

COUNCIL OF THE EUROPEAN COMMUNITIES

COMPILATION OF TEXTS

XII

**ASSOCIATION
OF THE OVERSEAS COUNTRIES AND TERRITORIES**

FRENCH OVERSEAS DEPARTMENTS

1 January — 31 December 1988



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Part 1

OVERSEAS COUNTRIES AND TERRITORIES

IMPLEMENTING TEXTS

TRADE

COMMISSION REGULATION (EEC) No 171/88
of 21 January 1988

amending Regulation (EEC) No 551/85 laying down detailed implementing rules
for imports of rice originating in the African, Caribbean and Pacific States and
the overseas countries and territories

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of
26 February 1985 on the arrangements applicable to agri-
cultural 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 amended by Regulation
(EEC) No 1306/87⁽²⁾, and in particular Article 22 thereof,

Whereas Article 3 (2) of Commission Regulation (EEC)
No 551/85⁽³⁾, as amended by Regulation (EEC) No
3817/85⁽⁴⁾, states that the import licence referred to in
paragraph 1 of that Article is to be issued on the third
working day following that on which the application was
submitted; whereas a period of three working days has
turned out to be too short for proper management of the
quota; whereas it should be increased to seven working
days;

Whereas Article 20 (5) of Regulation (EEC) No 486/85
ceased to be applicable after 30 June 1985; whereas it is
no longer necessary, therefore, for the Member States to
notify quantities imported free of levy into the French
overseas departments;

Whereas in order to enable the Commission to manage
the quota more efficiently the Member States should be
required to notify the quantities for which import licences
have been relinquished or cancelled;

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

Done at Brussels, 21 January 1988.

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 551/85 is hereby amended as
follows:

1. The first subparagraph of Article 3 (2) is replaced by
the following:

'Import licences as referred to in paragraph 1 shall be
issued on the seventh working day following that on
which the application was submitted, provided that in
the meantime advance fixing of the levy has not been
suspended and the maximum amount that may be
imported at a reduced levy has not been reached.'

2. Points (c) and (d) in Article 4 are replaced by the
following:

'(c) the quantities of each type of rice for which the
licences issued have not been used;

'(d) the quantities of each type of rice for which the
import licences issued have been cancelled under
Article 36 of Commission Regulation (EEC) No
3183/80⁽⁵⁾

(¹) OJ No L 338, 13. 12. 1980, p. 1.'

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
Frans ANDRIESEN
Vice-President

(¹) OJ No L 61, 1. 3. 1985, p. 4.

(²) OJ No L 124, 13. 5. 1987, p. 5.

(³) OJ No L 63, 2. 3. 1985, p. 10.

(⁴) OJ No L 368, 31. 12. 1985, p. 16.

COMMISSION RÉGULATION (EEC) No 369/88

of 9 February 1988

establishing a ceiling and Community surveillance for imports of certain products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1988)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1), as amended by Regulation (EEC) No 1821/87 (2), and in particular Article 13a and 22 thereof,

Whereas Article 13a of Regulation (EEC) No 486/85 stipulates that products listed there, originating in the African, Caribbean and Pacific States or in the overseas countries and territories, are subject on importation into the Community to progressively reduced rates of duty; whereas such reduction of duties applies only up to ceilings above which the customs duties actually applied in respect of third countries may be re-established;

Whereas, within the limits of this tariff ceiling, the customs duty is reduced progressively by the percentage specified in that Article, during the same period and in accordance with the same timetable as provided for in Articles 75 and 268 of the Act of Accession of the Kingdom of Spain and the Portuguese Republic; whereas for 1988 the preferential duty is equal to 72,7 % of the duties applicable;

Whereas by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities (3), Spain and Portugal are to postpone implementation of the preferential arrangements for fruit and vegetables falling within Regulation (EEC) No 1035/72 (4), as last amended by Regulation (EEC) No 223/88 (5), until 31 December 1989 and 31 December 1990 respectively; whereas consequently, the abovementioned tariff concession does not apply at present in Spain or Portugal;

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

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

Whereas this administrative procedure requires close and particularly swift cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of quantities charged against the ceiling and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to take the appropriate measures to re-establish the customs tariff duty if the ceiling is reached;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of products listed in the Annex originating in the African, Caribbean and Pacific States or in the overseas countries and territories shall, in the Community as constituted at 31 December 1985, be subject to a ceiling and to Community surveillance.

The products referred to in the first paragraph, their combined nomenclature code, the customs duty applicable, the period of validity, and the level of the ceiling are set out in the Annex.

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

(1) OJ No L 61, 1. 3. 1985, p. 4.
(2) OJ No L 172, 30. 6. 1987, p. 102.
(3) OJ No L 172, 30. 6. 1987, p. 1.
(4) OJ No L 118, 20. 5. 1972, p. 1.
(5) OJ No L 23, 28. 1. 1988, p. 1.

Products may be charged against a ceiling only if the movement certificate is submitted before the date on which the collection of customs duties is re-established.

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

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

3. As soon as a ceiling has been reached, the Commission may adopt a Regulation re-establishing, until the end of its period of validity, the customs duty applicable to third countries.

4. Member States shall send the Commission statements of the quantities charged for the preceding month

no later than the 15th day of each month. At the Commission's request, they shall send statements of the quantities charged for periods of 10 days, to be forwarded within five clear days of the end of each 10-day period.

Article 2

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

Article 3

This Regulation shall enter into force on 1 March 1988.

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

Done at Brussels, 9 February 1988.

For the Commission
COCKFIELD
Vice-President

ANNEX

Order No	CN code	Description	Customs duty applicable	Level of ceiling (tonnes)
12.0040	ex 0703 20 10	Onions, shallots, garlic, leeks and other vegetables, fresh or chilled : - Garlic - From 1 March to 31 May	8,7	500

COMMISSION REGULATION (EEC) No 1451/88

of 27 May 1988

establishing a ceiling and Community surveillance for imports of iceberg lettuce originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1988)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽¹⁾, as amended by Regulation (EEC) No 1821/87⁽²⁾, and in particular Article 13a and 22 thereof;

Whereas Article 13a of Regulation (EEC) No 486/85 stipulates that products listed there, originating in the African, Caribbean and Pacific States or in the overseas countries and territories are subject on importation into the Community to progressively reduced rates of duty; whereas such reduction of duties applies only up to ceilings above which the customs duties actually applied in respect of third countries may be re-established;

Whereas, within the limits of this tariff ceiling, the customs duty is reduced progressively by the percentage specified in that Article, during the same period and in accordance with the same timetable as provided for in Articles 75 and 268 of the Act of Accession of the Kingdom of Spain and the Portuguese Republic; whereas by Commission Regulation (EEC) No 1450/88 of 27 May 1988, concerning duties applicable to imports of iceberg lettuce from Spain and Portugal into the Community as constituted on 31 December 1985⁽³⁾, a partial suspension of customs duties to these Member States has been adopted for the period 1 July to 30 September 1988; whereas the same rates of duties should be applied to the imports of these products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol consequent on the Accession of Spain and Portugal to the European Communities to the Third ACP-EEC Convention⁽⁴⁾, Spain and Portugal are to postpone implementation of the preferential arrangements for fruit and vegetables falling within Regulation (EEC) No

1035/72⁽⁵⁾, as last amended by Regulation (EEC) No 1113/88⁽⁶⁾, until 31 December 1989 and 31 December 1990 respectively; whereas consequently, the abovementioned tariff concession does not apply at present in Spain or Portugal;

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

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

Whereas this administrative procedure requires close and particularly swift cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of quantities charged against the ceiling and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to take the appropriate measures to re-establish the customs tariff duty if the ceiling is reached;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of products listed in the Annex originating in the African, Caribbean and Pacific States or in the overseas countries and territories shall, in the Community as constituted at 31 December 1985, be subject to a ceiling and to Community surveillance.

The products referred to in the first paragraph, their CN code, the customs duty applicable, the period of validity, and the level of the ceiling is set out in the Annex.

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

(2) OJ No L 172, 30. 6. 1987, p. 102.

(3) See page 25 of this Official Journal.

(4) OJ No L 172, 30. 6. 1987, p. 1.

(5) OJ No L 118, 20. 5. 1972, p. 1.

(6) OJ No L 110, 29. 4. 1988, p. 33.

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

Products may be charged against a ceiling only if the movement certificate is submitted before the date on which the collection of customs duties is re-established.

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

Member States shall inform the Commission, at the intervals and within the timelimits specified in paragraph

4, of imports effected in accordance with the above procedures.

3. As soon as a ceiling has been reached, the Commission may adopt a Regulation re-establishing, until the end of its period of validity, the customs duty applicable to third countries.

4. Member States shall send the Commission statements of the quantities charged against the preceding month no later than the 15th day of each month. At the Commission's request, they shall send statements of the quantities charged for period of 10 days, to be forwarded within five clear days of the end of each 10-day period.

Article 2

This Regulation shall enter into force on 1 July 1988.

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

Done at Brussels, 27 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Order No	CN Code	Description	Customs duty applicable	Level ceiling (tonnes)
12.0050	ex 0705 11 10	Cabbage lettuce (head lettuce) — crisp head cabbage lettuce (<i>Lactuca sativa</i> L. var. <i>capitata</i> (iceberg) from 1 July to 30 September	9,4 % mini- mum 1,7 ECU/100 kg	1 000

COMMISSION REGULATION (EEC) No 1862/88

of 30 June 1988

establishing ceilings and Community surveillance for imports of certain products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1988/89)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (*), as last amended by Regulation (EEC) No 1821/87 (**), and in particular Articles 13a and 22 thereof,

Whereas Article 13a of Regulation (EEC) No 486/85 stipulates that products listed there, originating in the African, Caribbean and Pacific States or in the overseas countries and territories, are subject on importation into the Community to progressively reduced rates of duty; whereas such reduction of duties applies only up to ceilings above which the customs duties actually applied in respect of third countries may be re-established;

Whereas, within the limits of these tariff ceilings, customs duties are reduced progressively by the percentages specified in that Article, during the same periods and in accordance with the same timetables as provided for in Articles 75 and 268 of the Act of Accession of the Kingdom of Spain and the Portuguese Republic; whereas on this basis, the preferential duty rates applicable in 1988 and 1989 must be equal to 70 % and 60 %, respectively, of the basic rates, with the exception of Chinese cabbages and walnuts, for which the rates must be 72,7 % and 63,6 % respectively of the basic rates; whereas, however, the preferential duty applicable to walnuts is equivalent to a reduction of 40 % on the normal duty rate;

Whereas by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities (*), Spain and Portugal are to postpone implementation of the preferential arrangements for fruit and vegetables falling within

Council Regulation (EEC) No 1035/72 (*), as last amended by Regulation (EEC) No 1117/88 (**), until 31 December 1989 and 31 December 1990 respectively; whereas, consequently, the abovementioned tariff concession does not apply at present in Spain or Portugal;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of products listed in the Annex originating in the African, Caribbean and Pacific States or in the overseas countries and territories shall, in the Community as constituted at 31 December 1985, be subject to ceilings and to Community surveillance.

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

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

(**) OJ No L 172, 30. 6. 1987, p. 102.

(*) OJ No L 172, 30. 6. 1987, p. 1.

(*) OJ No L 118, 20. 5. 1972, p. 1.

(**) OJ No L 107, 28. 4. 1988, p. 1.

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

Products may be charged against a ceiling only if the movement certificate is submitted before the date on which the collection of customs duties is re-established.

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

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

3. As soon as a ceiling has been reached, the Commission may adopt a regulation re-establishing, until the end of its period of validity, the customs duties applicable to third countries.

4. Member States shall send the Commission statements of the quantities charged for the preceding month no later than the 15th day of each month. At the Commission's request, they shall send statements of quantities charged for periods of 10 days, to be forwarded within five clear days of the end of each 10-day period.

Article 2

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

Article 3

This Regulation shall enter into force on 1 October 1988

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

Done at Brussels, 30 June 1988.

For the Commission
COCKFIELD
Vice-President

ANNEX

Order No	CN code	Description	Customs duty applicable (%)	Level of ceiling (tonnes)
12.0030	ex 0704 90 90	Chinese cabbages, from 1 November to 31 December 1988	10,9	1 000
12.0060	ex 0709 10 00	Artichokes, from 1 October to 30 November 1988	9,1	1 000
12.0070	0802 31 00 0802 32 00	Walnuts, from 1 January to 31 December 1989	4,8	700
12.0080	ex 0809 10 00	Apricots, from 1 October 1988 to 31 January 1989	— from 1 October to 31 December: 17,5 — from 1 to 31 January: 15	2 000
12.0090	ex 0809 20 90	Cherries, from 1 November 1988 to 28 February 1989	— from 1 November to 31 December: 10,5 — from 1 January to 28 February: 9	2 000
12.0100	ex 0809 30 00	Peaches, from 1 December 1988 to 28 February 1989	— from 1 to 31 December: 15,4 — from 1 January to 28 February: 13,2	2 000
12.0110	ex 0809 40 19	Plums, from 15 December 1988 to 28 February 1989	— from 15 to 31 December: 5,6 — from 1 January to 28 February: 4,5	2 000

COMMISSION REGULATION (EEC) No 3033/88

of 30 September 1988

opening and providing for the administration of Community tariff quotas for fresh or chilled tomatoes and strawberries originating in the African, Caribbean and Pacific States or the overseas countries and territories (1988/89)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or the overseas countries and territories (1), as last amended by Regulation (EEC) No 1821/87 (2), and in particular Articles 13 and 22 thereof,

Whereas Article 13 of Regulation (EEC) No 486/85 provides for the opening by the Community for imports into the Community for the following quotas:

- 2 000 tonnes of fresh or chilled tomatoes, falling within CN code ex 0702 00 10 for the period 15 November to 30 April, and
- 1 100 tonnes of strawberries falling within CN code ex 0810 10 90 for the period 1 November to 28 February,

originating in the countries in question;

Whereas the customs duties applicable within the limit of these quotas are set at 4,4 % with a minimum duty of 0,8 ECU per 100 kilograms net weight and at 5,6 % for strawberries; whereas these Community tariff quotas should be opened for the abovementioned periods;

Whereas by virtue of the provisions of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European

Community (3), Spain and Portugal shall postpone implementation of the preferential arrangements for fruit and vegetables covered by Regulation (EEC) No 1035/72 (4), as last amended by Regulation (EEC) No 2238/88 (5), until 31 December 1989 and 31 December 1990 respectively; whereas, consequently, the abovementioned tariff concession is not currently applicable in Spain or Portugal;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for those quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, in the present case, it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedures specified in Article 1 (2);

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs duties applicable to imports into the Community as constituted on 31 December 1985 of the following products originating in the African, Caribbean and Pacific States or the overseas countries and territories shall be suspended at the levels indicated and within the limits of the Community tariff quotas as shown below:

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.1601	ex 0702 00 10	Fresh or chilled tomatoes, from 15 November 1988 to 30 April 1989	2 000	4,4 subject to a minimum of 0,8 ECU/100 kg net
09.1603	ex 0810 10 90	Strawberries, from 1 November 1988 to 28 February 1989	1 100	5,6

(1) OJ No L 61, 1. 3. 1965, p. 4.
(2) OJ No L 172, 30. 6. 1987, p. 102.

(3) OJ No L 172, 30. 6. 1987, p. 1.
(4) OJ No L 118, 20. 5. 1972, p. 1.
(5) OJ No L 198, 26. 7. 1968, p. 1.

2. If imports of products covered by these tariff quotas are made, or are foreseen within the next 14 calendar days at the latest, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the quotas so permits.

3. If a Member State does not use up the quantities drawn within the said 14 days, it shall return the remaining unused portion as soon as possible, by telex addressed to the Commission.

Article 2

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 1 (2) enable imports to be charged without interruption against their accumulated share of the quota.

2. Each Member State shall ensure that importers of the product concerned have free access to the quota for such time as the residual balance of the quota volume so permits.

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

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

Article 3

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

Article 4

This Regulation shall enter into force on 1 November 1988.

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

Done at Brussels, 30 September 1988.

For the Commission
COCKFIELD
Vice-President

COMMISSION REGULATION (EEC) No 3504/88

of 10 November 1988

establishing ceilings and Community surveillance for imports of carrots and onions originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1989)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1), as last amended by Regulation (EEC) No 1821/87 (2), and in particular Articles 13 and 22 thereof,

Whereas Article 13 of Regulation (EEC) No 486/85 stipulates that, for the period from 1 January to 31 March, carrots falling within CN code ex 0706 10 00 and, for the period from 15 February to 15 May, onions falling within CN code 0703 10 and originating in the States in question are subject on importation into the Community to the reduced rates of duty of 10,2 % and 4,8 % respectively; whereas such reduction of duties applies only up to ceilings of 800 tonnes for each of these products, above which the customs duties actually applied in respect of third countries are re-established;

Whereas by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention (3) consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities, Spain and Portugal are to postpone implementation of the preferential arrangements for fruit and vegetables falling within Council Regulation (EEC) No 1035/72 (4), as last amended by Regulation (EEC) No 2238/88 (5), until 31 December 1989 and 31 December 1990 respectively; whereas, consequently, the above tariff concession does not apply at present in Spain and Portugal;

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

Whereas this objective may be achieved by means of an administrative procedure based on offsetting imports of the products in question against the ceilings at Com-

munity level as and when these products are entered with customs authorities for free circulation; whereas this administrative procedure must make provision for the possible re-establishment of customs tariff duties as soon as the ceilings are reached at Community level;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of products listed in the Annex originating in the African, Caribbean and Pacific States or in the overseas countries and territories shall, in the Community as constituted at 31 December 1985, be subject to ceilings and to Community surveillance.

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

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

Products may be charged against a ceiling only if the movement certificate is submitted before the date on which the collection customs duties is re-established.

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

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

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

(2) OJ No L 172, 30. 6. 1987, p. 102.

(3) OJ No L 172, 30. 6. 1987, p. 1.

(4) OJ No L 118, 20. 5. 1972, p. 1.

(5) OJ No L 198, 26. 7. 1988, p. 1.

3. As soon as a ceiling has been reached, the Commission shall adopt a regulation re-establishing, until the end of its period of validity, the customs duties applicable in respect of third countries.

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

Article 2

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

Article 3

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 10 November 1988.

For the Commission

COCKFIELD

Vice-President

ANNEX

Order No	CN code	Description	Customs duty applicable	Level of ceiling (tonnes)
12.0010	ex 0706 10 00	Carrots, from 1 January to 31 March 1989	10,2	800
12.0020	ex 0703 10	Onions, from 1 February to 15 May 1989	4,8	800

COUNCIL REGULATION (EEC) No 1868/88
of 29 June 1988

opening, allocating and providing for the administration of a Community tariff quota for rum, arrack and tafia originating in the overseas countries and territories (OCT) associated with the European Economic Community (1988 to 1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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⁾, and in particular Articles 3 and 4 of Annex V thereto,

Having regard to the proposal from the Commission,

Whereas Annex V to Decision 86/263/EEC provides that rum, arrack and tafia shall be imported into the Community free of customs duties within the limits of a Community tariff quota;

Whereas the Community established, by Decision 86/47/EEC⁽²⁾, as extended by Decision 86/645/EEC⁽³⁾, arrangements for trade between the Kingdom of Spain and the Portuguese Republic on the one hand and the overseas countries and territories (OCT) on the other; whereas that Decision provides for the particular provisions concerning the quota duties to be applied by those two Member States on imports of products originating in the OCT;

Whereas the annual size of the quota is to be fixed on the basis of a basic annual quantity, calculated in hectolitres of pure alcohol, equal to the amount of imports during the best of the past three years for which statistics are available; whereas this quantity should be increased by a growth rate fixed at 27 %; whereas the quota period ranges from 1 July to 30 June of the following year;

Whereas Community statistics for the years 1985 to 1987 show the highest volume of imports into the Community of the products in question originating in the OCT, namely 85,91 hectolitres of pure alcohol, occurred in 1986; whereas the volume of the quota should therefore be fixed at 109,11 hectolitres of pure alcohol;

Whereas, pursuant to Article 3(3) of the Annex V to Decision 86/283/EEC, the volume of the quota in question should, however, be increased to 15 000 hectolitres of pure alcohol;

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

Benelux :	60
Denmark :	7
Germany :	10,8
Greece :	0,2
Spain :	2
France :	4
Ireland :	4
Italy :	2
Portugal :	2
United Kingdom :	8

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1988 to 30 June 1989, the following products originating from the OCT shall be imported duty free into the Community within the limit of the relevant Community tariff quota mentioned:

Order No	CN code	Description	Quota volume (in hl of pure alcohol)	Quota duty
09.1621	2208 40 10 2208 40 90 2208 90 11 2208 90 19	Rum, arrack and tafia	15 000	Free

⁽¹⁾ OJ No L 175, 1. 7. 1986, p. 1.

⁽²⁾ OJ No L 63, 5. 3. 1986, p. 96.

⁽³⁾ OJ No L 380, 31. 12. 1986, p. 66.

2. The rules of origin applicable to the products referred to in paragraph 1 shall be those set out in Annex II to Decision 86/283/EEC.

3. Within the limit of their shares as indicated in Article 2, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the 1985 Act of Accession and Decision 86/47/EEC.

Article 2

1. The tariff quota referred to in Article 1 shall be divided between the Member States as follows:

	<i>(in hl of pure alcohol)</i>
Benelux	9 000
Denmark	1 050
Germany	1 620
Greece	30
Spain	300
France	600
Ireland	600
Italy	300
Portugal	300
United Kingdom	1 200

Article 3

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

2. The extent to which the Member States have taken up their shares shall be determined on the basis of the

imports of the products in question, originating in the OCT, entered for customs clearance under declarations for free circulation.

Article 4

1. In accordance with Article 6 of Annex V to Decision 86/283/EEC, the Community shall monitor imports of the products in question originating in the OCT.

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

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

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

Article 5

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

Article 6

This Regulation shall enter into force on 1 July 1988.

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

Done at Luxembourg, 29 June 1988.

For the Council

The President

H. RIESENHUBER

Part 2: FOD

TRADE

COMMISSION

COMMISSION DECISION

of 10 August 1988

on the approval of the programme for the development of agriculture in the French overseas departments pursuant to Council Directive 81/527/EEC

(Only the French text is authentic)

(88/492/EEC)

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

Having regard to Council Directive 81/527/EEC of 30 June 1981 on the development of agriculture in the French overseas departments⁽¹⁾, as last amended by Directive 87/522/EEC⁽²⁾, and in particular Article 2 thereof,

Whereas on 15 April 1988 the French Government communicated a new modification of the programme for the development of agriculture in the French overseas departments approved by Commission Decisions 82/115/EEC⁽³⁾ and 87/137/EEC⁽⁴⁾;

Whereas this modification, which revises the estimates relating to the scale of certain works in order to reflect both the increase in the original level of funding by 30 million ECU and the special requirements of application in the various territories involved, complies with the aims and conditions laid down in Directive 81/527/EEC;

Whereas the European Agricultural Guidance and Guarantee Fund (EAGGF) Committee has been consulted on the financial aspects;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Structure,

HAS ADOPTED THIS DECISION:

Article 1

The modification of the programme for the development of agriculture in the French overseas departments

submitted by the French Government on 15 April 1988 pursuant to Directive 81/527/EEC is hereby approved.

Article 2

By 30 June each year the French Government shall submit a progress report on the programme covering all the measures planned in the departments concerned by Directive 81/527/EEC.

The report, which shall cover each department in turn, shall deal separately with the following headings:

1. collective irrigation;
2. improvement of agricultural infrastructure;
3. soil improvement and various categories of protection measures;
4. reforestation and forestry improvement;
5. measures to encourage stock-farming and crop diversification.

The data sheets making up the report shall adopt the format of the model contained in the Annex.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 10 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 197, 20. 7. 1981, p. 38.

⁽²⁾ OJ No L 304, 27. 10. 1987, p. 44.

⁽³⁾ OJ No L 47, 19. 2. 1982, p. 39.

⁽⁴⁾ OJ No L 51, 21. 2. 1985, p. 40.

ANNEX

Directive 81/527/EEC

Department of

Financial year 198..

PROGRESS REPORT ON PROGRAMME

General heading : e.g. Improvement of Agricultural Infrastructure

Subheading : e.g. Road-building

In physical terms :

- number of units of work accomplished (*)
 - new work
 - improvements
- list of operations completed during the financial year
- number of beneficiaries
- list of operations in progress

In financial terms :

- amount expended during the financial year
- total since Directive first implemented
- % of accomplishments under programmes

Comments on results obtained :

(*) Units of work expressed in : kW (installed electrical power), m³/second (water supply), area served (irrigation), number of hectares (plantation work), etc.

COUNCIL

COUNCIL DECISION

of 19 April 1988

authorizing the French Republic to apply in its overseas departments and in metropolitan France, by way of derogation from Article 95 of the Treaty, a reduced rate of the revenue duty imposed on the consumption of 'traditional' rum produced in those departments

(88/245/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 227 (2) thereof,

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

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

Whereas it is incumbent upon the institutions of the Community to see that the economic and social development of the French overseas departments is made possible;

Whereas the Treaty and secondary legislation are applicable to the French overseas departments, subject to decisions by the Community institutions adopting specific measures commensurate with the economic and social conditions of those departments;

Whereas, for reasons connected with the geographic, economic and social situation of the French overseas departments, the French Republic should be authorized to apply, by way of derogation from Article 95 of the Treaty, a reduced rate of the revenue duty imposed on the consumption of 'traditional' rum produced in those departments;

Whereas this derogation should be limited in terms of its duration, the quantities which can benefit from it and the level of reduction of the duty;

Whereas a limit should be proposed to the period of application of this Decision, in accordance with the timetable for the approximation of laws in the Community and the harmonization of excise duties;

Whereas the Commission is currently preparing an action programme for the French overseas departments, comprising specific measures for the adaptation of Community policies and new action designed to ease the economic recovery of these regions,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is hereby authorized to apply, by way of derogation from Article 95 of the Treaty, in its overseas departments and in metropolitan France, to the consumption of 'traditional' rum produced in those departments, a rate of revenue duty lower than the full rate of that duty applicable to spirits falling within CN codes 2208 20 to 2208 90.

Article 2

The derogation referred to in Article 1 shall be limited to the product obtained exclusively by distillation, after fermentation, of sugar cane juice, sugar cane syrup or sugar cane molasses in the sugar cane producing areas of the French overseas departments, obtained from local raw materials. This product must have a volatile element content, excluding ethyl alcohol, in excess of 225 g/hl at 100 % vol. and must be produced at a pure alcoholic strength by volume of less than 80 % vol.

⁽¹⁾ OJ No C 107, 28. 4. 1982, p. 6.

⁽²⁾ OJ No C 96, 11. 4. 1983, p. 109.

Article 3

1. In metropolitan France the reduced fiscal duty applicable to the product referred to in Article 2 shall be applied to the following annual quotas :

- in 1988 : 99 000 hl of pure alcohol,
- in 1989 : 97 000 hl of pure alcohol,
- in 1990 : 95 000 hl of pure alcohol,
- in 1991 : 92 000 hl of pure alcohol,
- in 1992 : 90 000 hl of pure alcohol.

2. The ratio, expressed in percentage terms, between the reduced rate of consumption tax applied in metropolitan France to 'traditional' rum and the full rate applied to spirits may not be less than the ratio between

those two rates obtaining in metropolitan France when this Decision enters into force.

3. This Decision shall apply until 31 December 1992.

Article 4

This Decision is addressed to the French Republic.

Done at Luxembourg, 19 April 1988.

For the Council

The President

I. KIECHLE

European Communities — Council

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