by the Community every six months: ECU 80 per GRT/four months.
5. Ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal: ECU 140 per GRT/year.

(B) Fees for tuna vessels and longliners

1. Pole-and-line tuna vessels: ECU 8/tonne of fish caught in Senegal's fishing zone.

2. Freezer tuna seiners: ECU 20/tonne of fish caught in Senegal's fishing zone.
3. Surface longliners: ECU 46/tonne of fish caught in Senegal's fishing zone.

Licences for vessels as referred to in B(2) and (3) shall be issued following advance payment to the Receveur des Domaines of a lump sum of ECU 1 000 for each tuna seiner and ECU 1 150 for each surface longliner, which corresponds to the fees for 50 and 25 tonnes respectively of fish per vessel per year.

Upon receipt of the notification of payment of the advance sent by the Commission of the European Communities to the Senegalese authorities, the latter shall enter the vessel in question in the list of vessels authorized to fish which shall be sent to the Senegalese control authorities. A copy of the original of the licence may also be kept on board provisionally.

The final statement of the fees due for the fishing year shall be drawn up at the end of each calendar year by the Commission of the European Communities on the basis of catch statements made by the shipowners for each vessel and confirmed by the Centre de Recherches Océanographiques de Dakar-Thiaroye (CRODT). The statement shall be forwarded simultaneously to the Senegalese authorities and the shipowners. Each additional payment, if any, shall be made by the shipowners to the Receveur des Domaines not later than 30 days following the notification of the final statement.

However, where the sum due as set out in the final statement is less than the advance, the shipowner will not be reimbursed the difference.

- 1.5. The Senegalese authorities shall communicate, before the entry into force of the Agreement, the bank account to be used for payment or transfer of the fees.

B. Statements of catch

All vessels authorized to fish in Senegalese waters under the Agreement shall be required to forward to the Direction de l'Océanographie et des Pêches Maritimes, with a copy to the delegation of the Commission of the European Communities in Dakar, a statement of their catch made out according to Appendices 2, 3, 4 and 5. These statements must be presented after each voyage in the case of wet fish trawlers; for freezer trawlers, monthly catch statements must be forwarded before the end of the month following the vessel's return.

Should these provisions not be adhered to, the Government of Senegal reserves the right to suspend the licence of the offending vessel until the formality has been completed and to apply the sanction provided for under Article 58 of Senegal's sea fisheries code. In this case, the delegation of the Commission of the European Communities at Dakar shall be informed.

C. Landing of catch

- (a) Freezer trawlers (inshore demersal fishing) in category 3 shall land, for local market prices, 200 kilograms of fish and shrimp per GRT every half-year.

These landings may be made individually or collectively.

Any failure to comply with the requirements to land catches may incur the following sanctions imposed by the Senegalese authorities:

- a fine of ECU 900 for each tonne not landed,
- withdrawal without renewal of the licence of the vessel concerned or of another vessel belonging of the same shipowner.

In order to ensure payment of the fine, the issuing of a licence shall be subject to the lodging in Senegal of a banker's guarantee of ECU 200 per GRT for every half-year.

The Senegalese authorities shall release this security as soon as a vessel has met its landing requirements in full.

- (b) In the case of pole-and-line tuna vessels, the target set by the two Parties shall be to land at least 3 500 tonnes of tuna a year in Senegalese ports at the international price applicable.

If, during the fishing year, total landings by the fleet concerned fall short of this minimum quantity as a result of an unforeseeable change in the state of fish stocks or the structure of the fleet, the two Parties shall enter into consultations without delay in order to establish the appropriate action to achieve the said quantity and ensure its implementation.

- (c) Freezer tuna seiners shall land 12 500 tonnes of tuna a year at the prevailing international price and in accordance with a programme to be established by agreement between Community shipowners and Senegalese canners. In the event of disagreement on the timetable for landings, the Joint Committee referred to in Article 11 of the Agreement shall hold a special meeting at the request of either of the Parties.

D. Signing-on of seamen

1. Trawlers and longliners authorized to fish in Senegalese waters under the Agreement shall be required to take on 33 % of their crew from among Senegalese seamen. This percentage shall include the observer or seaman/observer referred to at point H.

If the vessel holds a valid fishing licence issued by another country in the subregion (Mauritania, Gambia, Guinea-Bissau or Guinea), it shall be required to take on board a number of Senegalese seamen equivalent to 33 % of the non-officer crew assigned to sail the vessel.

2. In the case of freezer tuna seiners, the number of seamen to be taken on board shall be established globally on the basis of the scale of activity in Senegal's fishing zone and the employment of crew from other countries whose fisheries are frequented by that fleet.
3. Before licences are issued, the salary of these seamen shall be determined by common accord between the shipowners or their representatives and the Ministry responsible for the merchant navy. It shall be paid by the shipowners and shall include the social security applicable to the seamen (e. g. life, accident and sickness insurance).

E. Special equipment and supplies and services

Wherever possible, Community vessels shall procure the supplies and services they require, including dry dock facilities and regular maintenance, in Senegal.

F. Fishing zones

1. Wet fish trawlers (inshore demersal fishing) of less than 300 GRT shall be authorized to fish:
- from six nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Cape Manuel (14°36'00"N);
 - from seven nautical miles off the baselines between the latitude of Cape Manuel (14°36'00"N);
 - from six nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.
2. Wet fish trawlers (inshore demersal fishing) of more than 300 GRT and freezer trawlers (inshore demersal fishing) shall be authorized to fish beyond 12 nautical miles from the baselines of the waters under Senegal's jurisdiction.
3. Ocean-going trawlers for demersal species shall be authorized to fish:
- from 12 nautical miles off the baselines between the Senegal-Mauritania border and latitude 15°00'N;

- (b) from six nautical miles off the baselines between latitude 15°00'N and the latitude of Portudal (14°27'00"N);
 - (c) from 25 nautical miles off the baselines between the latitude of Portudal (14°27'00"N) and the northern Senegal-Gambia border;
 - (d) from 35 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.
4. Pole-and-line tuna vessels and freezer tuna seiners shall be authorized to fish for bait and tuna in all waters under Senegal's jurisdiction.
5. Surface longliners shall be authorized to drop their lines:
- (a) from 15 nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Portudal (14°27'00"N);
 - (b) from 25 nautical miles off the baselines between the latitude of Portudal (14°27'00"N) and the northern Senegal-Gambia border;
 - (c) from 25 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.
6. For safety reasons fishing activities and anchoring and casting shall be forbidden in the area defined by the following coordinates:
- A = L 14° 40'00" N — G = 017° 43,30 W
 - B = L 14° 40'00" N — G = 017° 30,50 W
 - C = L 14° 40'65" N — G = 017° 28,22 W
 - D = L 14° 40'60" N — G = 017° 28,17 W
 - E = L 14° 39'08" N — G = 017° 26,20 W
 - F = L 14° 39'00" N — G = 017° 25,90 W
 - G = L 14° 39'78" N — G = 017° 24,05 W
 - H = L 14° 39'78" N — G = 017° 23,95 W
 - I = L 14° 30'00" N — G = 017° 23,90 W
 - J = L 14° 30'00" N — G = 017° 43,30 W.

G. Radio communications

The captain shall authorize the observer to contact the PSPS (Projet de Protection et Surveillance des Pêches du Sénégal) by radio twice per week.

H. Observers

1. (a) When fishing in Senegal's waters, all Community trawlers and longliners of more than 300 GRT shall accept on board an observer designated by Senegal. The captain shall facilitate the work of the observer, who shall enjoy all the respect owed to the officers of the vessel concerned.
 - (b) The Senegal authorities shall communicate to the Commission of the European Communities the names of the designated observers.
 - (c) Subject to the restrictions imposed by the vessel, observers shall be provided with board and accommodation at the shipowner's expense. Their meals shall be served in the officer's messroom and they shall be accommodated in the areas provided for the officers or, if this is impossible, in a living area distinct from that provided for the crew.
2. (a) Trawlers and longliners of less than 300 GRT shall take on board a seaman designated by Senegal who shall act as seaman/observer.
 - (b) In the case of freezer tuna seiners, one of the Senegalese seamen on board may be designated seaman/observer.

(c) Captains shall facilitate the work of the seamen/observers that is additional to actual fishing operations. Seamen/observers shall receive the normal seaman's rate of pay from the shipowner.

3. Owners of trawlers or longliners shall make a flat-rate payment to the PSPS of ECU 10 for seamen/observers and ECU 20 for observers for each day spent on board.
4. In principle the observer shall be taken on board for a maximum period of 60 days. This period may be extended where the duration of a voyage by the vessel on which the observer is taken on board exceeds that period.

In such case, the observer shall leave the vessel on its return. A deposit equivalent to 60 days' activity at sea shall be lodged before the boarding of the observer or seaman/observer. Settlement is to be made after each voyage.

5. The taking on board and disembarkation of observers shall not interrupt or hinder fishing operations. Observers may therefore be taken on board and/or leave the vessel in a port elsewhere than in Senegal provided that their travel and other expenses are reimbursed by the shipowner.

The deposit equivalent to 60 days' activity at sea is to be considered an advance on the payment of the observer's allowance. The latter shall be paid after the observer has left the vessel. A final statement of advances made shall be drawn up at the end of the calendar year.

I. Minimum authorized mesh

The minimum mesh sizes for authorized industrial fishing gear are as follows (mesh opening):

- purse seines with live bait: 16 mm,
- standard otter trawls (fish or cephalopods): 65 mm,
- standard otter trawls (black hake): 60 mm,
- deep-sea shrimp trawls: 40 mm.

In the case of tuna, the international standards recommended by the ICCAT are to be applied.

J. Boarding

The delegation of the Commission of the European Communities in Dakar shall be notified within 48 hours of the arrival at the Marine Nationale base of the boarding of any fishing vessel flying the flag of a Member State of the Community fishing under the Fisheries Agreement between Senegal and the Community, and of the circumstances and reasons leading to such boarding.

Appendix 1

REPUBLIC OF SENEGAL

MINISTRY RESPONSIBLE FOR MARITIME FISHING

DIRECTORATE OF OCEANOGRAPHY
AND MARITIME FISHING

APPLICATION
FORM FOR A
FISHING LICENCE

For official use only	Remarks
Nationality:
Licence No:
Date of signing:
Date of issue:

APPLICANT

Name of firm:

Number and date of authorization of the company:

Trade register No (*):

First name and surname of applicant:

Date and place of birth:

Occupation:

Number of levy payer's account (*):

Address:

Number of employees (*): Permanent (*): Temporary (*):

Name and address of co-signatory:

Annual turnover figure (*):

VESSEL

Type of vessel: Registration No:

New name: Former name:

Date and place of construction (*):

Original nationality:

Date of assumption of Senegalese flag (*):

Provisional Period granted Permanent

Length: Beam: Hold:

Gross tonnage: Net tonnage:

Type of building materials: Draught:

Make of main engine: Type: Ratings:

Propeller: Fixed Variable Ducted

Transit speed:

Call sign: Call frequency:

LIST OF NAVIGATION, SOUNDING AND TRANSMISSION INSTRUMENTS

Radar	<input type="checkbox"/>	Sonar	<input type="checkbox"/>	VHF radio	<input type="checkbox"/>
Satellite navigation	<input type="checkbox"/>	Netsonde	<input type="checkbox"/>	HF, BLU radio	<input type="checkbox"/>
Automatic pilot	<input type="checkbox"/>	Scanmar	<input type="checkbox"/>	Telex	<input type="checkbox"/>
Route plotter	<input type="checkbox"/>				

Other:

(*) Optional for foreign vessels.

CONSERVATION

Packed in ice Ice + refrigeration Freezing in brine Dry Refrigerated sea water

Total refrigerating power:

Freezing capacity in tonnes/24 hours:

Hold capacity:

TYPE OF FISHING

A. Inshore demersal

Shrimp Fish and cephalopods Type of fishing gear: Fish Shrimps Long line fishing

1. Length of trawl: Headline:

Mesh size in the body: In the wings:

2. Length of line: Number of hooks:

Number of lines: Size of hooks:

B. Deep-sea demersal

Shrimp Fish Type of fishing gear: Shrimp Fish Long line fishing

1. Length of trawl: Headline:

Mesh size in the body: In the wings:

2. Length of line: Number of hooks:

Number of lines: Size of hooks:

C. Inshore pelagic

Pelagic trawler Seine

1. Length of trawl: Headline:

Mesh size in the body:

2. Length of seine: Depth of seine:

Mesh dimension (drawn):

D. Deep sea pelagic (tuna)

Type of fishing gear: Seine Pole and line Long line

1. Length of seine: Depth of seine:

Mesh dimension (drawn):

2. Number of poles and lines:

3. Long line

Length of lines: Number of hooks:

Number of lines: Size of hooks:

Number of pots: Capacity in tonnes:

E. Longlines and pots

Number of pots: Material:

Length (base diameter): Width (upper diameter):

Diameter of openings: Method of cover:

Mesh (cover):

SHORE INSTALLATIONS (*)

Address and permit No:

Name of firm:

Activities:

Domestic wholesale fish trade Export

Type and No of wholesale trader's card:

Description of processing and conservation plant:

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.....

.....

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.....

No of employees: Senegalese: Foreigners:

Permanent: Temporary:

(*) Optional for foreign vessels.

Technical remarks of the Director of Fisheries

Authorization of the State Secretariat for Animal Resources

Appendix 3

STATEMENT OF CATCH BY BOTTOM TRAWLERS

Voyage from: to:

NAME OF VESSEL:

TYPE: Wet or freezer

NATIONALITY:

Species	Dates						
Fishing zone ⁽¹⁾							
Sounder							
Time of fishing							
Total weight of catch							
Total weight thrown back							

) Dakar North, Petite-Côte or Casamance.

Appendix 4

STATEMENT OF CATCH BY TUNA VESSELS

Voyage from: to:

NAME OF VESSEL:

TYPE: Pole and line or seine

NATIONALITY:

Catch from Senegal's economic zone

(in tonnes)

Species	Tonnage landed	Tonnage not landed	Thrown back	Total
Albacore				
Skipjack				
Bigeye				
Thunnidae + Bonito				
Other species				
Total				

COMMISSION REGULATION (EC) No 2459/95
of 20 October 1995
allocating the direct landing requirements for freezer tuna seiners under the
EC/Senegal Fisheries Agreement

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1982/95 of 29 June 1995 on the conclusion of the Protocol defining, for the period 2 October 1994 to 1 October 1996, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and Republic of Senegal on fishing off the coast of Senegal⁽¹⁾, and in particular Article 2 thereof,

Whereas Point C (c) of the Annex to the Protocol to the Agreement between the European Community and the Republic of Senegal on fishing off the coast of Senegal in the period 2 October 1994 to 1 October 1996 requires Community shipowners to land tuna in Senegal; whereas it is necessary to clarify this requirement by laying down for freezer tuna seiners the allocations relating to direct landings;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee on Fisheries and Aquaculture,

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

Done at Brussels, 20 October 1995.

For the Commission

Emma BONINO

Member of the Commission

Article 1

1. The requirement on freezer tuna seiners to effect direct landings as laid down in point C (c) of the Annex to the Protocol defining, for the period 2 October 1994 to 1 October 1996, the fishing rights and financial compensation provided for in the Agreement between the European Community and Republic of Senegal on fishing off the coast of Senegal, shall be allocated between Community shipowners as follows :

Tuna seiners flying the flag of France : 35 %,

Tuna seiners flying the flag of Spain : 65 %.

The Commission may revise this allocation in consultation with the Member States concerned.

2. The French and Spanish authorities shall take the necessary measures to ensure that their shipowners comply with the direct landing requirement.

Article 2

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

⁽¹⁾ OJ No L 193, 16. 8. 1995, p. 1.

COUNCIL REGULATION (EC) No 2028/95
of 29 June 1995

on the conclusion of the Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 6 September 1994 to 5 September 1997

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof in conjunction with the first sentence of Article 228 (2) and the first subparagraph of Article 228 (3),

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament⁽¹⁾,

Whereas, pursuant to the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde⁽²⁾, the two parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of those negotiations, a new Protocol establishing the fishing rights and financial compensation provided for in the abovementioned Agreement for the period 6 September 1994 to 5 September 1997 was initialled on 23 June 1994;

Whereas, it is in the Community's interest to conclude this Protocol,

HAS ADOPTED THIS REGULATION :

Article 1

The Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the Coast of Cape Verde for the period from 6 September 1994 to 5 September 1997 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 3

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

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

Done at Luxembourg, 29 June 1995.

For the Council
The President
J. BARROT

⁽¹⁾ OJ No C 89, 10. 4. 1995.
⁽²⁾ OJ No L 212, 9. 8. 1990, p. 1.

PROTOCOL

establishing the fishing rights and financial compensation provided for in the agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde

Article 1

Pursuant to Article 2 of the Agreement, and for a period of three years from 6 September 1994, the following fishing possibilities shall be accorded:

(a) highly migratory species:

- freezer tuna seiners: 23 vessels,
- pole-and-line tuna vessels and surface longliners: 17 vessels.

(b) other species:

- bottom longliners: three vessels, each with a tonnage of less than 210 GRT.

Article 2

1. For the period referred to in Article 1, the financial compensation referred to in Article 7 of the Agreement shall be ECU 1 063 500, payable in three equal annual instalments.

In the case of tuna fishing, this compensation shall cover a catch weight in waters of Cape Verde of 4 850 tonnes of tuna fished per year. If the annual amount of tuna caught by Community vessels in the waters of Cape Verde exceeds this quantity, the abovementioned compensation shall be increased by ECU 50 for each additional tonne caught.

2. The use to which this compensation is put shall be the sole responsibility of the Cape Verdean authorities.

3. The compensation shall be paid into an account opened with a financial institution or any other body designated by the Cape Verdean authorities.

Article 3

The Community shall also contribute during the period referred to in Article 1 the sum of ECU 261 900 towards the financing of a Cape Verde scientific or technical programme (equipment, infrastructure, seminars, studies,

etc.) to improve information on the fishery resources within the exclusive economic zone of Cape Verde.

This sum shall be made available to the Ministry for Fisheries, Agriculture and Rural Life of Cape Verde and paid into the bank account indicated by the Office.

Article 4

1. The two Parties agree that improving the skills and knowledge of those involved in sea fishing is a vital element in the success of their cooperation. To that end, the Community shall make it easier for nationals of Cape Verde to find places in establishments in its Member States and shall provide for that purpose awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. The awards may also be used in any country linked with the Community by a cooperation agreement.

2. The total cost of the awards may not exceed ECU 174 600. At the request of the Cape Verdean authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries. The sum shall be payable as and when it is used.

Article 5

Should the Community fail to make the payments provided for in Articles 2 and 3, the application of this Protocol may be suspended.

Article 6

The Annex to the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde is hereby repealed and replaced by the Annex to this Protocol.

Article 7

This Protocol with its Annex shall enter into force on the date of its signature.

It shall apply from 6 September 1994.

ANNEX

**CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS
IN THE CAPE VERDE FISHING ZONE**

A. Licence application and issuing formalities

1. The relevant Community authorities shall present to the Office of the Ministry for Fisheries, Agriculture and Rural Life of Cape Verde, via the Commission Delegation in Cape Verde, an application for each vessel that is to be used for fishing under the Agreement, at least 15 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Office of the Ministry for Fisheries, Agriculture and Rural Life of Cape Verde, a specimen of which is attached hereto (Appendix 1).

2. Each licence application shall be accompanied by proof of payment of the fee for the period of the licence's validity. Payment shall be made into an account opened with a financial institution or any other body designated by the Cape Verdean authorities.

The fees shall include all national and local charges except for port taxes and service charges.

3. Licences for all vessels shall be issued by the Office of the Ministry for Fisheries, Agriculture and Rural Life of Cape Verde, within 15 days following receipt of proof of payment as laid down in point 2, to the shipowners or their representatives via the Delegation of the Commission of the European Communities in Cape Verde.

4. Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the Commission of the European Communities, a vessel's licence may, and in the case of *force majeure* shall, be replaced by a new licence for another vessel with features similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Office of the Ministry for Fisheries, Agriculture and Rural Life of Cape Verde via the Delegation of the Commission of the European Communities in Cape Verde.

The new licence shall indicate :

- the date of issue,
- the fact that it replaces the licence of the previous vessel for the remaining period of validity.

In this case, no fee as laid down in Article 4 (2) of the Agreement shall be due for unexpired period of validity.

5. The licence must be held on board at all times.
6. The Office of the Ministry for Fisheries, Agriculture and Rural Life of Cape Verde shall give notice, before the Agreement enters into force, of the arrangements for payment of the fee, including information on bank accounts and the currencies to be used.

B. Provisions applicable to tuna vessels and surface longliners

1. Licences shall be valid for one year. They shall be renewable.
2. The fee shall be ECU 20 per tonne caught within the Cape Verde fishing zone.
3. Licences shall be issued after payment to the Ministry for Fisheries, Agriculture and Rural Life of Cape Verde 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 payable for a catch of :
 - 75 tonnes of tuna per year in the case of seiners,
 - 15 tonnes of tuna per year in the case of pole-and-line vessels and surface longliners.
4. The master must keep a fishing log as shown in Appendix 2 for each fishing period spent in the Cape Verde fishing zone.

Logs shall be sent for processing to the Institut Français de Recherche Scientifique et Technique d'Outre-Mer (ORSTOM), the Instituto Español de Oceanografía (IEO) and the Instituto Nacional de Investigação das Pescas (INIP) of Cape Verde within a month of the end of each calendar quarter.

The Member States shall notify the Commission of the European Communities by 15 April of catches, in tonnes, during the previous year, as confirmed by the scientific institutes. On the basis of this information, the Commission shall draw up a statement of fees due for the fishing period and send it to the Ministry for Fisheries, Agriculture and Rural Life of Cape Verde for comments.

Shipowners shall receive notification by the end of April of the statement drawn up by the Commission, and shall have 30 days to make any payment due. If the amount of the final statement is lower than the amount of the lump sum advance payment, the balance shall not be reimbursable to the shipowner.

C. Provisions applicable to licences for other vessels

In the case of bottom longliners, licences shall be valid for three, six or 12 months. The annual fee shall be fixed according to GRT, at the rate of ECU 100 per GRT, in proportion to the duration of the licence.

D. Statement of catch

1. For tuna seiners, pole-and-line tuna vessels and surface longliners, a fishing log shall be kept in accordance with paragraph 4 of point B.
2. Bottom longliners shall be obliged to notify the Office of the Ministry for Fisheries, Agriculture and Rural Life of Cape Verde of their catches using the standard form set out in Appendix 3 via the Delegation of the Commission of the European Communities in Cape Verde. These statements shall be monthly and must be communicated at least once every three months.
3. Forms must be completed legibly and signed by the master of the vessel.
4. Should these provisions not be adhered to, the relevant Cape Verdean authorities reserve the right to apply, *inter alia*, one or both of the following penalties :
 - suspension of the licence of the offending vessel,
 - imposition of a fine.

In this case, the Delegation of the Commission of the European Communities in Cape Verde shall be informed.

E. Landing of catch

Community tuna vessels shall, wherever possible, contribute towards supplying the Cape Verde tuna canning factories in accordance with their catches in the zone at a price fixed by mutual agreement between the Community shipowners and the Cape Verdean fishing authorities on the basis of current prices on the international markets. Payment shall be made in convertible currency.

Moreover, tuna vessels landing their catches in a Cape Verdean port shall, wherever possible, make part of their by-catch available to the fishing authorities of Cape Verde at local market prices.

F. Signing-on of seamen

1. Tuna vessel and surface longliner owners shall employ Cape Verdean nationals, subject to the following conditions and limits :
 - for the fleet of tuna seiners, four Cape Verdean seamen shall be signed on during the tuna period in the Cape Verde fishing zone,
 - for the fleet of pole-and-line tuna vessels, three Cape Verdean seamen shall be signed on during the tuna fishing period in the Cape Verde fishing zone, all of them to be assigned to different vessels,
 - for the fleet of surface longliners, two Cape Verdean seamen shall be signed on during the fishing period in the Cape Verde fishing zone, each of them to be assigned to different vessels.

2. The wages of these seamen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the relevant Cape Verdean authorities; the wages shall be borne by the shipowners and must include the social contributions to which the seaman is subject (including life assurance and accident and sickness insurance). The shipowner or his representative shall send a copy of the labour contract to the Directorate-General of Fisheries of Cape Verde.
3. Should the seamen not be signed on, shipowners shall be obliged to pay a lump sum equivalent to the wages of seamen not signed on.
This sum will be used for the training of seamen in Cape Verde and is to be paid into the account specified by the relevant Cape Verdean authorities.
4. The shipowner or his representative shall notify the Ministry for Fisheries, Agriculture and Rural Life of the list of Cape Verdean sailors taken on board Community ships during the fishing season, with details of their registration as crew members and the ships they have boarded.

G. Taking on board of observers

1. Before issuing licences, the Ministry for Fisheries, Agriculture and Rural Life of Cape Verde shall notify shipowners or their representatives of the vessels on board which they must take an observer.

The observer may not remain on board longer than is necessary for the accomplishment of his duties.

The salary and social contributions of the observer shall be borne by the relevant Cape Verdean authorities.

2. The work of the observer and the conditions on which he is taken on board must not interrupt or hinder fishing activities. The observer shall be taken on board at a port chosen by the shipowner at the beginning of the first voyage after notification of the list of designated ships.

Within two weeks, the shipowners concerned shall make known at which ports and on what dates, giving 10 days' notice, they intend to take observers on board.

Should the observer be taken on board in a foreign port, his travelling costs shall be borne by the shipowner. Should a tuna vessel with an observer on board leave the Cape Verde fishing zone, all measures must be taken to ensure the observer's return to Cape Verde as soon as possible at the expense of the shipowner.

H. Fishing zones

Community vessels may carry out fishing activities in the following zones, determined by reference to the base lines:

- beyond 12 miles for tuna seiners and surface longliners,
- beyond six miles for pole-and-line tuna vessels,
- from the base lines for live bait fishing and for bottom longliners.

I. Meshes authorized

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be:

- 16 mm for live bait fishing.

In the case of tuna, the international standards recommended by ICCAT shall apply.

J. Entering and leaving the zone

1. All Community vessels fishing under the Agreement in the Cape Verde zone shall communicate to the Saõ Vicente radio station the date and time and their position when entering and leaving the Cape Verde fishing zone.
2. When leaving the Cape Verde fishing zone, ships shall notify their total catch to the relevant Cape Verdean authorities via the Saõ Vicente radio station.
3. The call sign and operating frequencies and working hours of the station shall be communicated to the shipowners or their representatives by the Office of the Ministry for Fisheries, Agriculture and Rural Life of Cape Verde at the time the licence is issued.

4. In cases where this radio communication cannot be used, vessels may use alternative means, such as telex or fax.

K. Port equipment and use of supplies and services

Community vessels shall, where possible, procure in Cape Verde all supplies and services necessary for their activities. The relevant Cape Verdean authorities shall, in agreement with the shipowners or their representatives, establish the conditions for using port equipment and, if necessary, supplies and services.

L. Procedure in case of boarding

1. The Delegation of the Commission of the European Communities in Cape Verde shall be notified within 48 hours of any boarding within the Cape Verde fishing zone of a fishing vessel flying the flag of a Member State of the Community and operating under this Agreement. A brief report of the circumstances and reasons leading to the boarding shall be provided within 72 hours.
 2. A meeting shall be held, within 24 hours of receipt of the abovementioned information, between the Delegation of the Commission of the European Communities in Cape Verde, the Office of the Ministry for Fisheries, Agriculture and Rural Life of Cape Verde and the inspection authorities, possibly attended by a representative of the Member State concerned, at which the parties shall exchange any relevant documentation or information helping to clarify the circumstances of the established facts. The shipowner or his representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.
 3. A vessel boarded following a fisheries infringement shall be released upon payment of a security, to be fixed in the light of the costs occasioned by the boarding and the amount of fines and compensation to which those responsible for the infringement are liable.
-

Appendix 1

MINISTRY FOR FISHERIES, AGRICULTURAL AND RURAL LIFE

Licence application for foreign industrial fishing vessels

1. Name of shipowner :
-
2. Address of shipowner :
-
3. Name of representative or local agent of shipowner :
-
4. Address of representative or local agent of shipowner :
-
5. Name of master :
6. Registration of vessel :
7. Registration number :
8. Date and place of construction :
9. Flying the flag of :
10. Port of registration :
11. Port of rigging :
12. Overall length :
13. Width :
14. Gross tonnage :
15. Net tonnage :
16. Hold capacity :
17. Chilling or freezing capacity :
18. Engine type and horse power :
19. Type of fishing :
20. Crew complement :
21. Communication equipment :
22. Call sign :
23. Dialling signals :
24. Fishing operations to be carried out :
25. Place for landing catch :
26. Fishing zones :
27. Species to be caught :
28. Period of validity :
29. Special conditions :

30. Other activities of the applicant in Cape Verde :

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Opinion of the Directorate-General for Fisheries

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Remarks of the Ministry for Fisheries, Agriculture and Rural Life

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Vessel name	Gross tons			
Flag country	Capacity (M T)			
Registration No	Captain			
Company or Owner	No of crew			
Address	Reporting date			
	Reported by			
	Boat RETURNED			
	Boat LEFT			
	month	day	year	port
	days	Number of fishing days or number of sets made		Trip number
	Number of days at sea		19	

Month	Day	Latitude	Longitude	Area	Water Temp	Effort (Number of Hooks used)	Bluefin tuna <i>Thunnus thynnus</i> or <i>maccowi</i>		Yellowfin tuna <i>Thunnus albacares</i>		Bigeye tuna <i>Thunnus obesus</i>		Albacore <i>Thunnus alalunga</i>		Swordfish <i>Xiphias gladius</i>		Striped marlin White marlin <i>Tropatropus eudax</i> or <i>albidus</i>		Black marlin <i>Makaira indica</i>		Spillish Isiphanus or albicans or polyphemus		Slogpick <i>Katsuwonus pelamis</i>		Miscellaneous fishes		Daily total (in weight kg only)	Bait used			
							Number fish	weight in kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg			No	kg	No
0	1																														
0	2																														
0	3																														
0	4																														
0	5																														
0	6																														
0	7																														
0	8																														
0	9																														
1	0																														
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2	4																														
2	5																														
2	6																														
2	7																														
2	8																														
2	9																														
3	0																														
3	1																														

Landing weight (in kg)

Remarks

1. Use one sheet per month, and one line per day

2. At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mesa 17, Madrid 1, Spain

3. 'Day' refers to the day you set the line

4. Fishing area refers to the room position of the boat. Round off minutes, and record degrees of latitude and longitude. Be sure to record NS and EW

5. The bottom line (landing weight) should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded

6. All information reported herein will be kept strictly confidential.

*Appendix 3***INFORMATION ON CATCHES RESULTING FROM INDUSTRIAL FISHING**

1. Name and registration number of vessel :
2. Nationality :
3. Type of vessel :
(i.e. for fresh fish, tuna, etc.)
4. Master's name :
5. Fishing licence issued by :
valid for the period :
6. Type of fishing :
7. Date of leaving port :
Date of entering port :
8. Catches :

Date	Fishing zone	Species caught	Tonnage	Port of landing

I the undersigned....., Master of the vessel cited above, or his representative, hereby declare that the information given above is correct, as witnessed by the observer of the Government.

Witnessed by
The Observer of the Government

Signed
The Master

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2663/95

of 24 July 1995

on the conclusion of the Protocol establishing, for the period 1 January 1994 to 31 December 1995, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 43, in conjunction with Article 228 (2) and (3) first subparagraph thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas pursuant to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast ⁽²⁾, the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed to the Agreement;

Whereas, as a result of these negotiations, a new Protocol establishing, for the period 1 January 1994 to 31 December 1995, the fishing rights and financial compensation provided for in the abovementioned Agreement was initialled on 24 February 1994;

Whereas it is in the Community's interest to approve the new Protocol,

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

Done at Brussels, 24 July 1995.

For the Council
The President
P. SOLBES MIRA

⁽¹⁾ OJ No C 43, 20. 2. 1995, p. 136.

⁽²⁾ OJ No L 111, 27. 4. 1983, p. 1.

PROTOCOL

establishing, for the period from 1 January 1994 to 31 December 1995, 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 1994, the fishing rights granted under Article 2 of the Agreement shall be as follows:

1. trawlers: 4 200 GRT a month, annual average;
2. freezer tuna seiners: 24 vessels;
3. pole-and-line tuna vessels and surface longliners: 10 vessels;
4. surface longliners: five 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 1 700 000, payable in two equal annual instalments.

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 450 000 towards the financing of a Guinean scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of the Republic 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 550 000. 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, or to strengthen the administrative infrastructure of the fisheries department. The sum shall be payable as and when it is used.

Article 6

Should the Community fail to make the payments provided for in Articles 2 and 4, the application of this Protocol may be suspended.

Article 7

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 8

This Protocol shall enter into force on the date on which it is signed.

It shall be applicable from 1 January 1994.

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 Office of the Ministry for Fisheries of the Republic of Guinea, 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 Government of the Republic of Guinea, 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 Guinean authorities 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 Office of the Ministry for Fisheries of the Republic of Guinea via the authorities 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 travelers

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) For the duration of this Protocol the fees for annual licences shall be as follows:

- ECU 126/GRT per year for fin-fish trawlers,
- ECU 150/GRT per year for cephalopod trawlers,
- ECU 152/GRT per year for shrimp trawlers.

Payment may be made in quarterly or half-yearly instalments at a fee 5% and 3% higher respectively.

(b) For the duration of this Protocol the fees for half-yearly licences shall be as follows:

- ECU 82/GRT per half-year for fin-fish trawlers,
- ECU 97/GRT per half-year for cephalopod trawlers,
- ECU 99/GRT per half-year for shrimp trawlers.

However, vessels failing to land 100 kg of fish per GRT per quarter 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 Office of the Ministry for Fisheries 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 Commission of the European Communities at the end of each calendar year on the basis of the catch statements made for each vessel and confirmed by the scientific institutes responsible for verifying catch data (Orstom and Spanish Institute of Oceanography) (IEO). The statement shall be forwarded simultaneously to the Office of the Ministry for Fisheries and to the shipowners. Any additional payment due shall be made by the shipowners to the Office of the Ministry for Fisheries of Guinea 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 Office of the Ministry for Fisheries, 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 Guinea fishing zone, to the Office of the Ministry for Fisheries 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 Government of the Republic of Guinea 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 Guinea 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 100 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 Guinea 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 Guinea 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 Guinea 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 Guinea 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 Guinea 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 350 GRT,
 - a number of seamen/fishermen 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 Guinea seamen shall be signed on permanently;
3. for the fleet of pole-and-line tuna vessels, three Guinea seamen shall be signed on for the tuna-fishing season in the Guinea fishing zone, all of them to be assigned to different vessels;
4. for the fleet of surface longliners, the shipowners undertake to employ two fishermen per boat;
5. the wages of these seamen/fishermen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the Office of the Ministry for Fisheries; 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 Office of the Ministry for Fisheries a lump sum equivalent to the wages of seamen not signed on.

This sum will be used for the training of seamen/fishermen in Guinea and is to be paid into an account specified by the Guinean authorities.

F. Taking on board of seamen/observers

1. The seamen/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. For each trawler the Office of the Ministry for Fisheries shall designate one of the Guinean seamen signed on to discharge the additional function of observer.

The master of the vessel shall facilitate the work of the seaman/observer outside the actual fishing operations. The seaman/observer shall be paid by the owner as a seaman in line with the terms in force.

The seaman/observer 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 Office of the Ministry for Fisheries. 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 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 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 12 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) 40 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.

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 Office of the Ministry for Fisheries the date and time and their position when entering and leaving the Guinea fishing zone.

The call sign and operating frequencies and times of the station shall be communicated to the shipowners by the Office of the Ministry for 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 (No 22315) or telegram.

K. Procedure in case of boarding

1. The Delegation of the Commission of the European Communities in Guinea shall be notified within 48 hours of any boarding within the Guinea 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 or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within 48 hours of receipt of the abovementioned information, between the Delegation of the Commission of the European Communities, the Office of the Ministry for Fisheries and the inspection authorities, possibly attended by a representative of the Member State concerned.

At the meeting, the Parties shall exchange any relevant documentation or information, 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).

6. Should one of the Parties consider that there is a difficulty in the application of the abovementioned procedure, it may request urgent consultations under Article 10 of the Agreement.

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 Neronde VHF SSB Neronde 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:

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No of employees:

Technical remarks

Authorization of the Ministry for Fisheries

Appendix 2
STATISTICS ON CATCH AND ACTIVITY

OFFICE OF THE MINISTRY
FOR FISHERIES

Name of vessel:	
Nationality (flag):	
Engine rating:	
Gross registered tonnage:	
Month:	Year:
Fishing method:	
Port of landing:	

Date	Fishing zone		Number of fishing operations	Number of fishing hours	Species of fish					
	Longitude	Latitude								
1/										
2/										
3/										
4/										
5/										
6/										
7/										
8/										
9/										
10/										
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29/										
30/										
31/										
Totals										

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 November 1995

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 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

(95/490/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 Madagascar on fishing off Madagascar⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Madagascar have held negotiations to determine the amendments or additions to be made to the abovementioned Agreement at the end of the period of application of the first Protocols;

Whereas, as a result of these negotiations, a new Protocol was initialled on 18 May 1995; whereas, under this Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Republic of Madagascar for the period 21 May 1995 to 20 May 1998;

Whereas, in order to avoid the interruption of fishing activities by Community vessels, it is essential that the Protocol in question be approved as quickly as possible; whereas both parties have therefore initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the Protocols previously in force; whereas the said Agreement should

be concluded, subject to a definitive decision pursuant to Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters concerning the provisional application 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 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 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, 17 November 1995.

For the Council

The President

P. SOLBES MIRA

⁽¹⁾ OJ No L 73, 18. 3. 1986, p. 26.

AGREEMENT

in the form of an exchange of letters concerning the provisional application 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

A. Letter from the Government of Madagascar

Sir,

With reference to the Protocol, initialled on 18 May 1995, defining the fishing opportunities and the financial contribution for the period 21 May 1995 to 20 May 1998, I have the honour to inform you that the Government of Madagascar is willing to apply the Protocol provisionally from 21 May 1995 pending its entry into force in accordance with Article 7 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one-third of the financial contribution laid down by Article 2 of the Protocol, will be paid before 30 November 1995.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.

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

*For the Government
of the Republic of Madagascar*

B. Letter from the Community

Sir,

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

'With reference to the Protocol, initialled on 18 May 1995, defining the fishing opportunities and the financial contribution for the period 21 May 1995 to 20 May 1998, I have the honour to inform you that the Government of Madagascar is willing to apply the Protocol provisionally from 21 May 1995 pending its entry into force in accordance with Article 7 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one-third of the financial contribution laid down by Article 2 of the Protocol, will be paid before 30 November 1995.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.'

I have the honour to confirm the agreement of the European Community to such a provisional application.

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

*On behalf of the Council
of the European Union*

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 30 November 1995

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 1995 to 15 June 1997

(95/565/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau, signed in Bissau on 27 February 1980 ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Guinea-Bissau have conducted negotiations to determine any amendments and additions to be made to the said Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of these negotiations, a new Protocol was initialled on 7 June 1995; whereas, under that Protocol, Community fishermen enjoy fishing possibilities in the waters under the sovereignty or jurisdiction of Guinea-Bissau the period 16 June 1995 to 15 June 1997;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, it is essential that the

Protocol in question be applied as soon as possible; whereas, for this reason, the two parties have initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the Protocol in force; whereas that Agreement should be approved pending a final decision taken on the basis of Article 43 of the Treaty;

Whereas the allocation of fishing possibilities among the Member States should be determined on the basis of the traditional allocation of fishing possibilities under the fisheries agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 1995 to 15 June 1997 is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an exchange of letters and of the Protocol are attached to this Decision.

⁽¹⁾ OJ No L 226, 29. 8. 1980, p. 33.

Article 2

The fishing possibilities provided for in the Protocol shall be allocated among the Member States as follows:

- 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 Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 30 November 1995.

For the Council

The President

M. A. AMADOR MILLÁN

AGREEMENT

in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 1995 to 15 June 1997

A. Letter from the Government of the Republic of Guinea-Bissau

Sir,

With reference to the Protocol initialled on 7 June 1995 establishing the fishing possibilities and the financial compensation for the period 16 June 1995 to 15 June 1997, I have the honour to inform you that the Government of the Republic of Guinea-Bissau is ready to apply the Protocol on a provisional basis, with effect from 16 June 1995, pending its entry into force in accordance with Article 9 of the Protocol, provided that the Community is prepared to do the same.

This is on the understanding that the first annual instalment of the financial compensation specified in Article 2 of the Protocol is to be paid before 31 December 1995.

I should be obliged if you would confirm the Community's agreement to such provisional application.

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

*For the
Government of the Republic of Guinea-Bissau*

B. Letter from the Community

Sir,

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

'With reference to the Protocol initialled on 7 June 1995 establishing the fishing possibilities and the financial compensation for the period 16 June 1995 to 15 June 1997, I have the honour to inform you that the Government of the Republic of Guinea-Bissau is ready to apply the Protocol on a provisional basis, with effect from 16 June 1995, pending its entry into force in accordance with Article 9 of the Protocol, provided that the Community is prepared to do the same.

This is on the understanding that the first annual instalment of the financial compensation specified in Article 2 of the Protocol is to be paid before 31 December 1995.

I should be obliged if you would confirm the Community's agreement to such provisional application.'

I have the honour to confirm the Community's agreement to such provisional application.

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

*On behalf of
the Council of the European Union*

PROTOCOL

establishing the fishing possibilities and the financial compensation provided for in the agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 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.

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 relex, 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:

Technical remarks

Authorization of the Ministry

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