

ACP-EEC COUNCIL OF MINISTERS  
Brussels

# COMPILATION OF TEXTS

## XIX

ACP-EEC CONVENTIONS OF LOMÉ

1 January 1994 — 31 December 1994





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Brussels

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## **I. ACP-EEC Acts**

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





DECISION No 1/94  
of the ACP-EEC Council of Ministers  
of 25 July 1994  
increasing the appropriations provided for under Article 254  
of the 4th ACP-EEC Convention

**THE COUNCIL OF MINISTERS,**

Having regard to the 4th ACP-EEC Convention, and in particular Article 2(d) of the first Financial Protocol thereto,

Whereas Article 2(d) of the first Financial Protocol to the 4th ACP-EEC Convention stipulates that should the special appropriations be used before the Financial Protocol expires, the ACP States and the Community, within the relevant joint institutions, shall adopt appropriate measures to deal with the situations referred to in Articles 254 and 255;

Whereas the appropriations provided for under Articles 254 and 255 of the 4th ACP-EEC Convention are virtually exhausted;

Whereas the war in RWANDA has led to an unprecedented humanitarian disaster, causing a flood of over 2 million refugees and displaced persons;

Whereas this situation should be dealt with rapidly by using the EDF funds which are potentially available;

Whereas an amount of ECU 150 million should be added to the appropriations provided for under Article 254 of the 4th ACP-EEC Convention, and deducted from part of the unused outstanding balances from previous EDFs,

HAS DECIDED AS FOLLOWS:

Article 1

An amount of ECU 150 million shall be added to the appropriations provided for under Article 254 of the 4th Convention of Lomé in order to deal with the unprecedented humanitarian crisis caused by the war in RWANDA.

Article 2

This addition shall be funded by deducting part of the unused outstanding balances from previous EDFs, as listed in the Annex to this Decision.

Article 3

The Chief Authorizing Officer of the EDF shall be responsible for implementing this Decision on its entry into force.

Article 4

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

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25 -07- 1994

Por el Consejo de Ministros ACP-CEE  
 PÅ AVS-EØF-Ministerrådets vegne  
 Im Namen des AKP-EWG-Ministerrates  
 Για το Συμβούλιο των Υπουργών ΑΚΕ-ΕΟΚ  
 For the ACP-EEC Council of Ministers  
 Par le Conseil des Ministres ACP-CEE  
 Per il Consiglio dei Ministri ACP-CEE  
 Voor de ACS-EEG-Raad van Ministers  
 Pelo Conselho de Ministros ACP-CEE

Los Presidentes  
 Formænd  
 Die Präsidenten  
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 The Chairmen  
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**ANNEX**

List of outstanding balances of the EDF  
used to increase the appropriations provided for under  
Article 254 of the 4th Convention of Lomé

- Uncommitted SYSMIN allocation from the 6th EDF	ECU 94,7 million
- Unused interest subsidies from the 6th EDF	ECU 31,9 million
- Proportion of the total subsidies available following closure of the 5th EDF	ECU 23,4 million
	<hr/>
	ECU 150 million

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## **I. ACP-EEC Acts**

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



**DECISION No 1/94  
OF THE ACP-EC COMMITTEE OF AMBASSADORS  
of 15 APRIL 1994**

on the appointment of a member of the Advisory Committee  
of the Technical Centre for Agricultural and Rural Co-operation

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(7) thereof,

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

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

Whereas Mr D. DE ZEEUW had been appointed member of the Advisory Committee for a five-year period;

Whereas Mr William VAN VUURE has been nominated, on a proposal from the Community, to replace Mr DE ZEEUW as a member of the Advisory Committee for the remainder of Mr DE ZEEUW's term of office,

HAS DECIDED AS FOLLOWS:

Article 1

On a proposal from the European Community, Mr William VAN VUURE (Netherlands) shall be appointed as a member of the Advisory Committee of the ACP-EC Technical Centre for Agricultural and Rural Co-operation to replace Mr DE ZEEUW.

Article 2

The appointment shall be effective from the date of adoption of this Decision and for the period to 1 September 1996.



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

15 -04- 1994

Por el Comité de Embajadores  
 På AVS-EØF Ambassadørudvalgets vegne  
 Im Namen des AKP-EWG-Botschafterausschusses  
 Για την Επιτροπή των Πρέσβευ 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

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

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R.O. MARVILLE

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



**DECISION No 2/94  
OF THE ACP-EC COMMITTEE OF AMBASSADORS  
of 15 April 1994**

on the appointment of a member of the Advisory Committee  
of the Technical Centre for Agricultural and Rural Co-operation

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(7) thereof,

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

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

Whereas Mr Antonio D'AMBROSIO had been appointed member of the Advisory Committee for a five-year period;

Whereas Mr Bernardo PALESTINI has been nominated, on a proposal from the Community, to replace Mr Antonio D'AMBROSIO as a member of the Advisory Committee for the remainder of Mr Antonio D'AMBROSIO's term of office,

HAS DECIDED AS FOLLOWS:

Article 1

On a proposal from the European Community, Mr Bernardo PALESTINI (Italy) shall be appointed as a member of the Advisory Committee of the ACP-EC Technical Centre for Agricultural and Rural Co-operation to replace Mr Antonio D'AMBROSIO.

Article 2

The appointment shall be effective from the date of adoption of this Decision and for the period to 1 September 1996.

Hecho en Bruselas, el  
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15 -04- 1994

Por el Comité de Embajadores  
 På AVS-EØF Ambassadørudvalgets vegne  
 Im Namen des AKP-EWG-Botschafterausschusses  
 Για την Επιτροπή των Πρέσβων ΑΚΕ-ΕΟΚ  
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R.O. MARVILLE

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**DECISION No 3/94  
OF THE ACP-EEC COMMITTEE OF AMBASSADORS  
of 22 December 1994**

**adopting the budget  
of the Technical Centre for  
Agricultural and Rural Co-operation (1995)**

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(5) thereof,

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

Having regard to Decision No 2/91 of the ACP-EEC Committee of Ambassadors of 19 April 1991 adopting the Financial Regulation of the Technical Centre for Agricultural and Rural Co-operation, 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 Co-operation on Agricultural and Rural Development (hereinafter referred to as "the Subcommittee") a preliminary draft annual budget of the Centre (financial year 1995) and the annual work programme of the Centre for 1995;

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 Co-operation for the financial year 1995 is hereby definitively adopted as set out in the Annex hereto.



Hecho en Bruselas, el  
 Udfærdiget i Bruxelles, den  
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 Fait à Bruxelles, le  
 Fatto a Bruxelles, addì  
 Gedaan te Brussel,  
 Feito em Bruxelas, em

22 -12- 1994

Por el Comité de Embajadores  
 På AVS-EØF Ambassadørudvalgets vegne  
 Im Namen des AKP-EWG-Botschafterausschusses  
 Για την Επιτροπή των Πρέσβευων 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  
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D. VON KYAW

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1995 BUDGET - SUMMARY (ECU)

	Budget 1995	Budget 1994
<b>TITLE I - STAFF EXPENDITURE</b>		
<u>Chapter 11 - Staff</u>		
Article 111 - Salaries and wages (38 staff members)	1.910.000	1.775.000
Article 112 - Provision for adjustments of salaries	23.000	223.000
Article 113 - Welfare contributions	710.000	672.000
Article 114 - Allowances	622.000	525.000
Article 115 - Training	-	14.000
	<hr/>	<hr/>
<b>TOTAL TITLE I</b>	<b>3.265.000</b>	<b>3.209.000</b>
	=====	=====
<b>TITLE II - BUILDING, EQUIPMENT AND MISCELLANEOUS OPERATING EXPENDITURE</b>		
<u>Chapter 21 - Rental of buildings and associated costs</u>		
Article 211 - Rent	189.000	177.000
Article 212 - Associated costs	56.000	45.000
	<hr/>	<hr/>
<b>Total Chapter 21</b>	<b>245.000</b>	<b>222.000</b>
	=====	=====
<u>Chapter 22 - Moveable property and associated costs</u>		
Article 221 - Purchase of office machines and moveable furniture and equipment	80.000	66.000
Article 222 - Rental of furniture and equipment	27.000	24.000
Article 223 - Maintenance of furniture and equipment	15.000	12.000
Article 224 - Maintenance, repair and use of vehicles	22.000	35.000
	<hr/>	<hr/>
<b>Total Chapter 22</b>	<b>144.000</b>	<b>137.000</b>
	=====	=====
<u>Chapter 23 - Current administrative expenditure</u>		
Article 231 - Stationery and office supplies	26.000	30.000
Article 232 - Postage and telecommunications	97.000	90.000
article 234 - Subscriptions to periodicals, etc.	35.000	40.000
Article 235 - Other operating expenditure	152.000	150.000
	<hr/>	<hr/>
<b>Total Chapter 23</b>	<b>310.000</b>	<b>310.000</b>
	=====	=====

	Budget 1995	Budget 1994
<u>Chapter 24 - Mission expenses, representation and entertainment expenses</u>		
Article 241 - General expenditure on missions	3.000	3.000
Article 242 - General representation and entertainment expenses	15.000	20.000
Total Chapter 24	<u>18.000</u> = = = = =	<u>23.000</u> = = = = =
<u>Chapter 25 - Brussels Branch Office (excluding staff expenditure)</u>		
	53.000	53.000
	= = = = =	= = = = =
TOTAL TITLE II	<u>770.000</u> = = = = =	<u>745.000</u> = = = = =
TITLE III - ACTIVITIES		
<u>Chapter 31 - Studies, expert reports</u>	600.000	600.000
	= = = = =	= = = = =
<u>Chapter 32 - Technical meetings</u>		
Article 321 - Seminars and technical meetings (1984: 3; 1985-1992: 6 per year)	700.000	725.000
Article 322 - Attendance at seminars and meetings	375.000	375.000
Total Chapter 32	<u>1.075.000</u> = = = = =	<u>1.100.000</u> = = = = =
<u>Chapter 33 - Publications and documents</u>	1.150.000	1.110.000
	= = = = =	= = = = =
<u>Chapter 34 - Missions</u>		
Article 341 - Programmed missions	400.000	400.000
	= = = = =	= = = = =
<u>Chapter 35 - Information and Documentation Centres in ACP States</u>		
Article 351 - Projects to assist and strengthen agricultural information systems in ACP States	1.350.000	1.300.000
Article 352 - Regional programmes and offices	600.000	600.000
Total Chapter 35	<u>1.950.000</u> = = = = =	<u>1.900.000</u> = = = = =

	Budget 1995	Budget 1994
<u>Chapter 36 - Question and Answer Service</u>	275.000 =====	275.000 =====
<u>Chapter 37 - Dissemination of publications</u>	650.000 =====	650.000 =====
TOTAL TITLE III	6.100.000 =====	6.035.000 =====
<u>TOTAL EXPENDITURE</u>	10.135.000 =====	9.989.000 =====
a. Contribution of the European Development Fund	9.975.000	9.839.000
b. Income taxes and other revenue <sup>(1)</sup>	160.000 -----	150.000 -----
TOTAL REVENUE	10.135.000 =====	9.989.000 =====

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

(a) Income taxes = 8% of Article 111 (A)	=	ECU 152.400
(b) Other revenue	=	ECU 7.600

<u>TOTAL REVENUE</u>		160.000 =====
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DECISION No 4/94  
OF THE ACP-EC COMMITTEE OF AMBASSADORS  
of 22 December 1994  
on the appointment of a member  
of the Advisory Committee of  
the Technical Centre for Agricultural and Rural Co-operation

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(7) thereof,

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

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

Whereas Mr V.P. MARQUES was appointed a member of the Advisory Committee for a five-year period;

Whereas Mr Augusto CORREIA has been nominated, on a proposal from the Community, to replace Mr V.P. MARQUES as a member of the Advisory Committee for the remainder of Mr V.P. MARQUES' term of office,

HAS DECIDED AS FOLLOWS:

Article 1

On a proposal from the European Community, Mr Augusto CORREIA (Portugal) is hereby appointed a member of the Advisory Committee of the ACP-EC Technical Centre for Agricultural and Rural Co-operation to replace Mr V.P. MARQUES.

Article 2

Appointment shall be effective from the date of adoption of this Decision and for the period to 1 September 1996.

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

22 -12- 1994

Por el Comité de Embajadores  
 På AVS-EØF Ambassadørudvalgets vegne  
 Im Namen des AKP-EWG-Botschafterausschusses  
 Για την Επιτροπή των Πρέσβων 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

El Presidente  
 Formand  
 Der Präsident  
 Ο Πρόεδρος  
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D. VON KYAW

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## **I. ACP-EEC Acts**

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



## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 18 June 1990

on the conclusion of an Agreement in the form of an exchange of letters between the European Economic Community and Barbados, Belize, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, Saint Christopher and Nevis, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 1988/89 delivery period

(94/897/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas implementation of Protocol 7 on ACP sugar annexed to the Third ACP-EEC Convention <sup>(1)</sup> is carried out, in accordance with Article 1 (2) thereof, within the framework of the management of the common organization of the sugar market;

Whereas it is appropriate to approve an Agreement in the form of an exchange of letters between the European Economic Community and the States referred to in the aforementioned Protocol on the guaranteed prices for cane sugar for the 1988/89 delivery period,

HAS DECIDED AS FOLLOWS:

*Article 1*

An Agreement in the form of an exchange of letters between the European Economic Community and Barbados, Belize, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Democratic Republic of Mad-

agascar, the Republic of Malawi, Mauritius, Saint Christopher and Nevis, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 1988/89 delivery period 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 in order to bind the Community.

*Article 3*

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

Done at Luxembourg, 18 June 1990.

*For the Council*

*The President*

G. COLLINS

(<sup>1</sup>) OJ No L 86, 31. 3. 1986, p. 164.

## AGREEMENT

in the form of an exchange of letters between the European Economic Community and Barbados, Belize, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, Saint Christopher and Nevis, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 1988/89 delivery period

*Letter No 1*

Brussels, 17 April 1991

Sir,

The representatives of the ACP States referred to in Protocol 7 on ACP sugar annexed to the Third ACP-EEC Convention and of the Commission, on behalf of the European Economic Community, have agreed, pursuant to the provisions of the said Protocol, to submit to their competent authorities for approval, to be the subject of an exchange of letters between the ACP States concerned and the Community, the following.

For the period 1 July 1988 to 30 June 1989 the guaranteed prices referred to in Article 5 (4) of the Sugar Protocol shall, for the purpose of intervention within the terms of Article 6 of that Protocol, be:

- (a) for raw sugar: ECU 44,92 per 100 kilograms;
- (b) for white sugar: ECU 55,39 per 100 kilograms.

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

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

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

*On behalf of the  
Council of the European Communities*



*Letter No 2*

Brussels, 17 April 1991

Sir,

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

'The representatives of the ACP States referred to in Protocol 7 on ACP sugar annexed to the Third ACP-EEC Convention and of the Commission, on behalf of the European Economic Community, have agreed, pursuant to the provisions of the said Protocol, to submit to their competent authorities for approval, to be the subject of an exchange of letters between the ACP States concerned and the Community, the following.

For the period 1 July 1988 to 30 June 1989 the guaranteed prices referred to in Article 5 (4) of the Sugar Protocol shall, for the purpose of intervention within the terms of Article 6 of that Protocol, be:

- (a) for raw sugar: ECU 44,92 per 100 kilograms;
- (b) for white sugar: 55,39 per 100 kilograms.

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

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


I have the honour to confirm the Agreement of the Governments of the ACP States concerned with the foregoing.

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

For the Government of Barbados



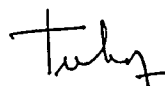
For the Government of Belize



Pour le gouvernement de la république populaire du Congo



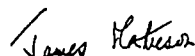
Pour le gouvernement de la république de Côte d'Ivoire



For the Government of the Republic of Fiji



For the Government of the Cooperative Republic of Guyana



For the Government of Jamaica



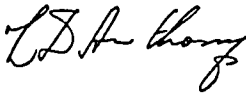
For the Government of the Republic of Kenya



Pour le gouvernement de la république démocratique de Madagascar



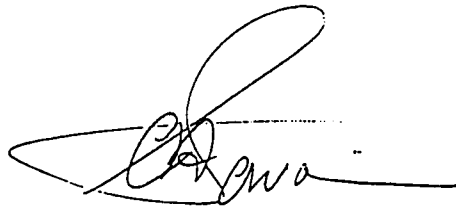
For the Government of the Republic of Malawi



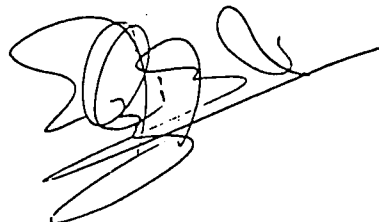
Pour le gouvernement de l'île Maurice



For the Government of Saint Christopher and Nevis



For the Government of the Republic of Suriname



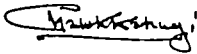
For the Government of the Kingdom of Swaziland



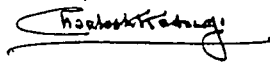
For the Government of the United Republic of Tanzania



For the Government of the Republic of Trinidad and Tobago



For the Government of the Republic of Uganda



For the Government of the Republic of Zimbabwe



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**COUNCIL DECISION**  
of 23 September 1991

**on the conclusion of an Agreement in the form of an exchange of letters between the European Economic Community and Barbados, Belize, the People's Republic of the Congo, the Republic of Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, Saint Kitts and Nevis, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 1989/90, 1990/91 and 1991/92 delivery periods**

(94/899/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Whereas implementation of Protocol 8 on ACP sugar annexed to the Fourth ACP-EEC Convention (1) is carried out, in accordance with Article 1 (2) thereof, within the framework of the management of the common organization of the sugar market;

Whereas it is appropriate to approve an Agreement in the form of an exchange of letters between the European Economic Community and the States referred to in the aforementioned Protocol on the guaranteed prices for cane sugar for the 1989/90, 1990/91, and 1991/92 delivery periods,

HAS DECIDED AS FOLLOWS:

*Article 1*

An Agreement in the form of an exchange of letters between the European Economic Community and Barbados, Belize, the People's Republic of the Congo, the Republic of Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius,

Saint Kitts and Nevis, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 1989/90, 1990/91 and 1991/92 delivery periods 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 in order to bind the Community.

*Article 3*

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

Done at Brussels, 23 September 1991.

*For the Council*  
*The President*  
P. BUKMAN

(1) OJ No L 229, 17. 8. 1991, p. 216.

**AGREEMENT**

**in the form of an exchange of letters between the European Economic Community and Barbados, Belize, the People's Republic of the Congo, the Republic of Fiji, the Cooperative Republic of Guyana, the Republic of Cote d'Ivoire, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, Saint Kitts and Nevis, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda and the republic of Zimbabwe on the guaranteed prices for cane sugar for the 1989/90, 1990/91 and 1991/92 delivery periods**

*Letter No 1*

Brussels, 21 December 1992

Sir,

The representatives of the ACP States referred to in Protocol 8 on ACP sugar annexed to the Fourth ACP-EEC Convention and of the Commission, on behalf of the European Economic Community, have agreed, pursuant to the provisions of the said Protocol, to submit to their competent authorities for approval, to be the subject of an exchange of letters between the ACP States concerned and the Community, the following.

For the periods as referred to hereafter, the guaranteed prices referred to in Article 5 (4) of the Sugar Protocol shall, for the purpose of intervention within the terms of Article 6 of that Protocol, be:

	Raw sugar	White sugar
	(ECU per 100 kilograms)	
1. 7. 1989 - 30. 6. 1990	44,02	54,31
1. 7. 1990 - 30. 6. 1991	43,94	54,22
1. 7. 1991 - 30. 6. 1992	43,94	54,22

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

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

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

*On behalf of the  
Council of the European Communities*



*Letter No 2*

Brussels, 21 December 1992

Sir,

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

'The representatives of the ACP States referred to in Protocol 8 on ACP sugar annexed to the Fourth ACP-EEC Convention and of the Commission, on behalf of the European Economic Community, have agreed, pursuant to the provisions of the said Protocol, to submit to their competent authorities for approval, to be the subject of an exchange of letters between the ACP States concerned and the Community, the following.

For the periods as referred to hereafter, the guaranteed prices referred to in Article 5 (4) of the Sugar Protocol shall, for the purpose of intervention within the terms of Article 6 of that Protocol, be:

	Raw sugar	White sugar
	(ECU per 100 kilograms)	
1. 7. 1989 - 30. 6. 1990	44,02	54,31
1. 7. 1990 - 30. 6. 1991	43,94	54,22
1. 7. 1991 - 30. 6. 1992	43,94	54,22

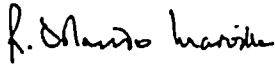
These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of principles appertaining to the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

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

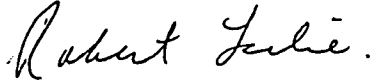
I have the honour to confirm the Agreement of the Governments of the ACP States concerned with the foregoing.

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

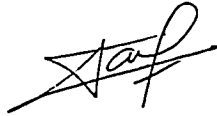
For the Government of Barbados



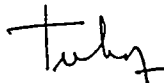
For the Government of Belize



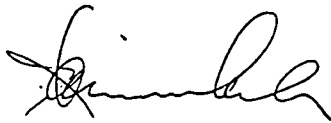
Pour le gouvernement de la république populaire du Congo



Pour le gouvernement de la république de Côte d'Ivoire



For the Government of Fiji



For the Government of the Cooperative Republic of Guyana



For the Government of Jamaica



For the Government of the Republic of Kenya



Pour le gouvernement de la république démocratique de Madagascar

A handwritten signature in black ink, appearing to read "R. Rihau", enclosed within a large, sweeping oval stroke.

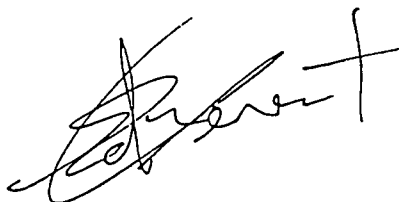
For the Government of the Republic of Malawi

A handwritten signature in black ink, appearing to read "L. S. Chong", written in a cursive style.

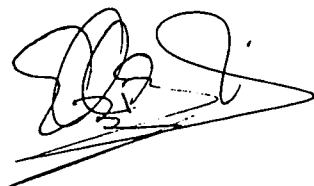
Pour le gouvernement de l'île Maurice

A highly stylized and abstract handwritten signature in black ink, consisting of several overlapping loops and lines.

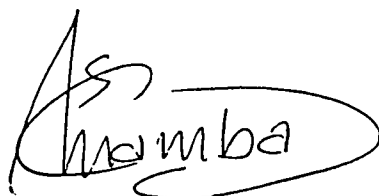
For the Government of Saint Kitts and Nevis

A handwritten signature in black ink, appearing to read "G. Brent", written in a cursive style.

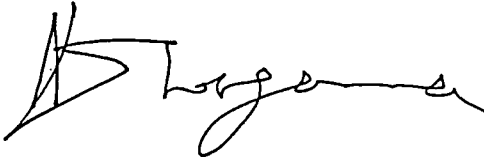
Namens de Regering van de Republiek Suriname

A handwritten signature in black ink, appearing to read "W. J. J.", written in a cursive style.

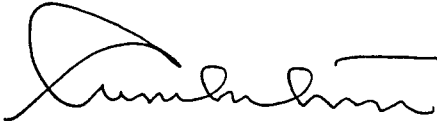
For the Government of the Kingdom of Swaziland

A handwritten signature in black ink, appearing to read "As Mamba", written in a cursive style and enclosed within a large, sweeping oval stroke.

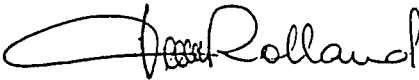
For the Government of the United Republic of Tanzania

A handwritten signature in black ink, appearing to read 'B. M. M. M.', written in a cursive style.

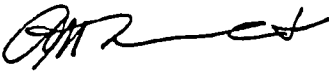
For the Government of the Republic of Trinidad and Tobago

A handwritten signature in black ink, appearing to read 'R. M. M.', written in a cursive style.

For the Government of the Republic of Uganda

A handwritten signature in black ink, appearing to read 'J. M. M.', written in a cursive style.

For the Government of the Republic of Zimbabwe

A handwritten signature in black ink, appearing to read 'M. M. M.', written in a cursive style.

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## COUNCIL DECISION

of 26 April 1993

on the conclusion of the Agreements in the form of an exchange of letters between the European Economic Community and, on the one hand, Barbados, Belize, the People's Republic of the Congo, the Republic of Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Democratic 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 Zimbabwe and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1992/93 delivery period

(94/901/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas it is appropriate to approve the Agreements in the form of an exchange of letters between the Community and, on the one hand, the States referred to in the Protocol and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1992/93 delivery period,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreements in the form of an exchange of letters between the European Economic Community and, on the one hand, Barbados, Belize, the People's Republic of the Congo, the Republic of Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of

Kenya, the Democratic 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 Zimbabwe and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1992/93 delivery period are hereby approved on behalf of the Community.

The text of the Agreements is attached to this Decision.

*Article 2*

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

*Article 3*

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

Done at Luxembourg, 26 April 1993.

*For the Council**The President*

B. WESTH

(1) OJ No L 229, 17. 8. 1991, p. 216.

(2) OJ No L 190, 22. 7. 1975, p. 35.

## AGREEMENT

**in the form of an exchange of letters between the European Economic Community and, Barbados, Belize, the People's Republic of the Congo, the Republic of Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Democratic 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 and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 1992/93 delivery period**

*A. Letter No 1*

Brussels, 7 February 1994

Sir,

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

For the delivery period 1 July 1992 to 30 June 1993, the guaranteed prices referred to in Article 5 (4) of the Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: ECU 43,94 per 100 kilograms;
- (b) for white sugar: ECU 54,22 per 100 kilograms.

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

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

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

*For the Council  
of the European Communities*





B. *Letter No 2*

Brussels, 7 February 1994

Sir,

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

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

For the delivery period 1 July 1992 to 30 June 1993, the guaranteed prices referred to in Article 5 (4) of the Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

(a) for raw sugar: ECU 43,94 per 100 kilograms;

(b) for white sugar: ECU 54,22 per 100 kilograms.

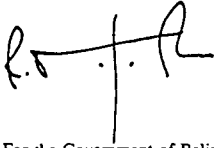
These prices shall refer to sugar of standard quality as defined in Community legislation, unpacked, cif, free out of European ports of the Community. The introduction of these prices in no way prejudices the respective positions of the Contracting Parties in respect of the principles appertaining to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

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

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

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


For the Government of Barbados



For the Government of Belize



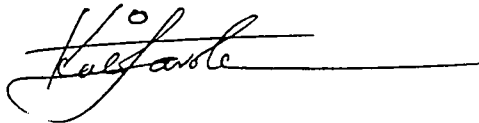
Pour le gouvernement de la république populaire du Congo



Pour le gouvernement de la république de Côte d'Ivoire



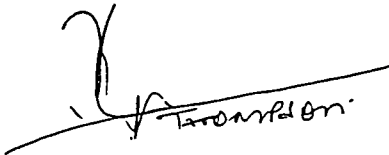
For the Government of the Republic of Fiji



For the Government of the Cooperative Republic of Guyana



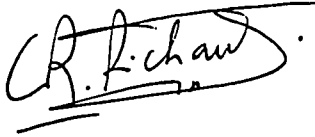
For the Government of Jamaica




For the Government of the Republic of Kenya



Pur le gouvernement de la république démocratique de Madagascar

A handwritten signature in black ink, appearing to read "R. Richard", enclosed within a large, loopy oval flourish.

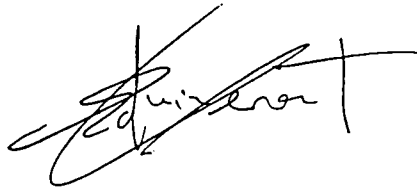
For the Government of the Republic of Malawi

A handwritten signature in black ink, appearing to read "D. Anthony", written in a cursive style.

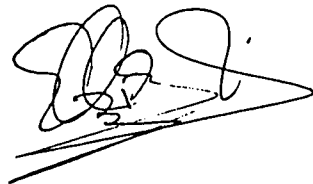
Pour le gouvernement de l'île Maurice

A handwritten signature in black ink, appearing to read "Lawrence Dossa", written in a cursive style.

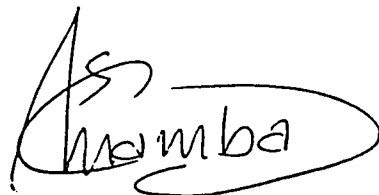
For the Government of Saint Christopher and Nevis

A handwritten signature in black ink, appearing to read "J. Quinlan", written in a cursive style.

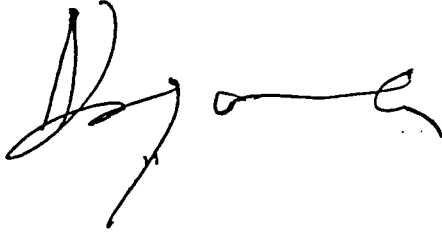
For the Government of the Republic of Suriname

A handwritten signature in black ink, appearing to read "J. J. J.", written in a cursive style.

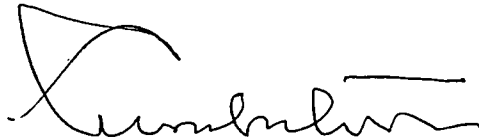
For the Government of the Kingdom of Swaziland

A handwritten signature in black ink, appearing to read "As. Mamba", written in a cursive style.

For the Government of the United Republic of Tanzania

A handwritten signature in black ink, consisting of several large, sweeping loops and a long horizontal stroke at the end.

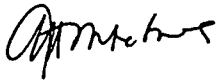
For the Government of the Republic of Trinidad and Tobago

A handwritten signature in black ink, featuring a large, stylized initial 'T' followed by a series of connected, wavy lines.

For the Government of the Republic of Uganda

A handwritten signature in black ink, starting with a circular emblem or seal followed by a series of connected, wavy lines.

For the Government of the Republic of Zimbabwe

A handwritten signature in black ink, consisting of a series of connected, wavy lines.

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**COUNCIL DECISION**  
of 14 November 1994

on the conclusion of the Agreements in the form of an exchange of letters between the European Community and, on the one hand, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zimbabwe and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1993/94 delivery period

(94/902/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

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

Whereas it is appropriate to approve the Agreements in the form of an exchange of letters between the Community and, on the one hand, the States referred to in the Protocol and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1993/94 delivery period,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreements in the form of an exchange of letters between the European Community and, on the one hand, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire,

Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zimbabwe and, on the other hand, the Republic of India on the guaranteed prices for cane sugar for the 1993/94 delivery period are hereby approved on behalf of the Community.

The text of the Agreements is attached to this Decision.

*Article 2*

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

*Article 3*

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

Done at Brussels, 14 November 1994.

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

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

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

## AGREEMENT

in the form of an exchange of letters between the European Community and, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Democratic 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 and the Republic of Zimbabwe on the guaranteed prices for cane sugar for the 1993/94 delivery period

A. *Letter No 1*

Brussels, 22 December 1994

Sir,

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

For the delivery period 1 July 1993 to 30 June 1994, the guaranteed prices referred to in Article 5 (4) of the Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: ECU 43,37 per 100 kilograms;
- (b) for white sugar: ECU 53,54 per 100 kilograms.

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

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

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

*On behalf of the Council  
of the European Union*



B. *Letter No 2*

Brussels, 22 December 1994

Sir,

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

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

For the delivery period 1 July 1993 to 30 June 1994, the guaranteed prices referred to in Article 5 (4) of the Protocol shall, for the purpose of intervention within the terms of Article 6 of the Protocol, be:

- (a) for raw sugar: ECU 43,37 per 100 kilograms;
- (b) for white sugar: ECU 53,54 per 100 kilograms.

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

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

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

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

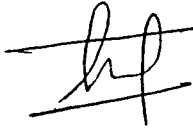
For the Government of Barbados

A handwritten signature in black ink, appearing to be 'D. Williams', written over a horizontal line.

For the Government of Belize

A handwritten signature in black ink, appearing to be 'R. Quintana', written over a horizontal line.

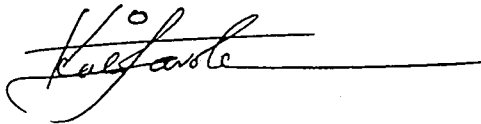
Pour le gouvernement de la république du Congo

A handwritten signature in black ink, appearing to be 'L. N. N.', written over a horizontal line.

Pour le gouvernement de la république de Côte d'Ivoire

A handwritten signature in black ink, appearing to be 'A. K. A.', written over a horizontal line.

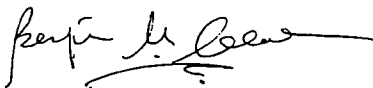
For the Government of the Republic of Fiji

A handwritten signature in black ink, appearing to be 'K. J. J.', written over a horizontal line.

For the Government of the Cooperative Republic of Guyana

A handwritten signature in black ink, appearing to be 'S. Mann', written over a horizontal line.

For the Government of Jamaica

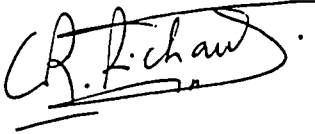
A handwritten signature in black ink, appearing to be 'P. M. M.', written over a horizontal line.



For the Government of the Republic of Kenya



Pour le gouvernement de la république de Madagascar



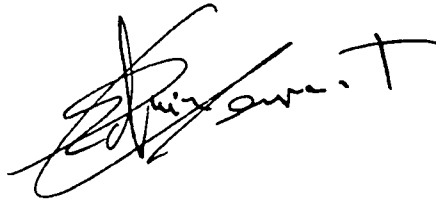
For the Government of the Republic of Malawi



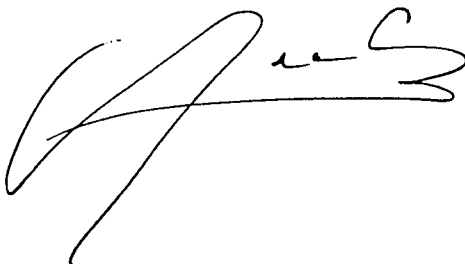
Pour le gouvernement de l'île Maurice



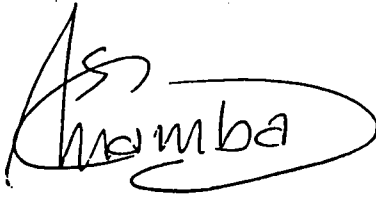
For the Government of Saint Christopher and Nevis



For the Government of the Republic of Suriname



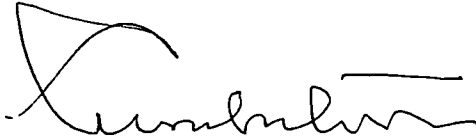
For the Government of the Kingdom of Swaziland



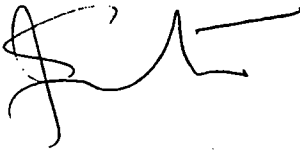
For the Government of the United Republic of Tanzania



For the Government of the Republic of Trinidad and Tobago



For the Government of the Republic of Uganda



For the Government of the Republic of Zimbabwe



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## **I. ACP-EEC Acts**

### **4. Acts of the ACP-EEC Customs Cooperation Committee**



DECISION No 1/94 OF THE ACP-EEC CUSTOMS COOPERATION  
COMMITTEE

of 10 June 1994

derogating from the definition of the concept of 'originating products' to take account of the special situation of the Republic of Fiji with regard to its production of certain garments

THE ACP-EEC CUSTOMS COOPERATION COMMITTEE,

Having regard to the Fourth ACP-EEC Convention signed at Lomé on 15 December 1989, and in particular Article 31 (9) of Protocol No 1 thereto,

Whereas Article 31 of Protocol 1 to the Convention concerning the definition of the concept of 'originating products' and methods of administrative cooperation makes provision for the granting of derogations to the Protocol by the Customs Cooperation Committee to facilitate, in particular, the development of existing industries or the creation of new industries;

Whereas the ACP States have submitted a request from the Government of Fiji for a derogation from the definition set out in Protocol 1 in respect of certain garments;

Whereas the requested derogation is justified under the relevant provisions of Protocol 1, especially as regards the development of existing industries and the creation of new industries, the fact that the applicant is an island country and the inapplicability of the rules on cumulation of origin, and by the argument that sufficient time is needed to strengthen trade links with Community firms with a view to ultimately complying with Protocol 1; whereas the derogation cannot cause serious injury to an established Community industry, provided that certain conditions relating to quantities, surveillance and duration are respected,

HAS DECIDED AS FOLLOWS:

*Article 1*

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

*Article 2*

The derogation provided for in Article 1 shall cover products made in and exported from Fiji to the Community between 1 January 1994 and 31 December 1998.

*Article 3*

The competent authorities of Fiji shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1.

To that end, all the certificates they issue pursuant to this Decision shall bear a reference to it. The competent authorities of Fiji shall forward to the Commission every three months a statement of the quantities in respect of which EUR.1 movement certificates have been issued pursuant to this Decision and the serial numbers of those certificates.

*Article 4*

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

*Article 5*

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

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10 -06- 1994

Por el Comité de cooperación aduanera  
 På Toldsamarbejdsudvalgets vegne  
 Im Namen des Ausschusses für Zusammenarbeit im Zollwesen  
 Για την Επιτροπή Τελωνειακής Συνεργασίας  
 For the Customs co-operation Committee  
 Par le Comité de coopération douanière  
 Per il Comitato di cooperazione doganale  
 Voor het Comité voor douanesamenwerking  
 Pelo Comité de Cooperação Aduaneira

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## ANNEX

Item	Description	HS code	Textile category	Annual quantity (pieces)
a	Men's or boys' overcoats, anoraks, wind-cheaters, wind-jackets and similar articles, other than those of heading No 6203, of wool, of cotton, of synthetic fibres or of other textile materials	6201.11 6201.12 6201.13 6201.19 6201.91 6201.93 6201.99	ex 14 ex 14 + 21 ex 14 + 21 ex 161 ex 21 ex 21 ex 161	22 000
b	Men's and boys' suits, of wool, of synthetic fibres or of other textile materials	6203.11 6203.12 6203.19	ex 16 ex 16 ex 16 + 161	20 000
c	Men's and boys' jackets, of wool, of synthetic fibres or of other textile materials	6203.31 6203.32 6203.33 6303.39	ex 17 ex 17 + 76 ex 17 + 176 ex 17 + 76 + 161	24 000
d	Men's or boys' and women's or girls' trousers and shorts, of wool, of cotton, of synthetic fibres or of other textile materials	6203.41 6203.42 6203.43 6203.49 6204.61 6204.62 6204.63 6204.69	ex 6 + 78 ex 6 + 76 + 78 ex 6 + 76 + 78 ex 6 + 76 + 78 + 161 ex 6 + 78 ex 6 + 76 + 78 ex 6 + 76 + 78 ex 6 + 76 + 78 + 161	800 000
e	Women's and girls' jackets, of wool, of cotton, of synthetic fibres or of other textile materials	6204.31 6204.32 6204.33 6204.39	ex 15 ex 15 + 76 ex 15 + 76 ex 15 + 76 + 161	5 000
f	Other garments, men's or boys and women's or girls', of wool, or fine animal hair, of cotton, of synthetic or man-made, or of other textile materials	6211.31 6211.32 6211.39 6211.41 6211.42 6211.43 6211.49	ex 78 ex 6 + 21 + 16 + 78 ex 161 ex 78 ex 6 + 21 + 29 + 78 ex 6 + 21 + 29 + 78 ex 161	5 000
g	Hats, knitted or crocheted	6505.90		13 500
h	Women's or girls' blouses, of silk, of wool, of cotton, or synthetic fibres or of other textile materials	6206.10 6206.20 6206.30 6206.40 6206.90	ex 159 ex 7 ex 161	50 000
i	Women's or girls' blouses, shirts and shirt-blouses, knitted or crocheted, of cotton	6106.10	ex 7	20 000
j	Articles of apparel and clothing accessories	6217.10	88	22 000
k	Other garments, of the type described in subheadings 6201.111 to 6201.19 and 6202.11 to 6202.19, other men's or boys' garments	6210.20 6210.30 6210.40	ex 14 ex 15 ex 78	55 000





DECISION No 2/94 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE  
of 25 November 1994

amending Decision No 4/93 derogating from the definition of the concept of 'originating products' to take account of the special situation of the Republic of the Seychelles with regard to its production of canned tuna

(94/946/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

HAS DECIDED AS FOLLOWS:

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

Having regard to Decision No 4/93 of the ACP-EEC Customs Cooperation Committee of 17 December 1993, derogating from the definition of the concept of originating products to take account of the special situation of the Republic of the Seychelles with regard to its production of canned tuna<sup>(1)</sup>,

Whereas Article 31 of Protocol 1 to the Convention on the definition of the concept of 'originating products' and on administrative cooperation methods provides that the Customs Cooperation Committee may review the conditions of application of the derogations if a major change is identified in the factors which led to their adoption;

Whereas the African, Caribbean and Pacific (ACP) States have submitted a request from the Government of the Republic of the Seychelles for the amendment of Decision No 4/93 of the Customs Cooperation Committee;

Whereas the Republic of the Seychelles bases its request on changes in commercial markets and its tuna processing industries, occasioned by the emergence of a new market in frozen tuna filets destined for the Community canned foods industry;

Whereas the amendment requested is justified by the relevant provisions of Protocol 1,

*Article 1*

Article 1 of Decision No 4/93 is replaced by the following text:

'By way of derogation from the special provisions of the list in Annex II to Protocol I, canned tuna falling within heading No 16.04 and frozen tuna fillets falling within heading No 03.04 of the Common Customs Tariff and manufactured in the Republic of the Seychelles shall be considered as originating in the ACP States under the conditions set out in this Decision.'

*Article 2*

Article 2 of Decision No 4/93 is replaced by the following text:

'The derogation provided for in Article 1 shall relate to a total annual quantity of 1 800 tonnes of canned tuna falling within heading No 16.04 and frozen tuna fillets falling within heading No 03.04 of the Common Customs Tariff produced in and exported to the Community from the Republic of the Seychelles between 1 May 1993 and 30 April 1998.'

*Article 3*

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

<sup>(1)</sup> OJ No L 12, 15. 1. 1994, p. 39.

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25 -11- 1994

Por el Comité de cooperación aduanera  
 På Toldsamarbejdsudvalgets vegne  
 Im Namen des Ausschusses für Zusammenarbeit im Zollwesen  
 Για την Επιτροπή Τελωνιακής Συνεργασίας  
 For the Customs co-operation Committee  
 Par le Comité de coopération douanière  
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## **I. ACP-EEC Acts**

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



DECISION No 1/94/CCI  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL CO-OPERATION  
of 18 March 1994  
giving a discharge to the Director of the  
Centre for the Development of Industry  
in respect of the implementation of the Centre's budget  
for the financial year 1991

THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989,  
and in particular Article 87(1)(d) thereof,

Having regard to Decision No 4/91 of the ACP-EEC Council of Ministers of 6 May 1991  
laying down the statute and rules of procedure of the Centre for the Development of  
Industry, hereinafter referred to as the "Centre", and in particular Article 8(1) thereof,

Having regard to Decision No 5/91 of the ACP-EEC Council of Ministers of 6 May 1991  
adopting the Financial Regulation of the Centre, and in particular Article 26 thereof,

Having regard to the Centre's balance sheet for the financial year 1991 drawn up on 31 December 1991,

Having regard to the Auditor's report on the accounts for the financial year 1991,

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-EEC Committee on Industrial Co-operation, hereinafter referred to as the "Committee", to give a discharge to the Director of the Centre in respect of the implementation of the Centre's budget;

Whereas revenue for the financial year 1991 consisted principally of a contribution from the European Development Fund amounting to ECU 5 310 610 80;

Whereas the Director's overall implementation of the Centre's budget during the financial year 1991 was such that he should be given a discharge in respect of the implementation of that budget,

HAS DECIDED AS FOLLOWS:

Sole Article

The Committee, on the basis of the Auditor's report, the balance sheet and the revenue and expenditure account 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 1991.

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18 -03- 1994

Por el Comité de cooperacion industrial  
 For Udvalget for industrielt Samarbejde  
 Im Namen des Ausschusses für industrielle Zusammenarbeit  
 Για την Επιτροπή Βιομηχανικής Συνεργασίας  
 For the Committee on Industrial co-operation  
 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 2/94/CIC  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL CO-OPERATION  
of 11 April 1994**

**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 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 Decision No 4/91 of the ACP-EEC Council of Ministers of 6 May 1991 provides for a mid-term review;

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

Whereas Mr Ulf R. SIEBEL (Germany) has been nominated, on a proposal from the Community, to replace Mr A. LEITAO (Portugal) 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 Ulf R. SIEBEL is hereby appointed, on a proposal from the Community, a member of the Executive Board of the Centre for the Development of Industry within the framework of the Fourth ACP-EEC Convention for a period of three years, in place of Mr A. LEITAO.

Article 2

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

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11 -04- 1994

Por el Comité de cooperacion industrial  
 For Udvalget for industrielt Samarbejde  
 Im Namen des Ausschusses für industrielle Zusammenarbeit  
 Για την Επιτροπή Βιομηχανικής Συνεργασίας  
 For the Committee on Industrial co-operation  
 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 3/94/CIC  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 13 July 1994

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 Third ACP-EEC Convention, signed at Lomé on 8 December 1984, and in particular Article 73(6) thereof,

Having regard to Decision No 4/86 of the ACP-EEC Council of Ministers of 24 March 1986 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 3 thereof and the Annex thereto,

Having regard to Decision No 9/91 of the ACP-EEC Council of Ministers of 18 November 1991 extending the application of Decision No 4/86 mutatis mutandis until the entry into force of a new Decision laying down the conditions of employment of the staff of the Centre for the period of application of the Fourth ACP-EEC Convention,

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

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

Whereas, under the third paragraph of Article 27 of Decision No 4/86 and Article 49 of Decision No 1/92, the Committee may decide, on the recommendation of the Centre's Executive Board, to adjust the remuneration laid down in the said Decisions 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 July 1989 to 30 June 1991 and from 1 July 1991 to 31 December 1992;

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 the adjustments applicable to the remuneration of officials of the Communities are calculated, result in an adjustment to the remuneration of the staff of the Centre, as laid down in Article 3 of Decision No 4/86, and to the tax brackets, as laid down in the Annex to that Decision, of 28,43% with effect from 1 January 1992, 30,58% with effect from 1 July 1992, and 30,94% with effect from 1 January 1993;

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 1/92 is calculated, result in its adjustment by 13,95% for the period from 1 July 1989 to 31 December 1992,

HAS DECIDED AS FOLLOWS:

#### Article 1

With effect from 1 January 1992, the remuneration laid down in Article 3 of Decision No 4/86 and the tax brackets laid down in the Annex thereto shall be increased by 28,43%.

Article 2

With effect from 1 July 1992, the remuneration laid down in Article 3 of Decision No 4/86 and the tax brackets laid down in the Annex thereto shall be increased by 30,58%.

Article 3

With effect from 1 January 1993, the remuneration laid down in Article 3 of Decision No 4/86 and the tax brackets laid down in the Annex thereto shall be increased by 30,94%.

Article 4

With effect from 1 January 1993, Annex II to Decision No 1/92 shall be replaced by the Annex to this Decision.



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13 -07- 1994

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 co-operation  
 Par le Comité de coopération industrielle  
 Per il Comitato per la cooperazione industriale  
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\*Annex II

(Conditions of employment of the staff of the CDI)

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

CATEGORY	LEVEL	BASIC POST	STEP				
			1	2	3	4	5
1. DIRECTORS	1.A	Director					
	1.B	Deputy Director	398 825				
2. ADMINISTRATIVE	2.A	Principal Expert	284 875	301 968	319 060		
	2.B	Principal Expert	227 900	241 574	256 388	271 201	287 154
	2.C	Expert	199 413	211 947	224 482	237 016	250 690
	2.D	Expert	159 530	169 216	179 471	190 297	201 692
3. CLERICAL	3.A	Principal assistant	133 322	141 298	149 275	158 960	168 646
	3.B	Secretarial assistant	102 555	108 253	115 090	121 927	128 764
	3.C	Secretary	74 068	78 626	83 184	87 742	93 439
4. SUPPORTING STAFF	4.A	Technical staff	60 394	63 812	67 231	70 649	75 207

DECISION No 4/94/CIC  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 13 July 1994

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 Decision No 4/91 of the ACP-EEC Council of Ministers of 6 May 1991 provides for a mid-term review;

Whereas Mr Noël Aimé KOBIANE (Burkina Faso) has been nominated, on a proposal from the ACP States, to replace Mr Zama BANHORA (Burkina Faso) in his capacity as a 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 Noël Aimé KOBIANE is hereby appointed, on a proposal from the ACP States, a member of the Executive Board of the Centre for the Development of Industry within the framework of the Fourth ACP-EEC Convention, in place of Mr Zama BANHORO.

Article 2

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

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13 -07- 1994

Por el Comité de cooperacion industrial  
 For Udvalget for industrielt Samarbejde  
 Im Namen des Ausschusses für industrielle Zusammenarbeit  
 Για την Επιτροπή Βιομηχανικής Συνεργασίας  
 For the Committee on Industrial co-operation  
 Par le Comité de coopération industrielle  
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 Pelo Comité de Cooperação Industrial

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**DECISION No 5/94  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 22 December 1994**

approving the supplementary budget  
of the Centre for the Development of Industry (1994)

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 87(1)(d) and Article 92(1)(b)(ii) thereof,

Having regard to Decision No 5/91 of the ACP-EEC Council of Ministers of 6 May 1991 adopting the Financial Regulation of the Centre for the Development of Industry, and in particular Articles 6, 7 and 8 thereof,

Whereas, in accordance with Article 8 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 1994 financial year;

Whereas the Executive Board, at its meeting on 18 and 19 July 1994, 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 Committee for approval,

HAS DECIDED AS FOLLOWS:

Sole Article

The supplementary budget of ECU 295 000 of the Centre for the Development of Industry for the financial year 1994, as contained in the Annex hereto, is hereby approved.



Hecho en Bruselas, el  
 Udfærdiget i Bruxelles, den  
 Geschehen zu Brüssel am  
 Έγινε στις Βρυξέλλες, στις  
 Done at Brussels,  
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22 -12- 1994

Por el Comité de cooperacion industrial  
 For Udvalget for industrielt Samarbejde  
 Im Namen des Ausschusses für industrielle Zusammenarbeit  
 Για την Επιτροπή Βιομηχανικής Συνεργασίας  
 For the Committee on Industrial co-operation  
 Par le Comité de coopération industrielle  
 Per il Comitato per la cooperazione industriale  
 Voor het Comité voor industriële samenwerking  
 Pelo Comité de Cooperação Industrial

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

L. ZIMMER

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BUD144(D)

ANNEX

## TITLE II

TITLE II: BUILDING, EQUIPMENT AND MISCELLANEOUS OPERATING EXPENDITURE

TITLE II: Additional 1994 Budget

Article	Heading	Budget 1994 Additional
225 ADD.	Data Processing	295.000

WORK PROGRAMME

The CDI Accounts System was developed in 1984. Since then, Data Processing has progressed considerably. The technology used in the development of the present Accounts System is currently out of date. Also, in ten years' time, CDI's workload has expanded and accurate and immediate information is being requested by Staff and Management.

The Court of Auditors as well as the external auditors, in their successive reports, brought up the problems of financial management related to the current Accounts System.

For this reason, an additional budget of ECU 50.000 has been granted in 1993, allowing CDI to finance a feasibility study.

The results of this study confirm the necessity of developing a new system and propose to acquire a multi-currency and budget software application. This software will have to be adjusted to CDI specific requirements.

The total cost of this operation, including the purchase of this software, the set-up and training of staff is estimated to be ECU 450.000 in 1994.

The Centre wishes to finance the purchase of the software application and the modifications (cost ECU 295.000) out of an additional budget. The difference will be proposed for financing in 1995.

**DECISION No 6/94  
OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION  
of 22 December 1994**

**approving the budget  
of the Centre for the Development of Industry (1995)**

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 87(1)(d) and Article 92(1)(b)(iii) thereof,

Having regard to Decision No 4/91 of the ACP-EEC Council of Ministers of 6 May 1991 laying down the Statute and Rules of Procedure of the Centre for the Development of Industry, 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-EEC 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 1995 financial year;

Whereas the Executive Board, at its meeting on 18 and 19 July 1994, 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 1995, as contained in the Annex hereto, is hereby approved.

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CDI BUDGET 1995

7.1	TITLE I - STAFF	BUDGET 1992 PAYMENTS AU 31/12/92 (1)	BUDGET 1993 COMMITMENT AU 31/12/93 (2)	BUDGET 1994 TOTAL (*) (3)	BUDGET 1995 LOME IV (4)	BUDGET 1996 LOME IV (5)	BUDGET 1996 TOTAL (6)	% EVOLUTION (6)/(3)
ARTICLE 111	SALARIES	3 310 833,00	3 600 894,00	3 254 849,00	4 170 000,00	0,00	4 150 000,00	7,84%
ARTICLE 112	PROVISION FOR ADJUSTMENT Y SALARIES	44 137,06	0,00	40 223,00	90 000,00	0,00	90 000,00	49,17%
ARTICLE 113	SOCIAL CHARGES	1 343 805,81	1 382 369,00	1 542 976,00	1 640 000,00	0,00	1 640 000,00	7,80%
ARTICLE 114	ALLOWANCES	520 589,27	437 376,00	392 000,00	671 000,00	0,00	671 000,00	33,91%
ARTICLE 115	TRAINING & DEVELOPMENT CV STAFF	25 627,88	41 978,00	60 000,00	60 000,00	0,00	60 000,00	0,00%
ARTICLE 116	EXPENSES FOR STAFF INTEGRATION	3 649,14	3 779,00	5 000,00	6 000,00	0,00	6 000,00	0,00%
ARTICLE 117	MISCELLANEOUS CONSULTANCIES	0,00	0,00	185 000,00	135 000,00	0,00	135 000,00	-12,00%
	TOTAL CHAPTER 11	5 254 835,06	5 426 122,00	5 050 000,00	6 091 000,00	0,00	6 091 000,00	0,00%
	GRAND TOTAL	5 254 835,06	5 426 122,00	5 050 000,00	6 091 000,00	0,00	6 091 000,00	0,00%

7.2	TITLE II - BUILDING, EQUIPMENT & MISC. OPERATIONAL EXPENSES	BUDGET 1992 PAYMENTS AT 3/1/2003 (1)	BUDGET 1993 COMMITMENT AT 3/1/2003 (1)	BUDGET 1994 TOTAL (*) (2)	BUDGET 1995 LOWE IV (3)	BUDGET 1996 LOWE III (4)	BUDGET 1995 TOTAL (5)	% EVOLUTION (8)/(7)
ARTICLE 211	RENT	502 527,57	801 108,00	700 000,00	678 000,00	0,00	678 000,00	-4,28%
ARTICLE 212	INCIDENTAL EXPENDITURE	248 174,70	252 221,00	224 000,00	254 000,00	0,00	254 000,00	12,28%
	TOTAL CHAPTER 21	848 702,27	1 054 329,00	924 000,00	934 000,00	0,00	924 000,00	0,00%
ARTICLE 221	PURCHASE OF OFFICE EQUIPMENT AND FURNITURE	61 397,64	189 930,00	70 000,00	140 000,00	0,00	140 000,00	100,00%
ARTICLE 222	RENTAL OF FURNITURE AND EQUIPMENT	23 782,20	49 677,00	60 000,00	65 000,00	0,00	65 000,00	8,33%
ARTICLE 223	MAINTENANCE OF FURNITURE AND EQUIPMENT	53 047,31	43 400,00	75 000,00	5 000,00	0,00	9 000,00	-93,33%
ARTICLE 224	VEHICLES, MAINTENANCE, REPAIRS, USE	8 716,73	6 635,00	10 000,00	12 000,00	0,00	12 000,00	20,00%
ARTICLE 225	DATA PROCESSING	63 583,29	117 226,00	80 000,00	295 000,00	0,00	295 000,00	268,75%
	TOTAL CHAPTER 22	218 907,37	406 968,00	295 000,00	617 000,00	0,00	617 000,00	75,25%
ARTICLE 231	STATIONERY AND OFFICE SUPPLIES	49 738,72	54 904,00	55 000,00	60 000,00	0,00	60 000,00	9,09%
ARTICLE 232	POSTAL CHARGES AND TELECOMMUNICATIONS	133 787,78	211 888,00	160 000,00	243 000,00	0,00	243 000,00	38,11%
ARTICLE 233	BANK CHARGES AND EXCHANGE LOSSES	22 061,95	29 910,00	23 000,00	25 000,00	0,00	25 000,00	8,70%
ARTICLE 234	OTHER OPERATING EXPENSES	82 681,20	121 412,00	78 000,00	88 000,00	0,00	88 000,00	14,79%
	TOTAL CHAPTER 23	288 269,65	418 116,00	326 000,00	416 000,00	0,00	416 000,00	28,00%
ARTICLE 241	GENERAL REPRESENTATION AND ENTERTAINMENT EXPENSES	23 449,73	18 504,00	30 000,00	30 000,00	0,00	30 000,00	0,00%
	TOTAL CHAPTER 24	23 449,73	18 504,00	30 000,00	30 000,00	0,00	30 000,00	0,00%
	GRAND TOTAL	1 370 927,02	1 899 815,00	1 577 000,00	1 881 000,00	0,00	1 881 000,00	19,72%



7.3	TITLE III - INTERVENTION PROGRAMME	BUDGET 1992 PAYMENTS AU 04/1983	BUDGET 1993 COMMITMENT AU 31/12/93 (1)	BUDGET 1994 TOTAL (*) (2)	BUDGET 1995 LOI N° (3)	BUDGET 1996 LOI N° (4)	BUDGET 1996 TOTAL (5)	% EVOLUTION (6)/(2)
	<b>NETWORKS</b>							
ARTICLE 311	<b>THE ACP NETWORK</b> General CDI promotion meetings in ACP countries Studies and assistance in favour of ACP institutions Studies and assistance in favour of the ACP Networks Fees and subventions in antennae Sundry Antennae expenses ACP antennae meetings Promotion Attaché Programme Country and Regional Consultants for ACP countries Studies and assistance in favour of Service Companies in ACP Countries		861 429,00	1 050 000,00	1 000 000,00	600 000,00	1 600 000,00	87,14%
ARTICLE 312	<b>THE EEC NETWORK</b> General CDI promotion meetings in EC countries Studies and assistance in favour of EC Networks Antenna, attaché, correspondent meetings in EC General and technical documentation Associated and sectoral consultants Public Relations		221 067,00	310 000,00	340 000,00	100 000,00	440 000,00	41,94%
ARTICLE 313	Seconded Experts		732 679,00	740 000,00	240 000,00	0,00	240 000,00	-7,99%
ARTICLE 314			0,00	60 000,00	0,00	60 000,00	60 000,00	0,60%
	<b>TOTAL NEW CHAPTER 31</b>		<b>1 265 175,00</b>	<b>1 860 000,00</b>	<b>1 820 000,00</b>	<b>760 000,00</b>	<b>2 580 000,00</b>	<b>66,70%</b>
ARTICLE 302	<b>IN EC COUNTRIES</b> Sectoral studies, in depth scrutiny of a sector in EC Countries			40 000,00	40 000,00	0,00	40 000,00	0,86%
ARTICLE 304	<b>INTERNAL INFORMATION, DOCUMENTATION</b>			0,00	0,00	60 000,00	60 000,00	
	<b>TOTAL OLD CHAPTER 31</b>		<b>1 265 175,00</b>	<b>1 720 000,00</b>	<b>1 870 000,00</b>	<b>660 000,00</b>	<b>2 400 000,00</b>	<b>66,77%</b>
	<b>IDENTIFICATION AND PROMOTION OF PROJECTS</b>							
ARTICLE 321	<b>IN THE ACP COUNTRIES</b> General identification of ACP projects and sponsors Project substantiation and documentation In depth evaluation of request projects		0,00	260 000,00	320 000,00	0,00	320 000,00	21,90%
ARTICLE 322	<b>IN EUROPE</b> General identification of ACP projects and sponsors			0,00	20 000,00	0,00	20 000,00	
ARTICLE 323	<b>FIRST CONTACT</b> Assistance for first contacts Fora and fairs including participation		261 545,00	390 000,00	225 000,00	125 000,00	380 000,00	0,96%
	<b>TOTAL NEW CHAPTER 32</b>		<b>261 545,00</b>	<b>650 000,00</b>	<b>545 000,00</b>	<b>125 000,00</b>	<b>500 000,00</b>	<b>11,11%</b>

7.4	TITLE III - INTERVENTION PROGRAMME	BUDGET 1992 PAYMENTS AT 31/12/92	BUDGET 1993 COMMITMENT AT 31/12/93 (1)	BUDGET 1994 TOTAL (*) (2)	BUDGET 1995 LOME IV (3)	BUDGET 1995 LOME III (4)	BUDGET 1995 TOTAL (5)	% EVOLUTION (5)/(2)
ARTICLE 361	IN ACP COUNTRIES Sectoral studies, in depth scrutiny of a sector in ACP Countries General promotion of an ACP country			90 000,00	90 000,00	0,00	90 000,00	0,00%
	<b>TOTAL OLD CHAPTER 32</b>		261 565,00	700 000,00	655 000,00	125 000,00	780 000,00	11,43%
ARTICLE 331	PROJECT INTERVENTIONS DIAGNOSTIC, EXPERTISE, STUDIES (old 323) Identification of a potential EC partner Specific search for an ACP partner Partial studies (markets, raw materials, pre-feasibility studies) Complete feasibility studies Partial technical studies including equipment search Expertise, diagnostic Search of finance Assistance to negotiations Pre-production management assistance		1 142 282,00	970 000,00	1 700 000,00	100 000,00	1 300 000,00	34,02%
ARTICLE 332	DIRECT INTERVENTIONS Start-up assistance Technical assistance Training Marketing assistance Management assistance during production		1 549 990,00	1 600 000,00	1 650 000,00	480 000,00	2 130 000,00	33,13%
ARTICLE 333	PILOT AND DEMONSTRATION PROJECTS Assistance to pilot projects Assistance to demonstration projects		98 758,00	100 000,00	0,00	408 000,00	408 000,00	300,00%
	<b>TOTAL NEW CHAPTER 33</b>		2 791 030,00	2 670 000,00	2 690 000,00	908 000,00	3 838 000,00	43,66%
ARTICLE 363	PUBLICATIONS Technical publication Publications on specific themes			0,00	89 000,00	210 000,00	299 000,00	
ARTICLE 365	MEETINGS AND SEMINARS Professional and Sectoral Workshops Seminars on specific themes			0,00	308 000,00	180 000,00	488 000,00	0,00%
	<b>TOTAL OLD CHAPTER 33</b>		2 791 030,00	2 670 000,00	2 726 000,00	1 378 000,00	4 000 000,00	73,24%
ARTICLE 341	DIRECTORATE AND STAFF MISSIONS		370 437,00	370 000,00	380 000,00	0,00	380 000,00	10,75%
	<b>TOTAL CHAPTER 34</b>		370 437,00	370 000,00	380 000,00	0,00	380 000,00	0,19
	<b>GRAND TOTAL</b>		4 686 078,00	5 410 000,00	5 925 000,00	2 315 000,00	8 250 000,00	52,50%

7.5	TITLE IV - SUPERVISORY BODIES	BUDGET 1992 PAYMENTS AT 3/1/12/93 (1)	BUDGET 1993 COMMITMENT AT 3/1/12/93 (1)	BUDGET 1994 TOTAL (1) (2)	BUDGET 1995 LOMER IV (3)	BUDGET 1995 LOMER IV (4)	BUDGET 1995 TOTAL (5)	% EVOLUTION (5)/(2)
ARTICLE 411	JOINT EXECUTIVE BOARD	197,712,20	158,148,00	158,000,00	100,000,00	0,00	100,000,00	6,37%
ARTICLE 412	SECRETARIAT TO THE JOINT EXECUTIVE BOARD	0,00	132,487,00	213,000,00	120,700,00	0,00	120,700,00	-39,80%
	TOTAL CHAPTER 41	197,712,20	290,635,00	371,000,00	220,700,00	0,00	220,700,00	-30,74%
ARTICLE 421	INTERNAL AUDIT BODY	47,132,74	48,411,00	135,000,00	110,000,00	0,00	110,000,00	-18,51%
ARTICLE 422	EXTERNAL AUDIT BODY	8,338,36	14,661,41	18,000,00	18,000,00	0,00	18,000,00	0,00%
	TOTAL CHAPTER 42	55,471,10	63,072,41	153,000,00	128,000,00	0,00	128,000,00	-16,37%
	GRAND TOTAL	210,183,37	353,707,41	524,000,00	348,700,00	0,00	348,700,00	-16,20%

7.6	SUMMARY OF TITLES I - II - III - IV	BUDGET 1992	BUDGET 1993	BUDGET	BUDGET	BUDGET	BUDGET	%
		PAYMENTS AT 31/12/92 (1)	COMMITMENT AT 31/12/93 (1)	1994 TOTAL (*) (2)	1998 LOAME IV (3)	1995 LOAME III (4)	1998 TOTAL (5)	EVOLUTION (5)/(2)
	TITLE I - STAFF	5 254 628,98	5 438 142,00	6 050 000,00	6 391 000,00	0,00	6 391 000,00	8,94%
	TITLE II - BUILDING, EQUIPMENT & MISC OPERATIONAL EXPENSES	1 370 927,02	1 899 815,00	1 577 000,00	1 881 000,00	0,00	1 881 000,00	19,28%
	TITLE III - INTERVENTION PROGRAMME	3 471 808,45	5 574 088,54	5 410 000,00	6 935 000,00	2 315 000,00	8 250 000,00	52,50%
	TITLE IV - SUPERVISORY BODIES	210 183,97	350 714,41	513 000,00	413 700,00	0,00	413 700,00	-19,38%
	GRAND TOTAL	10 457 348,40	13 260 759,95	13 550 000,00	16 820 700,00	2 315 000,00	17 138 700,00	28,48%

**DECISION No 7/94**  
**OF THE ACP-EC COMMITTEE ON INDUSTRIAL COOPERATION**  
**of 22 December 1994**  
concerning approval of the  
rules of procedure  
applicable to staff of the CDI

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

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

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

Having regard to the rules adopted by the Executive Board of the Centre, as provisionally implemented since 1 January 1994 and notified to the Committee on Industrial Cooperation, hereinafter referred to as "the Committee",

Whereas a number of amendments should be made to the rules notified to it by the Executive Board 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 the Annex.

Article 2

These rules referred to in Article 1 shall enter into force on the date of adoption of this Decision.

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CENTRE FOR THE  
DEVELOPMENT OF INDUSTRY

INTERNAL REGULATIONS  
S/L.IV/93

REGULATIONS APPLICABLE TO THE STAFF OF THE  
CENTRE FOR THE DEVELOPMENT OF INDUSTRY  
DECISION NO. 1/92 OF THE ACP-EEC COUNCIL OF MINISTERS  
OF DECEMBER 15TH 1992

- o o o -

- TRANSLATION FROM FRENCH ORIGINAL -

(ANNEX)



CONTENTSInternal Regulations

<u>No.</u>	<u>Title</u>
S1/L.IV/93	- Pay - Social security - Provident fund
S2/L.IV/93	Daily allowance granted to newly recruited staff members
S3/L.IV/93	Educational allowance granted to staff members
S4/L.IV/93	Household allowance
S5/L.IV/93	Allowance for dependant children
S6/L.IV/93	Travel expenses of staff members and their family when taking up or leaving their duties
S7/L.IV/93	Installation and reinstallation allowances
S8/L.IV/93	Reimbursement of removal expenses
S9/L.IV/93	Periodic home leave
S10/L.IV/93	Flat-rate birth grant
S12/L.IV/93	- Reimbursement of entertainment expenses - Other service-related expenses
S13/L.IV/93	Reimbursement of mission expenses
S14/L.IV/93	- Temporary and casual staff - Local staff members
S15/L.IV/93	Recruitment procedures for CDI staff members
S16/L.IV/93	- Promotion - Advancement

Internal Regulations

<u>No.</u>	<u>Title</u>
S17/L.IV/93	Assessment report
S18/L.IV/93	- Working hours - Overtime - Half-time work
S19/L.IV/93	Leave and special leave
S20/L.IV/93	Sick leave
S21/L.IV/93	National experts on secondment
S22/L.IV/93	International experts on secondment
S23/L.IV/93	Staff members recruited for short-term appointments
S24/L.IV/93	Medical examination prior to recruitment and annual medical examination
S25/L.IV/93	Regulations applicable to technical staff members level 4A
S26/L.IV/93	Allowance for children placed in creches or nurseries

- o o o -

GENERAL PROVISION

All the provisions laid down in the internal regulations for staff members are applicable to the Director and the Deputy Director apart from the derogations set out in the statute and in this implementing regulation.

- o o o -

26.11.1993  
Rev. 3

INTERNAL REGULATION No. S1/L.IV/93

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 47, 61 and 64</p>	<p>Title : - PAY - SOCIAL SECURITY - PROVIDENT FUND</p>
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1. Fixing of the pay of CDI staff members shall be based on three criteria :

- the classification on appointment and on any successive promotions or advancements;
- the family situation;
- the possible status of expatriate.

a) The staff member's initial CLASSIFICATION shall be set out in terms of category, level and step on recruitment, on the basis of the criteria laid down by internal regulation No. S15/L.IV/93 on the recruitment of staff members (Article 27 of Decision No. 1/92).

This classification shall be given in the staff member's letter of appointment and shall be used to determine the amount of the staff member's gross basic salary as fixed by Annex II of Decision No. 1/92 (see table attached).

It may be modified during the staff member's career :

- either by promotion to a higher category or level (regulation S16/L.IV/93) (see table attached)
- or by advancement within the same level (step).

b) The FAMILY SITUATION shall be determined on the basis of recognized legal substantiating documents presented by the staff member on taking up his appointment at the CDI, i.e. in particular :

- birth certificate
- marriage certificate
- divorce certificate
- death certificate
- adoption certificate
- residence certificate

It shall be recorded on the administrative slip attached to the letter of appointment but may be modified according to circumstances during the staff member's career on presentation of an application by

the staff member backed up by legal supporting documents.

It is on the basis of this family situation that family allowances and benefits shall be paid to staff members.

Granting of these benefits and allowances of a family and social nature shall also lead to a lowering of the income tax base in accordance with Annex III par. 3, 1st subparagraph of Decision No. 1/92.

- c) The STATUS OF EXPATRIATE, duly recognized and approved by the CDI on recruitment of the staff member, shall entail a further reduction of 13% in the income tax base (Annex III, par. 3, 3rd subparagraph of Decision No. 1/92).
- Considered to be an "expatriate" staff member for the purpose of this tax reduction is any staff member not having the nationality of the country in which the CDI has its headquarters.
  - Not considered to be an "expatriate" is any staff member enjoying multiple nationality including that of the country in which the CDI has its headquarters.
2. Calculation of the staff member's pay shall be broken down into :
- positive elements : - gross basic salary;  
- family allowances.
  - deductible elements : - deductions to cover social security and health care;  
- taxes.
- a) The GROSS BASIC SALARY shall be the amount corresponding to the category, level and step defined for the staff member on his initial appointment or as modified during his career, as shown on the table of gross basic monthly salaries given in Annex II of Decision No. 1/92.
- b) FAMILY ALLOWANCES which, according to Article 51 of Decision No. 1/92, shall comprise :
- the household allowance;
  - the dependent child's allowance;
  - the educational allowance.

Each of these allowances is covered by a separate internal regulation (Nos. S3/L.IV/93, S4/L.IV/93 and S5/L.IV/93 and respectively).

- c) DEDUCTIONS TO COVER SOCIAL SECURITY PAYMENTS shall be established in accordance with :
- the provisions of Articles 61, 62 and 64 of Decision No. 1/92;
  - the headquarters agreement of November 29th 1978 defining relations between the Kingdom of Belgium and the CDI;
  - the entitlements acquired under the first three ACP-EEC Conventions, as carried over from Convention to Convention (declaration by the CIC attached to the minutes of Decision 2/81 of November 2nd 1981 and declaration by the ACP-EEC Committee of Ambassadors attached to the minutes of Decision 4/86 of March 24th 1986).

To take account of these different provisions, the staff member may opt for one of the three systems of cover developed by the CDI, viz. :

- a system based on the Belgian social security system (ONSS), with additional cover taken out with private insurers. Staff members of Belgian nationality, however, must be covered by the Belgian social security system, in accordance with the above-mentioned headquarters agreement;
- a system based on that in the State where the staff member last resided or the State of which he is a national;
- if neither of these first two systems is or can be adopted, and in accordance with Article 20, paragraph 4 of the headquarters agreement, the staff member may opt for a system using a private organization with which the Centre has signed an agreement.

Whichever option is taken by the staff member, the guarantees offered by each of the three systems must be equivalent and must comprise the guarantees offered by the Belgian system as regards cover for health care, occupational diseases, accident, death, pension and loss of employment.

In theory, the compulsory contribution for cover of these risks shall be calculated with reference to the Belgian system (ONSS).

The Centre shall pay 2/3 of this contribution, by analogy with the provisions of Articles 61 (3), 62 (1) and 64 (2) of Decision No. 1/92.

- d) In addition to the mandatory provisions, the CDI must establish an individual provident fund with a private organization, in accordance with Article 64 of Decision No. 1/92.

The procedures for liquidation of the provident fund shall be fixed by reference to the agreements signed with the private organization where the fund has been held since Lomé II, a copy of which is attached hereto.

- e) The CDI may make REGULARIZATION DEDUCTIONS, which are essentially amounts retained on an individual basis, such as :

- repayment of loans obtained from the private organization handling capitalization of the provident fund;
- repayment of excessive advances on mission expenses;
- repayment of private telephone calls.

These deductions may not exceed 25% of the net salary received.

- f) The tax on the staff member's pay shall be collected by means of a deduction at source. The conditions and procedures for collection of this tax are laid down in Annex III of the regulations applicable to the CDI staff (Decision No. 1/92).

3. The net remuneration shall be paid to staff members in Belgian francs by transfer to a bank or post office account.

These payments shall be made one month in arrears. As far as possible, however, the CDI Administration shall ensure that these payments are made to the staff member's account on the 25th of each month or the first working day following this date.

Advances on salaries may be granted only in exceptional circumstances. They may be authorized only by a special decision by the Director after examining the grounds set out by the staff member.

31.03.1993  
Rev. 3INTERNAL REGULATION No. S2/L.IV/92

Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 53	Title : DAILY ALLOWANCES GRANTED TO NEWLY RECRUITED STAFF MEMBERS
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1. Any newly recruited staff member who is obliged to change residence on the conditions laid down by internal regulation No. S6/L.IV/93 concerning granting of the installation allowance shall be entitled, as from the day on which he takes up his appointment until the day on which he takes possession of his permanent accommodation and within the time limits fixed in paragraph 2 below, to a daily allowance fixed as follows :

	for staff members with dependants		for staff members with no dependants	
	from the 1st to the 15th day	as from the 16th day	from the 1st to the 15th day	as from the 16th day
	Bf per calendar day			
Director, Deputy Director and managerial staff 2A and 2B	2,315	1,091	1,591	913
Managerial staff 2C and 2D and staff members category 3	2,247	1,018	1,525	796
Other staff members category 4A	2,038	949	1,312	656

2. Unless possession of definitive accommodation is taken, as mentioned in the first paragraph, the duration for which this allowance is granted shall be limited to :

- 180 days for staff members with dependants;
- 120 days for staff members with no dependants.

The amount of the daily allowance shall be reduced by 50% for those periods during which a staff member receives the daily mission allowance.



3. In duly substantiated cases, the Director may - at the request of the newly recruited staff member - grant an advance on these daily allowances up to a maximum of 30 days.

13.7.94  
Rev. 8INTERNAL REGULATION No. S3/L.IV/93

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

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

This allowance shall comprise three parts :

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

2. Definitions

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

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

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

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

- public or private establishments of university level, for access to which a diploma of secondary education is required;
  - special public or private educational establishments for handicapped children.
- c) Attendance of educational and training courses of a temporary nature shall not be regarded as regular full-time attendance at an educational establishment and, therefore, shall not give an entitlement to the flat-rate reimbursement of school fees, except for vocational training or certain special training courses recognized by the Centre.
3. Amounts of the educational allowance  
(valid as from school year 1992-1993)

A. Educational allowance\*

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

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

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

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

This allowance shall, however, be adjusted as follows :

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

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

B. "Minerval" and/or registration fees

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

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

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

In this case, the CDI and the staff member shall repeat their application at the beginning of each school year.

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

- only the "minerval" and registration fees, to the exclusion of other costs covered by the flat-rate educational allowance as set out under point 3.A;
- a maximum to be fixed annually on the basis of the average school fees for a child at the European School paid out of the Community Budget;
- Individual cases shall be examined by an ad hoc committee comprising 3 persons of whom one representative of the Staff Association.

If, for reasons of continuity in the school curriculum, the staff member has been unable to register his child(ren) with the European School, the CDI shall contribute only on presentation of supporting documents and up to a ceiling fixed at double the maximum fees applied by the European School. These cases shall be examined by the ad hoc committee mentioned above).

- b) For staff members suffering exceptional discriminatory differences in relation to the measures applicable to the nationals of Community Member States, as regards the "minerval" and/or registration fees at establishments of primary, secondary or university establishments of the Community, such differences shall be paid by the CDI on presentation of supporting documents, up to a maximum of 30,000 BF a year.
4. Entitlement to the educational allowance shall commence on the first day of the month in which the child begins to attend a recognized establishment of primary education after the staff member has taken up his appointment.

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

#### 5. Additional reimbursements

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

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

18.08.1993  
Rev. 4

INTERNAL REGULATION No. S4/L.IV/93

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 14, 19 and 51</p>	<p>Title : HOUSEHOLD ALLOWANCE</p>
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1. The following shall be entitled to the household allowance :

- a married staff member;
- a widowed, divorced, legally separated or single staff member having one or more children whose dependence has been duly substantiated by the staff member and approved by the CDI.

However, for staff members not fulfilling the aforesaid conditions and, being already employed at the CDI on December 31st 1992, received holiday pay, a differential allowance shall be made to them corresponding to a household allowance calculated at the rate given in point 2.

2. The household allowance shall be fixed at 8% of the staff member's gross basic salary.

3. This household allowance may not be combined with any similar allowance received from a European institution or the Secretariat of the ACP States by the legal spouse of the staff member or by the person cohabiting with him.

Every staff member receiving the household allowance shall be obliged to submit to the personnel department every year a statement backed up by any necessary supporting documents proving compliance with this clause.

If a couple are both employed by the CDI, the household allowance shall be granted only to the spouse with the higher basic salary.

INTERNAL REGULATION No. 85/L.IV/93

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 51</p>	<p>Title : ALLOWANCE FOR DEPENDENT CHILDREN</p>
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1. DEPENDENT CHILDREN

- a. Staff members shall be entitled to an allowance for each dependant child, on the conditions set out below.

The allowance for a dependant child may be doubled by a special substantiated decision by the Director on the basis of supporting medical documents established by a doctor designated by the CDI, certifying that the child imposes a heavy financial burden on the staff member as a result of his suffering from a mental or physical handicap.

- b. Regarded as a dependant child shall be the legitimate, natural or adopted child of the staff member or of his spouse, when the said child is effectively supported by the staff member. For the purpose of this internal regulation, the number of legally adopted children shall be limited to four.
- c. The allowance shall be granted :
- as of right for a child who has not yet reached 18 years of age;
  - at the substantiated request of the staff member concerned for a child between 18 and 26 years of age who is receiving an academic education or vocational training.

However, this age limit shall not apply in the case of a child suffering from a serious illness or an infirmity preventing him from providing for himself. This age limit exemption shall be the subject of a special decision by the Director, possibly after obtaining the advice of the CDI medical officer.

If such an age limit exemption and the double allowance for a handicapped child provided for in paragraph a. above were not applicable for staff members covered by the Belgian social security system, the CDI would pay an equivalent replacement allowance.



- d. Each dependent child within the meaning of this internal regulation shall give rise to an entitlement to only one allowance. If the couple or the persons in charge of the child receive an allowance of the same nature from another source, the staff member shall be bound to declare this fact.
- e. For staff members having opted for the Belgian social security system (ONSS), the amount of this allowance shall be determined by the Belgian legal provisions applicable in this field and paid directly to the staff members by the National Family Allowances Office (ONAFTS).

For staff members having opted for another social security system, the amount of this allowance shall be determined by analogy with the provisions laid down in this matter for staff members covered by the Belgian ONSS social security system.

14.12.1993  
Rev. 6

INTERNAL REGULATION NO. S6/L.IV/93

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 53</p>	<p>Title : TRAVEL EXPENSES OF STAFF MEMBERS AND THEIR FAMILY (WHEN TAKING UP OR LEAVING THEIR DUTIES)</p>
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1. A staff member shall be entitled to reimbursement of his travel expenses, for himself, his legal spouse and his children recognized as dependants by the CDI and effectively living under his roof :
  - a) on taking up his duties, from the place of recruitment to the place of employment.

If the spouse or the children recognized as dependants live in a place other than the place of recruitment of the staff member, the CDI shall reimburse the travel expenses of these persons from the place where they reside to the place of employment.

- b) on leaving his duties, from the place of employment to the place of origin.

In the event of the death of a staff member, the surviving spouse and the dependent children shall be entitled to reimbursement of the travel expenses on the same conditions.

Place of origin

2. The place of origin shall be determined by mutual agreement when the staff member takes up his duties, taking account of his nationality, his place of recruitment or the recognized centre of his interests.

This place shall be indicated on the administrative slip attached to the staff member's letter of appointment.

This determination may be revised, at the request of the staff member or the CDI, during the staff member's appointment or on his departure, only through a special and exceptional decision by the Director of the CDI. The staff member shall be bound to produce all documents fully substantiating his request for revision.

Under no circumstances may this revision lead to the staff member's centre of interest being moved outside the territories of the Member States of the European Community or the ACP countries and territories.

3. Reimbursement of these travel expenses by the Centre shall be based on the usual shortest route in economy class.

If the staff member has purchased the travel documents himself, reimbursement of these expenses may be made only on presentation of supporting documents. Under no circumstances may the reimbursement by the CDI exceed the cost effectively incurred by the staff member or the amount that the CDI would have had to pay to acquire the travel documents from its usual travel agency.

4. The following rules shall apply in application of this reimbursement :

- a) if the journey is less than 500 km, reimbursement shall be based on the first-class rail fare;
- b) for distances of over 500 km :
- the Director and the Deputy Director, their spouse and their dependent children shall be entitled to reimbursement of class C plane tickets (Club, Business or similar);
  - staff members and their spouse and children shall be entitled to reimbursement of plane tickets in economy class.

When the journey comprises a plane journey preceded or followed by a journey by rail, sea or inland waterway, the class authorized for the latter shall be :

- 1st class rail fare;
  - 1st class boat fare (double cabin).
- c) the travel expenses shall also include any seat reservations, the transport of luggage and, if applicable, hotel expenses, the necessity of which has been duly recognized and authorized beforehand by the Director.

For the air transport of accompanying luggage above the free luggage allowance granted by airlines, the CDI shall reimburse supplements up to a maximum of :

- 20 kg of personal luggage for the staff member;
- 20 kg of personal luggage for the spouse;
- 10 kg of personal luggage per dependent child.

- d) if requested and duly approved by the Director beforehand, the staff member may be authorized to make the return journey when he leaves his duties by means of his personal car.

In such cases, the staff member shall receive a flat-rate allowance of 10 BF per kilometre, plus, if appropriate, reimbursement of any transshipment costs, against presentation of supporting documents. The aforesaid flat-rate allowance per kilometre shall apply whatever the number of persons transported on this occasion. Under no circumstances may the Centre be held liable for any damage suffered by the staff member's personal car in any accidents that may occur during these journeys made by staff members on taking up or leaving their duties.

- e) if a means of transport other than those mentioned above is used, the reimbursement details shall be fixed by a special decision by the Director.

<p><b>N.B.</b> IN SO FAR AS LEVEL 4A STAFF MEMBERS ARE CONCERNED, THEIR SITUATION IS GOVERNED BY A SPECIAL REGULATION (SEE REGULATION No. S25/L.IV/93)</p>
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14.12.1993  
Rev. 6

INTERNAL REGULATION No. 87/L.IV/92

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 53 and 19</p>	<p>Title : INSTALLATION AND REINSTALLATION ALLOWANCES</p>
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1. An installation allowance shall be paid to :

- a) any new staff member not of Belgian nationality who is recruited from abroad whilst being :
  - a student;
  - a member of the corps diplomatique;
  - a recipient of staff accommodation;
- b) any new staff member who, whatever his nationality, when taking up his appointment has been obliged in the interests of the Centre and in accordance with his duties to change his place of residence, within the meaning of Article 19 of Decision 1/92, from outside the Brussels region.

The CDI reserves the right to verify the reality and the constraint of the installation.

2. The installation allowance shall be paid only on production of documents substantiating the installation of the staff member at his place of employment, together with his family if applicable.

Any staff member resigning before having completed 12 months' service shall be obliged to repay to the CDI the amounts received by way of the installation allowance.

If a staff member with a dependent family moves to his place of employment on his own, he shall receive only a half of the allowance to which he would normally have been entitled. The second half shall be paid to him on installation of his family and/or spouse at his place of employment.

3. When leaving his duties, a staff member having a minimum of 24 months' service shall be entitled to a reinstallation allowance, on the conditions set out in point 4 below.

This allowance shall be paid to him on presentation of supporting documents proving that he has become reinstalled at a distance of 70 km outside the Brussels region.

The reinstallation allowance shall be paid only on production of substantiating documents such as : residence certificate and/or travel or dispatch documents, etc.

In the event of the death of a staff member, the reinstallation allowance shall be paid to the surviving spouse or, failing this, to the children and/or persons recognized as dependants by the CDI, as soon as proof of the aforesaid reinstallation is provided.

Staff members or the rightful claimants shall no longer be entitled to this allowance as from the end of the second financial year following termination of their employment at the CDI.

4. In the case of a staff member having at least 36 months' service and one or more persons recognized as dependants by the CDI, the amount of each installation and reinstallation allowance shall be equal to two months' basic salary. In other cases, these allowances shall be limited to one month's basic salary.

If the staff member concerned has only 24 months' service at the time of leaving his duties, the reinstallation allowance shall be equal to one month's gross basic salary in the case of a staff member with a dependent family and to half a month's gross basic salary in the case of a single person.

The gross basic salary and the family situation taken into account in calculating the installation and reinstallation allowances shall be those in effect at the time when the CDI staff member takes up or leaves his duties respectively.

<p>N.B. IN SO FAR AS LEVEL 6A STAFF MEMBERS ARE CONCERNED, THEIR SITUATION IS GOVERNED BY A SPECIAL REGULATION (SEE REGULATION No. S25/L.IV/03)</p>
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18.08.1993  
Rev. 5

INTERNAL REGULATION No. 88/L.IV/92

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 53</p>	<p>Title : REIMBURSEMENT OF REMOVAL EXPENSES</p>
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1. When the staff member takes up his appointment at the CDI, the expenses that he incurs in the removal of his furniture and personal effects, including insurance cover for simple risks (breakage, theft, fire), shall be reimbursed by the CDI, in so far as the staff member concerned is obliged to change residence from his place of origin or recruitment to his place of employment in order to comply with the provisions of Article 19 of Decision No. 1/92.

Removals within the Brussels Region shall not be taken into account for such a reimbursement.

2. On leaving his duties, the staff member shall be entitled to reimbursement of his removal expenses from his place of employment to his place of origin. In the event of his death, these same expenses shall be reimbursed to the rightful claimants.
3. In order to be taken into consideration by the CDI, removal on taking up or terminating employment at the Centre must be carried out before the end of the second financial year following the said taking up or termination of employment.

Reimbursement of removal expenses from or to another place may be authorized by the Director provided that the cost thereof does not exceed that for removal to or from the place of employment from or to the place of origin.

The place of origin shall be specified in the administrative slip attached to the staff member's contract of employment.

4. a) Transfer of the staff member's effects shall be carried out exclusively by land or sea, within the following limits :

Staff members without dependants	Staff members with dependants
Director or Deputy Director : 3,500 kg maximum (plus packaging, containerization, transport and insurance)	Director or Deputy Director : 4,500 kg maximum (plus packaging, containerization, transport and insurance)
1 car or an additional 2,000 kg	1 car or an additional 2,000 kg
Grades 2A, 2B, 2C and 2D 2,500 kg maximum (on the same conditions)	Grades 2A, 2B, 2C and 2D 3,500 kg maximum (on the same conditions)
1 car or an additional 2,000 kg	1 car or an additional 2,000 kg
Grades 3A to 3C 2,000 kg maximum (on the same conditions)	Grades 3A to 3C 3,000 kg maximum (on the same conditions)
1 car or an additional 2,000 kg	1 car or an additional 2,000 kg
Grade 4A 1,500 kg maximum (only on definitive return)	Grade 4A 2,000 kg maximum (only on definitive return)

An additional weight allowance of 500 kg shall be authorized for every period of five years' service completed at the CDI.

- b) Transfer of the staff member's effects may also be carried out by air, after obtaining the prior agreement of the Director of the CDI. In such cases, the weights given in the table above shall be reduced by 50%, unless shipment takes place from a landlocked country.
- c) Whatever the means of transport used, the CDI shall reimburse any storage expenses for the effects of staff members arriving at or leaving the CDI. The maximum storage period to be taken into consideration shall be 3 months.



- d) Staff members may only ship their personal and household effects and the CDI reserves the right to check that no effects belonging to third parties are included.
- e) Before taking steps with a view to their removal, staff members must submit to the Director, via the Administration Division, at least two competitive quotations from professional removal firms.

The CDI reserves the right to request an independent quotation from a reputable furniture remover of its choice.

- 5. Once the prior agreement of the Director has been obtained, transport of the personal vehicle of a staff member may be effected by road, including transshipment if necessary. In this case, the reimbursement shall be calculated on the basis of a flat-rate allowance of 10 BF per kilometre, plus, if applicable, reimbursement of transshipment costs on presentation of supporting documents.

Under no circumstances may the total amount of these reimbursements exceed the amount that it would have cost if the vehicle had been transferred with the staff member's personal effects.

INTERNAL REGULATION No. S9/L.IV/93

Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 53	Title : PERIODIC HOME LEAVE
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1. Expatriate staff members shall normally be entitled to home leave every 18 months, up to a maximum of 3 home leaves per Convention or 5-year period, to return from their place of employment to their place of origin.<sup>1</sup>

In exceptional and duly substantiated cases - particularly for family reasons - the Director may agree to the destination of this journey being different from the place of origin. Under no circumstances, however, shall the amount defrayed by the CDI exceed the amount that the CDI would have had to pay for the journey to the place of origin. If the staff member has had three returns home on leave at the APEX rate, he shall be entitled to one additional return home on leave on the same conditions during the five-year period concerned.

2. However, the first journey home may be taken after a period of 12 months' employment, provided that the appointment is for a period of employment of at least 18 months or, for experts, for shorter appointments but cumulatively exceeding 18 months.

Subsequent journeys may occur 12 months after the preceding journey, provided that the appointment is for a further period of 18 months.

To calculate the period of employment giving entitlement to periodic home leave, the residual periods of the preceding Convention shall be taken into account.

Spouses and dependent children shall also be entitled to this reimbursement if, financially, they are entirely dependent on the staff member. In the event of any dispute as to the interpretation of the concept of "entirely dependent", the Director shall decide and shall make this decision known to the Executive Board.

<sup>1</sup>The clauses of this internal regulation, as well as the method of their application, may be revised, where the conditions for the periodic return of the European Union's staff members to their place of origin, also changes.

3. The place of origin to be taken into consideration shall be that indicated on the administrative slip attached to the staff member's letter of appointment.

#### 4. Rules of application

- a) The Director, the Deputy Director, together with their spouses and dependent children, shall be entitled to reimbursement by the CDI of plane tickets at the "C" class rate (Club, Business or similar).
- b) Unless special authorization is given, due in particular to medical considerations, other staff members and their spouses and dependent children shall be entitled to reimbursement on the following bases :

- Economy class plane tickets for the shortest route, if the duration of the (outward) journey by train or by sea exceeds six hours.

In addition to the plane ticket, the CDI shall reimburse the air transport costs for accompanying luggage above the free luggage allowance granted by airlines, up to a maximum of :

- 20 kg of personal luggage for the staff member;
  - 20 kg of personal luggage for the spouse;
  - 10 kg of personal luggage per dependent child.
- First-class train tickets, if the duration of the (outward) journey is less than six hours.

When the journey comprises a plane journey preceded or followed by a journey by rail, sea or inland waterway, the class authorized for the latter shall be :

- 1st class rail fare;
- 1st class boat fare (double cabin).

In practical terms, staff members shall opt for one of the following alternatives :

- The travel documents and additional MCOs are purchased directly by the CDI, from its usual travel agency, and handed to the staff members concerned in good time, against receipt. In the case of air travel documents, the "Economy" rate shall apply. Effective use of MCO documents must be substantiated on the staff member's return.

Both the plane tickets and the MCOs to cover any excess luggage shall bear the mention "reimbursable only to the CDI".

- The staff member may be authorized to purchase his transport documents from a travel agency of his choice. In this case, the CDI shall defray these costs only when the said documents have been used and only on presentation of the counterfoils of the tickets and any excess luggage bills, up to a maximum of the "Economy" rate that the CDI would have had to pay using its usual travel agency.

- The staff member may request payment of the equivalent of the cost of the travel tickets within the limit of the "excursion" rate that the CDI would have had to pay to its usual travel agency. If the staff member has to pay any luggage supplements, reimbursement of these costs shall be made by the CDI on the conditions set out below and only on presentation of the corresponding ticket counterfoils.

A staff member having opted for this last-mentioned alternative must provide proof on his return that he has indeed taken his periodic home leave by presenting the transport document counterfoils or, if appropriate, by a statement on his honour that the said journey has been effected.

- The staff member may benefit from the special conditions (APEX rate) mentioned in paragraph 1.

- c) Journeys made by the staff member in his personal car shall be defrayed on the basis of a flat-rate allowance of 10 BF per kilometre plus, if appropriate, reimbursement of any transshipment costs, against presentation of supporting documents. Parking charges shall not be reimbursable.
- d) In order to allow the application of these provisions to be organized in good time, staff members shall be required to advise the Administration Division sufficiently in advance of their periodic home leave plans.

It would appear, in fact, that at certain times of the year or for certain destinations, requests for reservation of air transport documents must sometimes be made a considerable time in advance.

For its part, the CDI shall take all the budgetary measures required for mobilization of the appropriations for payment of these reservations.

- e) Travelling time shall be granted for periodic home leave, on the basis of the time actually required to travel from the place of employment to the place of origin.

However, this travelling time may not exceed the following allocations :

- up to 12 hours for the return journey whatever the means of transport actually used 1 day
- up to 24 hours for the return journey 2 days
- over 24 hours for the return journey 3 days

**N.B.** IN SO FAR AS LEVEL 4A STAFF MEMBERS ARE CONCERNED, THEIR SITUATION IS GOVERNED BY A SPECIAL REGULATION (SEE REGULATION No. S25/L.IV/93)

11.02.1993  
Rev. 1

INTERNAL REGULATION No. 510/L.IV/92

<p>Date of issue : 1992 Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 63</p>	<p>Title : FLAT-RATE BIRTH GRANT</p>
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1. In the event of the birth of a child officially recognized as dependent on the staff member, a single lump-sum birth grant shall be paid to the person effectively assuming responsibility for the said child.

If a grant of the same kind is received from elsewhere for the same child, this grant shall be deducted from that provided for in the first paragraph. If the father and mother are both members of the CDI staff, this grant shall be paid once only.

Any staff member receiving this single lump-sum grant shall be bound to inform the CDI of any other grant of the same kind paid on account of this child to the staff member himself or to the person effectively assuming responsibility for this child.

2. The amount of this single lump-sum birth grant shall be determined on the basis of the scale fixed by the Belgian legal provisions applicable on the date of birth of the child.
3. This single lump-sum birth grant shall be paid :
  - a) for staff members belonging compulsorily or voluntarily to the Belgian social security system : by the organization responsible for paying the family allowances, after notification of the birth;
  - b) for staff members having opted for the international social security system : by the broker for the organization responsible for these allowances.

4. Any false statement having led to the improper payment of a single lump-sum birth grant shall be regarded as serious failure to comply with the obligations by which the staff member is bound by virtue of the regulations applicable to the CDI staff. The disciplinary sanctions provided for in Article 56 of these regulations may be applied in such cases.

25.11.1993  
Rev. 5

INTERNAL REGULATION No. 812/L.XV/92

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 53</p>	<p>Title : - REIMBURSEMENT OF ENTERTAINMENT EXPENSES - OTHER SERVICE- RELATED EXPENSES</p>
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1. ENTERTAINMENT EXPENSES

In principle, all entertainment expenses must be authorized beforehand by the Director or his deputy.

The request for reimbursement must be submitted together with an invoice issued by the commercial establishment or person where the invitation took place and indicating :

- the date on which and the place at which the expenses were incurred;
- the reason for the invitation;
- the names and positions of the participants.

Whatever the case may be, an equitable proportion shall be sought between the number of guests and the number of CDI staff members.

2. OTHER SERVICE-RELATED EXPENSES

Only the Director or his deputy may authorize reimbursement of expenses such as, for example, telephone calls, telexes and telegrams sent outside the offices of the CDI, duly justified by service requirements.



13/7/94  
Rev. 8INTERNAL REGULATION No. S13/L.IV/93

Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 47 and 53	Title : REIMBURSEMENT OF MISSION EXPENSES
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I. AUTHORIZATION

All missions must be authorized beforehand by the Director or the staff member deputizing for him. For all mission applications, staff members must submit the appropriate form (copy attached in Annex I), approved by their Head of Division.

To back up their mission applications, staff members must present a detailed programme of their itinerary and any stopovers. The latter must be justified by reasons of service, itinerary or connections. In the event of any abuse observed in the final statement of mission expenses, staff members may have a corresponding number of days' leave deducted from their entitlement.

II. MISSION EXPENSESReimbursements

1. Mission expenses shall be reimbursed in accordance with the following amounts :

a) Flat-rate daily subsistence allowance (see Annex 2) covering meals (excluding breakfast) and minor expenses. This flat-rate allowance shall be granted for any mission of a duration of over 12 hours. It shall be reduced by 50% if the duration of the mission is between 6 and 12 hours. It shall not be payable for missions of less than 6 hours.

b) Reimbursement of taxi fares covering, return trips from the place of employment to the airport or station of departure. This reimbursement is fixed at a maximum of BF1500 (upon production of receipts).

Taxi costs incurred at the place of travel are ruled by point 6 (iv) below.

c) The reimbursement of laundry expenses shall be fixed at 1,000 BF (upon production of receipts) for an uninterrupted mission of 7 to 13 days, with a supplement of 1,000 BF for each uninterrupted period of 7 days within the framework of the same mission.

## 2. Reimbursement against supporting documents

In addition to the aforesaid flat-rate allowances, the staff member on mission shall be entitled to reimbursement against supporting documents of :

a) hotel expenses, comprising the cost of the room, service, taxes and breakfast.

Reimbursement of hotel expenses shall however be limited to three times the daily flat-rate allowance for all ACP countries and to twice the allowance for European countries.

However, the Director or the staff member deputizing for him may authorize reimbursement of expenses above these ceilings, in so far as the corresponding expenses are duly justified by the nature of certain contact or representation missions carried out by CDI staff members and especially by the Director or the Deputy Director.

This derogation shall be granted only if all possibilities have been explored beforehand of obtaining reduced rates via agencies cooperating with the Centre or the normal travel agency or via the CDI antennae.

b) specific expenditure not provided for initially, such as :

- travel documents not provided by the Centre;
- airport taxes;
- supplements for additional journeys;
- supplements for possible upgradings or special trains (TEE, express) and for seat reservations;
- vehicle rental
- visas, vaccinations;
- excess baggage charges payable by the CDI;
- telephone charges justified by the assignment;
- telexes, faxes and telegrams payable by the CDI;

- photocopies and purchases of stationery or documentation;
- duly authorized entertainment expenses;
- purchase and development of photographic films for professional purposes;
- sleeping-car supplements if the journey includes night travel of over 6 hours between 22.00 and 07.00;
- all other exceptional expenses incurred by the staff member either by reason of special instructions received or in cases of force majeure and in the interest of the Centre, which would make the flat-rate allowances granted clearly insufficient, at the Director's discretion;
- bank charges resulting from the purchase of traveller's cheques by the staff member with his advance in BF.

### 3. Advances on mission expenses

The amount of the advance shall be determined by the Administration Division and shall correspond in total to:

- estimated hotel costs;
- the number of flat-rate daily allowances fixed for the mission;
- the flat-rate allowance for taxi fares;
- any flat-rate laundry allowance.
- a provision of 5% to cover unforeseen contingencies and other additional accommodation expenses.

The advances shall be paid in Belgian francs in good time to allow the staff members to conduct the currency exchange operations, to purchase traveller's cheques, etc. In the event of an unused balance from an advance (reduced mission duration, accommodation/meals supplied free of charge, etc.), the accountant shall accept in return only surpluses expressed in Belgian francs.

### 4. Statements of mission expenses

Statements of mission expenses must be submitted on return from mission and, by the latest, within 3 weeks after this date. Beyond this deadline, the advance granted shall be deemed to be unsubstantiated and shall be deducted from the next salary payment (mission expenses form attached in Annex 3).

The statements of mission expenses presented by the staff member on return from mission must include :

- 1) A copy of the mission authorization approved beforehand by the Director or his deputy, backed up by the anticipated itinerary and stopovers;
- 2) a copy of the order form for the travel tickets;
- 3) the plane ticket counterfoils;
- 4) all supporting documents for accommodation and other specific expenses provided for in this regulation.

Expenses paid out by a staff member using his personal credit card and justified by professional reasons within the meaning of this internal regulation may be taken into consideration in a statement of mission expenses only on presentation of duly settled supporting documents. It shall be the staff member's responsibility to indicate on the supporting documents "paid by ... credit card No. ...".

If, on verification of the statement of mission expenses, it emerges that a staff member owes the CDI the balance of the advance received, the latter shall be automatically deducted from the next salary payment. A copy of the statement of mission expenses giving rise to such a deduction shall be addressed to the staff member concerned.

Payments and reimbursements resulting from the statements of mission expenses shall be made exclusively in Belgian francs. The exchange rates applied for the conversion of foreign currencies shall be those in force in the month during which the mission took place, unless the staff member provides proof of the rates applied for the conversion of his advance.

#### 5. Travel documents and expenses

##### a) Documents issued by the CDI-approved travel agency

After having his travel order signed, the staff member shall ask one of the CDI-approved travel agencies to establish his travel plans using the most direct and most economical itinerary, as defined under point I above.

The order slip for the ticket shall be signed exclusively by the Administration Division, using the appropriate form.

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The invoice for the travel document shall be transmitted directly to the CDI Administration Division by the travel agency. The staff member leaving on mission must certify this invoice. Expenses relating to partly or totally private travel must be paid directly to the travel agency by the staff member.

b) Travel expenses

i) Rail

The CDI shall reimburse 1st class travel costs by the shortest itinerary.

The following ancillary expenses shall also be reimbursable on presentation of the supporting documents :

- cost of seat reservations and transport of the necessary luggage;
- supplements for express trains;
- sleeping-car supplements if the journey includes night travel of at least six hours between 22.00 and 07.00.

To calculate the duration of the mission and, consequently, the flat-rate daily subsistence allowance, in the case of rail travel, the journey shall be regarded as commencing 30 minutes before the scheduled departure of the train and as ending 30 minutes after the actual time of arrival.

ii) Air

The CDI shall reimburse expenses as follows :

Director, Deputy Director and managerial staff 2A(*) and 2B	Class : Business, Club or equivalent (C)
Other staff members 2C to 4A	Economy class (Y)

(\*) Except for Europe, where economy class applies.

In the particular conditions set out below, staff members travelling in particularly tiring conditions may be authorized by the Director or the staff member deputizing for him to travel in a class higher than that to which they are entitled.

The same shall apply to official persons and staff members invited to accompany another person, a CDI staff member or other, travelling first class.

Exceptionally, the Director and the Deputy Director may travel in a class higher than those stipulated above when they are called upon to accompany an official person.

Travel regarded as particularly tiring

a. General rule

Regarded as such shall be plane journeys of a total duration of at least 9 hours, including stopovers, including an effective flying time of 7 hours, with no journeys being voluntarily interrupted.

The duration of the journey and the flight shall be calculated on the basis of the official timetables, from the time of departure until the time of arrival of the plane(s) making the flight.

b) Special cases

Journeys to a destination outside Europe comprising more than two mission locations, with a combined flying time of at least 12 hours within a consecutive period of 72 hours.

Journeys to a destination outside Europe following on from a previous mission, with a combined flying time of at least 12 hours within a consecutive period of 72 hours.

Journeys by a staff member with a permanent serious physical handicap, as substantiated by the CDI medical officer.

To calculate the duration of the mission and, consequently, the flat-rate daily subsistence allowance in the case of air travel, the journey shall be regarded as commencing 2 hours before the scheduled departure time and as ending 2 hours after the actual time of arrival.

iii) Personal car

When justified by the itinerary of the mission or special circumstances (strike, change of times) or if this means of transport allows a more expensive form to be avoided (use of a taxi or hire car), the staff member charged with the mission may be authorized to use his personal car to go on mission.

This derogation must be authorized beforehand by the Director, with this authorization to be included, in principle, on the mission order.

In this case, expenses shall be reimbursed on the basis of a flat-rate amount of 10 BF per kilometre, plus any transshipment costs, if applicable, on presentation of the supporting documents. Parking charges incurred through the use of a personal car shall also be reimbursable.

To calculate the reimbursement, only the shortest route shall be considered, with the theoretical starting part for Brussels being regarded as the CDI headquarters and, during the mission, the hotel where the staff member is staying.

If several persons travel in the same car, they must all indicate this on the mission order but only the owner of the vehicle shall be reimbursed these travel costs.

Staff members authorized to use their own cars for journeys on mission shall remain fully liable for any accidents which may occur to their vehicles or to third parties by their vehicles. The CDI shall not, therefore, consider any claims for compensation whatever the reasons for which the staff members have used their own vehicles.

If the use of a personal car entails an extension of the duration of the mission, the Administration Division, on calculating the mission expenses, shall apply a time schedule corresponding to that for travel by rail.

#### iv) Taxi charges

In theory, the use of taxis during a mission shall be covered by the ceiling described under point 2 b) above.

However, when the real taxi charge incurred by staff members on mission exceed this amount it may be defrayed if one of the following conditions is fulfilled:

- these taxi charges are justified by special circumstances such as the transport of packages required for the mission, justified emergency, strike or absence of public means of transport;
- this means of transport replaces public transport;

- this means of transport entails a reduction in mission expenses or allows working time to be saved;

- this means of transport is used during periods for which special rates are applied (at night or on Sunday).

When these expenses result from the use of taxis in Europe, it shall be mandatory to provide supporting documents.

#### v) Car hire

For certain special missions and exclusively after the Director's agreement has been obtained, car hire charges may be reimbursed on presentation of a rental invoice. In such cases, the flat-rate taxi allowance (see point II ab. 1b above) at mission locations shall not be granted.

#### 6. Entertainment expenses

Any application for reimbursement of entertainment expenses incurred during a mission shall be subject to the provisions laid down by the internal regulation concerning this type of expenditure (S12/L.IV/92).

These expenses shall be charged against the same budgetary article as other mission expenses.

#### 7. Unused travel documents

As soon as they return from mission, staff members shall be obliged to hand over to the Administration Division, against receipt, any unused or partially used travel documents.

Only the Administration Division shall be empowered to recover any unused travel costs. The same shall apply if, during a mission, a change in itinerary has given rise to the issuing of a voucher for reimbursement.

#### 8. Free accommodation

If, as a result of private arrangements, the Centre is not obliged to reimburse hotel expenses to a staff member, the latter shall be entitled to a flat-rate "free accommodation" allowance fixed at BF 1,000 per night.



9. Missions combined with leave

When a mission is combined with leave, the following provisions shall apply :

a) Daily allowance

The duration of the mission taken into account in calculating the daily allowances and hotel expenses shall be fixed as follows :

- if the leave precedes the mission, the latter shall be deemed to commence at 18.00 on the day before work begins;

- if the leave follows the mission, the latter shall be deemed to end at 09.00 on the day following completion of the work.

b) Travel expenses

The travel expenses set out in the mission order shall be directly payable by the CDI, to the exclusion of any supplements resulting from extension of the stay for personal leave.

10. Adjustment of the amounts of the flat-rate allowances

To take account of changes in the cost of living, the different allowances and ceilings set out in this internal regulation may be adjusted by the Executive Board, upon proposal of the Director.

The amounts of these allowances are given in Annex 2, according to geographical region.

## APPENDIX 2

1/A

EFFECTIVE \*

DESTINATION	1A, 1B et 2A		2B, 2C, 2D	3A, 3B, 3C, 4A
	Flat rate	Hotel	Flat Rate	
	Per diem	ceiling	Hotel + Per Diem	
	BF	BF	BF	BF
<b>EUROPE EEC</b>				
Germany	2,465	3,225	4,225	3,910
Belgium	2,635	3,670	4,690	4,340
Denmark	3,130	5,055	6,120	5,660
Spain	2,550	4,685	5,230	4,840
France	2,395	3,210	4,300	3,980
Greece	1,680	2,535	2,889	2,665
Ireland	2,565	4,415	5,235	4,840
Italy	2,610	4,945	5,615	5,195
Luxembourg	2,535	3,305	4,435	4,100
Netherlands	2,625	4,420	4,955	4,585
Portugal	2,000	3,625	4,150	3,840
United Kingdom	2,510	4,305	5,755	5,325
<b>EUROPE (other than EC)</b>	<b>Per diem</b>			
Austria	2,520			
Norway, Finland	4,200			
Switzerland	3,150			
Sweden, Iceland	4,200			
CIS countries(former USSR)	3,780			
<b>OTHER COUNTRIES</b>	<b>1,890</b>			

\* These allowances will apply from 1 January, 1995

EFFECTIVE 1995
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DESTINATION	PER DIEM (SUBSISTENCE) ALLOWANCE
<u>CENTRAL AFRICA</u>	
Burundi	2,310
Cameroon	3,370
Central African Republic	2,940
Congo	3,370
Gabon	3,370
Equatorial Guinea	2,310
Rwanda	2,310
Sao Tome & Principe	2,310
Chad	2,940
Zaire	3,370
<u>SOUTHERN AFRICA</u>	
Angola	3,370
Botswana	1,890
Lesotho	1,470
Malawi	2,100
Mozambique	2,520
Namibia	2,310
Swaziland	1,470
Zambia	2,100
Zimbabwe	1,470

3/A

EFFECTIVE 1995
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DESTINATION	PER DIEM (SUBSISTENCE) ALLOWANCE
<u>WEST AFRICA</u>	
Benin	2,520
Burkina Faso	2,310
Cape Verde	1,680
Côte d'Ivoire	2,940
Gambia	2,100
Ghana	2,520
Guinea (Conakry)	2,730
Guinea Bissau	2,100
Liberia	3,370
Mali	2,730
Mauritania	1,890
Niger	1,890
Nigeria	1,890
Senegal	2,940
Sierra Leone	2,730
Togo	2,730

4/A

EFFECTIVE 1995
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DESTINATION	PER DIEM (SUBSISTENCE) ALLOWANCE
<u>EAST AFRICA</u>	
Comores	2,730
Djibouti - Aff. & Iss	2,940
Ethiopia	1,680
Kenya	2,100
Madagascar	1,470
Mauritius	2,310
Reunion	2,730
Uganda	2,940
Seychelles	2,940
Somalia	1,470
Sudan	2,520
Tanzania	1,890
<u>NORTH AFRICA</u>	
Algeria	3,370
Egypt	2,730
Libya	2,310
Morocco	2,940
Tunisia	2,310

3/A

EFFECTIVE 1995
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DESTINATION	PER DIEM (SUBSISTENCE) ALLOWANCE
<u>PACIFIC</u>	
Fiji	2,310
Kiribati	2,310
Papua New Guinea	2,520
Solomon Islands	1,680
Samoa	2,310
Tonga	2,310
Tuvalu	2,310
Vanuatu	2,100
Other countries	2,310
Australia	3,580
New Zealand	3,150
<u>ASIA</u>	
Japan	4,630
Other countries, South & East Asia	2,520
Israel, Syria	3,580
<u>OTHER COUNTRIES</u>	
Middle East	2,940

6/A

EFFECTIVE 1995
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DESTINATION	PER DIEM (SUBSISTENCE) ALLOWANCE
<u>CARIBBEAN</u>	
Antigua & Barbuda	2,310
Bahamas	2,940
Barbados	2,940
Belize	1,890
Dominican Republic	2,310
Dominica	2,310
Grenada	2,310
Guyana	1,470
Haiti	2,310
Jamaica	2,730
Saint Lucia	2,310
St. Christopher & Nevis	2,310
St. Vincent & Grenadines	2,310
Surinam	2,730
Trinidad & Tobago	2,100
<u>NORTH AMERICA</u>	
USA	3,370
New York	4,000
Canada	2,730
<u>CENTRAL AMERICA</u> (Other than Caribbean countries) and South America	2,310

14.12.1993  
Rev. 4

INTERNAL REGULATION No. 214/L-IV/92

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 69 to 73</p>	<p>Title : - TEMPORARY AND CASUAL STAFF - LOCAL STAFF MEMBERS</p>
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I. TEMPORARY AND CASUAL STAFF

1. In cases justified by the insufficiency or temporary absence of staff and the urgency or specific nature of certain tasks, the Director shall call upon the services of temporary staff.

This recruitment shall be effected via specialized companies or organizations taking charge of the selection and preparation of the staff temporarily made available to the CDI.

All obligations as regards social security or taxation shall be fulfilled by the companies or organizations supplying this labour, with the relations between the CDI and these companies or organizations being solely those of client to supplier.

2. Similarly, in cases of very short durations or for specific minor services, the Director may recruit casual staff paid by the hour and themselves fulfilling all obligations as regards social security and taxation. However, this latter possibility must remain exceptional and limited to precise cases : extra staff on the occasion of receptions, cleaning staff, guards or transport and handling staff.

II. LOCAL STAFF MEMBERS

1. When justified by the duration of the services, the Director may also recruit local staff, within the limits of the budgetary provisions and Articles 69 to 73 of Decision 1/92.



Regarded as "local staff" within the meaning of this internal regulation shall be staff recruited in accordance with local practices with a view to performing manual or service tasks in a job not included in the personnel table attached to the budget. Exceptionally, however, local staff may also be regarded as staff recruited to perform technical tasks that have become urgent or essential when the normal procedures for recruiting a staff member could not be carried out in good time.

2. Local staff members shall be exclusively recruited on a fixed-duration contract expiring on August 31st 1996 at the latest. This recruitment shall fall within the scope of local practices and the legal provisions applicable in Belgium under the collective agreement(s) applicable to the sector to which the CDI belongs.

No-one may be recruited as a local staff member :

- if he cannot provide guarantees as to good character or fails to fulfil the conditions of physical ability required for performance of the functions concerned;
  - if he is not a national of one of the Member States of the European Community or one of the ACP States and is not in possession of his civic rights;
  - if his situation is not in order as regards the recruitment laws applicable to him in relation to military service;
  - if he does not fulfil the legal residence conditions.
3. The recruitment of a local staff member shall be the subject of a decision by the Director of the CDI following an examination of the various applications received and, if applicable, the results of tests and/or selection interviews.
  4. The contract of employment shall be signed for a fixed duration. It shall set out clearly in writing :
    - the date on which the appointment is to be taken up;
    - the tasks that the staff member is required to perform, together with his assignment;
    - the pay to be received in accordance with his classification;

- if appropriate, the trial period provided for (normally 14 days);
- the duration for which the contract is signed;
- other specific details, such as the number of hours to be worked per week.

5. The local staff member shall be classified according to the job for which he is recruited, in one of the groups given in the table attached.

In theory, recruitment is effected at the lowest step in each of these groups. In duly substantiated cases, the Director may grant a higher step on recruitment.

During the trial period - if such a period is provided for - either of the parties may terminate the contract by registered letter with acknowledgment of receipt, without notification or compensation.

6. The local staff member shall comply with the normal working hours in force at the CDI and, more precisely, in the unit to which he is assigned, unless otherwise indicated in his contract, it being understood that the total number of hours worked per week may not exceed the total laid down for other CDI staff members.

The local staff member may be obliged to do overtime outside normal working hours in cases of emergencies or exceptional pressure of work. Compensation or remuneration for such overtime shall be in compliance with the local legal provisions in force.

7. The local staff member shall receive annual paid leave on the conditions laid down in this respect by the legal provisions applicable in Belgium. On the same conditions, he shall also receive the double holiday pay.
8. The salary of the local staff member shall be paid monthly, one month in arrears. When the pay for the month is not due in full, it shall be broken down into thirtieths :
- a) if the real number of days payable is fifteen or fewer, the number of thirtieths due shall be equal to the real number of days payable;
  - b) if the real number of days payable is over fifteen, the number of thirtieths due shall be equal to the difference between thirty and real number of days non-payable.

In so far as social security obligations and income tax are concerned, the local staff member shall be subject to the Belgian legal provisions in force.

9. Except in the case of a justified reason for termination, the contract of employment shall expire :
- a) on completion of the period for which the contract was signed;
  - b) during the trial period, if applicable, on the conditions fixed under point 4 paragraph 2 above;
  - c) on the last day of the month during which the local staff member may claim a seniority or disablement pension;
  - d) on the conditions fixed with regard to notification by the Belgian legal provisions in force.

LOCAL STAFF CLASSIFICATION AND SALARY GRID ON  
JULY 1st 1992

Category	Step I	Step II	Step III	Step IV	Step V
I Messenger Usher/Guard Driver	58,382	64,691	69,665	73,847	78,276
II Administrative Agent Storekeeper/ Operator Receptionist/ Telephonist Typist	67,822	75,606	81,070	84,477	89,546

14.12.1993  
Rev. 8

INTERNAL REGULATION No. 815/L.IV/92

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 3, 27 and 29</p>	<p>Title : RECRUITMENT PROCEDURES FOR CDI STAFF MEMBERS</p>
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1. Recruitment of CDI staff members shall be effected exclusively on a competitive basis, with a view to seeking out and recruiting for its departments persons with the highest qualities as regards skills, efficiency and integrity.
2. The notification of the vacancy shall be drawn up by the Director. If appropriate, the preparation and organization of any tests may be entrusted to an external specialist consultant, it being understood however that the final selection of applicants and successful examinees shall be the exclusive competence of the CDI Director, without prejudice to the provisions of Art. 13 paragraph 2 of the CDI Financial Regulation concerning the appointment of the internal auditor.
3. The notification of the vacancy must specify :
  - a. the nature of the functions and duties of the job vacancies to be filled;
  - b. the diplomas and other certificates and the level of professional experience required for the jobs concerned;
  - c. the knowledge of languages required and desired;
  - d. the age bracket;
  - e. the nature of any tests and the marking system;
  - f. the final date for receipt of applications.
4. Applicants must submit their applications on plain paper, providing full information on identity, education, family situation and professional experience. They may be requested, to this effect, to complete a form, the terms of which shall be defined by the CDI. Similarly, they may be required to furnish further information and documents.

An acknowledgment of receipt shall be sent out as soon as possible to applicants having submitted their application within the requisite time limits.

5. Details of any job vacancy shall be circulated as a priority among the CDI staff, with staff members being given a reasonable amount of time in which to submit their applications in accordance with the procedure set out under point 4.

If it has not been possible to fill the position through internal promotion or transfer, any job vacancy shall be advertised, with the choice thereof to be made in accordance with the language requirements or the specialization of the posts to be filled. Similarly, the notifications of recruitment of experts shall be brought to the knowledge of the representations of ACP and European countries accredited to the European Community. For other posts for which a selection examination and tests are taken, the successful applicants may be placed on a reserve list valid for 2 years.

6. For each job vacancy, a selection board shall be appointed by the Director. This selection board shall consist of a chairman and one or more persons designated by the Director.

The members of the selection board, chosen from among the members of staff, shall be at least of the same grade as the post to be filled. For certain selections, the Director may call upon the services of one or more specialized consultants to assist the selection board in its work. However, these consultants shall act only in an advisory capacity.

The Director shall draw up a list of applicants meeting the conditions set out in Article 28 of Decision No. 1/92 and in the notification of the vacancy, and shall communicate the said list to the chairman of the selection board - if this function is not performed by the Director - together with the application files.

7. After examining these files, the selection board shall draw up a short list of applicants meeting the conditions set out in the notification of the vacancy. As far as possible, this short list must comprise a number of applicants twice the number of job vacancies open to competition.

The selection board shall provide the Director with this short list, together with a substantiated report by the selection board, possibly including individual observations by its members.

The work of the selection board shall be conducted in secrecy.

8. The date for taking the tests shall be fixed by the Director after consulting the selection board and shall be communicated by registered mail to the candidates placed on the short list.

In fixing this date, account shall be taken of the time required to send out the notices convening the applicants for the tests and a reasonable period to allow the applicants to ensure their availability.

The travel expenses of the shortlisted applicants shall be payable by the CDI. Likewise, a subsistence allowance limited to the time really required for the tests shall be paid to applicants, on the basis of the provisions applied to persons invited by the CDI.

9. The minimum qualifications required to occupy a managerial post at the CDI shall be as follows :

- a. a university diploma in the specialization or subject concerned or equivalent professional qualifications.
- b. post-graduate professional experience of 10 years in industry or associated services or appropriate experience relevant to the position concerned, in the case of a 2C expert, and 5 years in the case of a 2D post.

For a post of principal expert, level 2A and 2B, specific professional experience of 20 and 15 years respectively is required.

Professional experience shall be counted only as from the date of the first diploma allowing access to the category in which the job is to be filled. This shall be assessed taking into consideration the activity carried out before the date of publication of the job vacancy.

The Executive Board shall be responsible for approving, on a proposal from the Director, the recruitment of staff members and the renewal, extension or termination of the appointments of staff members, together with any special individual conditions concerning one or more staff members.

- c. a perfect knowledge of French or English is required, together with a basic knowledge of the other language. Additional knowledge of Portuguese or Spanish is an advantage for certain posts.

10. The minimum qualifications required to occupy a post of supporting staff member shall be as follows :
  - a. a certificate or diploma of secondary education, or appropriate experience of at least 3 years.
  - b. a perfect knowledge of French or English, together with a good knowledge of the other language.
  - c. for posts of principal assistant, a diploma of higher education or appropriate professional qualifications and professional experience of at least 10 years.
  - d. for posts of senior secretarial assistant, professional experience of at least 5 years.
  - e. for posts of secretary, a secretarial diploma or appropriate experience of at least 3 years.
11. The minimum qualifications required to occupy a post of technical staff member shall be as follows :
  - a. a certificate of primary education.
  - b. a satisfactory knowledge of French or English, together with a basic knowledge of the other language.
  - c. good professional experience relating to the functions to be performed.



26.11.1993  
Rev. 5

INTERNAL REGULATION No. S16/L.IV/93

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 32 and 33</p>	<p>Title : - PROMOTION - ADVANCEMENT</p>
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1. Promotion shall be decided by the Director of the CDI on the basis of the merits of the staff member and his periodic reports. This shall entail nomination of the staff member to the next level or category, with a view to his taking up a vacant post, in accordance with the procedure laid down in internal regulation No. S15/L.IV/93.
2. When promotion takes place within a category to which the staff member already belongs, this shall be exclusively through selection from among staff members having at least two years' seniority in their grade.
3. When promotion entails a staff member moving up to an immediately higher category, the staff member shall normally be promoted to the lowest level of the new category.

In no case may the staff member receive in his new classification a basic salary lower than that which he received in his former grade.

4. In accordance with the conditions set out in Article 32 of Decision No. 1/92, every staff member shall be entitled, within the framework of the first five-year financial protocol adopted pursuant to the Lomé IV Convention, to advancement of one step, unless his latest assessment report is deemed to be insufficient in relation to the average standard required, corresponding to the indication "good".

18.08.1993  
Rev. 3

INTERNAL REGULATION No. R17/L, IV/92

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 31 and 69</p>	<p>Title : ASSESSMENT REPORT</p>
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1. An assessment report shall be drawn up annually for each staff member or local staff member, with the exception of the Director and the Deputy director.

The first report shall be drawn up after a period of at least one year as from the appointment of the newly recruited staff member or local staff member. It shall be prepared independently of any report on completion of training.

2. The assessment reports shall be drawn up by the immediate superiors of the staff members or local staff members, as indicated below :
  - a. for staff members in category 2 : the Director and the Deputy Director;
  - b. for staff members in category 3 : the Head of Division, the Director and/or the Deputy Director;
  - c. for staff members in category 4 and local staff members : the Head of Division, the Director and/or the Deputy Director, following an opinion by the head of department or immediate superior to whom these staff members or local staff members report.

If the staff member has been reassigned during the reference period, this shall be noted by his immediate superior at the time of the assessment if the reassignment dates back more than six months.

Otherwise, it shall be noted by the immediate superior to whom he reported previously.

The last reporting officer shall consult the immediate superior in the department to which the staff member or local staff member was assigned during the reference period. The immediate superior consulted shall countersign the report, adding any comments that he may have.

3. The assessment for each staff member or local staff member shall cover the following fields, for which the marks under the various subheadings shall range from 1 to 7 :
  - assessment of efficiency, devotion to duty and loyalty;
  - assessment of professional know-how;
  - assessment of everyday abilities, experience and personnel management skills;
  - assessment of experience common to all employment situations.
4. The assessment must relate strictly to the reference period. No reference shall be made to previous factors other than by way of a comparison to justify a modification in relation to the previous assessment or any report on completion of training.

An interview between the author of the report and the staff member or local staff member shall be arranged as quickly as possible, with a view to discussing the various points therein.

Following the interview, the assessment report, prepared in accordance with the conditions set out under point 2 above, shall be communicated to each staff member or local staff member concerned.

The staff member or local staff member shall be invited to present in writing his comments concerning the assessment prepared by his immediate superior.

5. Each staff member's report shall be submitted to the Directorate.
6. A copy of the assessment report shall be attached to this internal regulation.

18.08.1993  
Rev. 8

INTERNAL REGULATION No. 15/92

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 39 and 40</p>	<p>Title : - WORKING HOURS - OVERTIME - HALF-TIME WORK</p>
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1. WORKING HOURS

- a. The working week for CDI staff members shall be fixed at a total of 39 hours, to be worked in accordance with the "flexi-time" system. This "flexi-time" system shall comprise :

- a "common base" comprising two periods - from 09.30 to 12.00 and from 14.30 to 17.30, i.e. a total of 5½ hours - during which staff members must be present;
- "flexible periods" between 08.00 and 19.30 outside the above-mentioned "common base" and a compulsory break of at least 30 minutes.

These flexible periods must be fixed individually by each staff member, in agreement with his Head of Division.

- b. Each staff member shall be obliged to ensure that the total number of hours that he works each week attains the compulsory 39 hours.

Compensation limited to 4 hours per week and 8 hours per month shall be possible, after obtaining the prior agreement of the Head of Division to whom the staff member reports.

Such compensation may be allowed only during the following month.

The concept of cases of "force majeure" shall no longer be recognized henceforth, with the "flexi-time" system allowing sufficient mobility to cover any obligations in staff members' private lives. Only absences through illness or normal or special leave shall be taken into consideration.

- c. All staff members shall be obliged to clock in when arriving at the CDI and to clock out when leaving at midday and/or in the evening.

Practical provisions shall be drawn up to this effect and circulated by the Administration Division, which shall provide staff members with a record of the hours that they have worked.

## 2. OVERTIME

- a. On a decision by the Director, overtime worked by staff members may give rise to the granting of a compensatory rest period or, for staff members in category 4 and local staff members, if service requirements do not permit such compensation, during the month following that in which the overtime was worked, to extra remuneration.

This remuneration shall be fixed at 0.58% of the basic monthly salary per hour of overtime, multiplied by a coefficient to be calculated as follows :

- overtime worked between 22.00 and 07.00 : 200%;
- overtime worked on Saturday, Sunday or public holidays, including the holiday period between Christmas and New Year's Day or other periods during which a skeleton staff is provided : 150%.

- b. Staff members shall not be obliged to work overtime other than in emergencies or situations of exceptional pressure of work. In specific cases duly substantiated by reasons of service, night work or work on Saturday and Sunday or public holidays may be authorized by the Director.

To be taken into consideration, overtime must amount to over 30 minutes. The number of hours' overtime may not exceed 150 hours in any six-month period.

## 3. HALF-TIME WORK

- a. Half-time work may be authorized for family or personal reasons.

Any staff member wishing to work half-time must submit a written request for authorization to the Director after obtaining the opinion of his Head of Division. The request must be made to the Director at least three months before the date on which the staff member wishes to commence this half-time work. In substantiated emergencies, this period may be reduced in so far as this measure does not disrupt the activities of the department to which the staff member concerned is assigned.

Under no circumstances may such authorization prejudice the assessment of the staff member's work or give rise to his replacement.

- b. Any staff member authorized to work half-time shall be obliged to work a number of hours each month equivalent to one half of the normal working month, within the normal working hours of the CDI.
- c. The staff member shall be entitled, for the period during which he is authorized to work half-time, to 50% of his pay and the various allowances made to CDI staff members. During this period, he shall not engage in any other gainful activity. The contributions to the sickness insurance system and the pension system shall be calculated in proportion to the basic salary reduced in this way.
- d. The annual leave of a staff member authorized to work half-time shall be reduced by half for the duration of such arrangements. An identical reduction shall be applied in calculating the right to periodic home leave.
- e. At the request of the staff member, the Director may agree to allow the staff member to return to full-time work.
- f. For local staff members, the procedure for authorization to work half-time shall be identical to that laid down for CDI staff members. In this case, however, the remuneration and the various allowances that may be granted to local staff members shall be calculated in proportion to the number of hours worked per week.

#### 4. PUBLIC HOLIDAYS

The Director shall determine the public holidays, on the basis of similar provisions applied at the Council of the European Communities.

13/7/94  
Rev. 8INTERNAL REGULATION No. S19/L.TV/93

Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 41 and 42	Title : SYSTEM OF LEAVE AND SPECIAL LEAVE
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**I. ANNUAL LEAVE****1. Duration**

The basic duration of annual leave shall be fixed at a minimum of 24 working days per contractual year.

To these 24 days shall be added :

- a) 1 working day if the staff member is over 25 but less than 35 years of age;  
2 working days if the staff member is over 35 but less than 50 years of age;  
3 working days if the staff member is over 50 years of age.
- b) an additional leave allocation determined according to grade, as follows :  
3 working days for the Director and the Deputy Director;  
2 working days for categories 2A and 2B;  
1 working day for categories 2C to 3C.

Unused leave shall automatically be carried over, to a maximum of 15 days per financial year. Only the Director may authorize the carrying over of more than 15 days, and this solely for service reasons.

Exceptionally, on a duly substantiated request, the Director may allow 5 days' advance leave to be deducted from the leave entitlement for the following financial year.

## 2. Calculation of entitlement to leave

- a. When joining and leaving the Staff's employment, any fraction of a year shall entitle the staff member to leave of 2 working days per full month's employment, any fraction of a month to leave of 1 working day if this fraction is over 15 days and 1/2 working day if it is 15 days or fewer.
- b. Annual leave may be taken in whole or in several parts, according to the wishes of the staff member and taking account of the department's requirements. However, it must include a period of at least two consecutive weeks.

The only leave allowed to staff members taking up their appointment shall be that determined on the basis of the period already worked.

- c. If, during his annual leave, a staff member is taken ill, which would have prevented him from working had he not been on leave, the annual leave shall be extended by the amount of time for which he is incapacitated, on presentation of a medical certificate.
- d. If a staff member has not used up all his annual leave when his duties have ceased, he shall be paid compensation for each day's leave which he has not received, equal to one thirtieth of his monthly salary at the time when his duties cease.

An amount calculated in accordance with the method indicated in the preceding paragraph shall be withheld when a staff member's duties cease if he has received annual leave exceeding the number of days to which he was entitled at the moment of his departure.

- e. If, for service reasons, a staff member is recalled during his annual leave or has his leave authorization cancelled, the duly substantiated amount of the costs actually incurred as a result shall be reimbursed to him and a new travelling time entitlement granted to him in accordance with internal regulation No. SF/L.IV/93.



- f. Leave entitlement and utilization shall be counted in periods of twelve months from February 1st to the end of January of the following financial year.

The Administration Division shall provide every staff member with a slip at the end of January of each year indicating his leave entitlement for the coming financial year and the total number of days' leave carried over.

- g. Irrespective of the leave provided for under this regulation, female staff members shall be entitled, on production of a medical certificate, to maternity leave on full pay, normally commencing six weeks before the probable date of the birth indicated on the certificate and normally terminating ten weeks after the date of the birth, without the said leave being less than sixteen weeks in any case.

However, at the request of the person concerned and on medical authorization, the Director may allow the maternity leave to begin less than six weeks before the probable date of the birth indicated on the certificate, in which case the leave shall end ten weeks after the date of the birth plus the time that the person concerned continued to work as from the sixth week preceding the exact date of the birth.

## II. SPECIAL LEAVE

Outside the normal period of leave, staff members may be allowed special leave, at their request and at the discretion of the Director, the duration of which may not exceed a maximum of 12 working days a year, including the travelling time provided for in internal regulation No. S9/L.IV/93.

Similarly, when justified by well-established cultural reasons, the Director may authorize a number of additional days' special leave corresponding to twice the durations provided for in the table below.

REASON	NUMBER OF DAYS ALLOWED	REASON FOR REQUEST	TRAVELLING TIME
1. Marriage of the staff member	2 days		yes
2. Removal of the staff member on taking up his appointment	2 days		no
3. Serious illness of the spouse with hospitalization	2 days		no
4. Death of the spouse or of a child	4 days		yes
5. Death of an ascendant : father, mother	2 days		yes
6. Birth of a child	2 days		yes
7. Serious illness of a child with hospitalization	up to 4 days		no
8. Summons to appear before a court	1 day	on presentation of the summons	yes
9. Short-term military obligations	according to legal obligations	on presentation of the call-up papers	no
10. Elections	voting day, if this falls on a working day, otherwise only travelling time	national or regional elections, on presentation of notice of the ballot	yes
11. Training requested by the staff member concerned and of evident and recognized value to the department			
a. Language courses and other training courses		10 working days maximum to be allowed	no
b. Examinations	1 day per day of examination		yes

### III. UNPAID LEAVE

Exceptionally, the Director may allow a staff member unpaid leave, on request, for duly substantiated personal reasons. The duration of such leave shall not, however, exceed a quarter of the period of service completed by the staff member and shall not be more than three months.

When the beginning and/or end of this period of leave do(es) not coincide with the beginning or end of a month, the following method shall be applied in calculating the salaries and social security contributions :

- a) if the real number of days payable is 15 or less, the number of thirtieths due is equal to the real number of days payable;

- b) if the real number of days payable is over 15, the number of thirtieths due is equal to the difference between 30 and the real number of days non-payable.

The rate of income tax to be applied in calculating pay for a period of less than one month shall be that applicable to the corresponding monthly payment.

Contributions to the sickness insurance and pension scheme shall be calculated on the gross monthly pay applicable in the month preceding the period of unpaid leave.

The staff member taking unpaid leave shall cease to receive the various allowances provided for by the CDI staff regulations with effect from the first working day of the leave period. These same provisions shall apply for the family allowances system.

The annual leave of staff members allowed to benefit from such a measure shall be reduced in proportion to the duration of the unpaid leave.

Similarly, the duration of this unpaid leave shall also be taken into account in calculating the service periods entitling the staff member and his dependants to periodic home leave.

19.08.1993  
Rev. 4

INTERNAL REGULATION No. 1/92

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 43</p>	<p>Title : SICK LEAVE ARRANGEMENTS</p>
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1. SHORT-TERM ABSENCE (UP TO 30 DAYS)

- a. Any staff member not turning up for work due to illness or accident must advise the Administration Division before 11.00 in the morning or 16.00 in the afternoon, as appropriate, failing which his absence will be automatically deducted from his annual leave. He shall be obliged to produce a medical certificate as from the 3rd day's absence.
- b. In the event of absence due to illness during or immediately after a period of leave, the staff member concerned must indicate the exact address where he is located, together with the name, address and telephone number of the doctor dealing with his case. The medical certificate issued by the latter must be sent immediately by registered mail.
- c. Any staff member intending to go to consult a doctor must advise his Head of Division before taking leave. Any unsubstantiated absence shall be deducted from the staff member's annual leave.
- d. If the number of absences for illness, each of not more than 1 day, exceeds a total of 7 days over any 12-month period, the staff member shall be obliged to produce a medical certificate for any further absence, to be presented to the Personnel Department under confidential cover.
- e. The Centre reserves the right to have a doctor of its choice check the state of health of any staff member absent for reasons of illness or accident.
- f. A staff member may be placed on sick leave automatically, following an examination by the Centre's medical officer, if his state of health so requires or if a contagious illness breaks out in his household.

## 2. ABSENCE FOR OVER 30 DAYS

Payment of the staff member's salary by the Centre or by an insurance company on its behalf shall be guaranteed for a period of not more than 12 months, starting from the first day of absence from work due to illness, with the subsequent period being paid by the disablement insurance scheme.

The terms of this "disablement" insurance may be consulted at the Personnel Department of the Administration Division.

In the event of absence from work due to illness of over 120 consecutive days or for a cumulative total of 150 days over a period of 12 months, the Centre reserves the right to take the necessary measures, if applicable and after verification, including the decision to terminate the contract of employment if appropriate.

## 3. SICK LEAVE AWAY FROM THE PLACE OF EMPLOYMENT

Staff members may not take sick leave at a place other than that of their employment without the prior authorization of the Director, in agreement with the CDI medical officer.

4. Any failure to comply with any of the aforesaid provisions shall give rise to a corresponding reduction in the leave entitlement of the staff member concerned.

## 5. MEDICAL EXAMINATIONS CONDUCTED ABROAD

Following a favourable opinion beforehand by the CDI medical officer, a staff member may be authorized to have a medical examination carried out abroad. In such cases, leave corresponding to the effective duration of the said examination, plus the normal travelling time, may be granted to him by decision of the Director.

29.11.93

INTERNAL REGULATION N° 1/92/LIV/93

<p>Date of issue :  Ref. Decision N° 1/92 of the  ACP-EEC Council of Ministers  of 15/12/92, hereinafter referred  to as Decision 1/92, Art. 6</p>	<p>Title : SECONDED EXPERTS  (NATIONAL OR INTERNATIONAL)</p>
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Article 5 of the Staff Regulation of the CDI (Decision N° 1/92 of the ACP-EEC Council of Ministers) reads :

Art. 1. Definition

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

Art. 2. Duration of the secondment

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

Any single extension of the secondment period, will not exceed 12 months. The maximum period of service will not exceed a total of 36 months including the original secondment and following prolongations. The Director will inform the Joint Executive Board of his decisions.

Art. 3 Tasks

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

Art. 4 Professional profile

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

Art. 5 Insurances

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

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

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

Art. 6 Interruption of the secondment

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

Art. 7 Rights and obligations of the seconded expert

The seconded expert must fulfil his/her function and perform only in the interest of the CDI. He/she will be evaluated periodically, in the same way and following the same procedures of CDI staff members.

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

#### Art. 8 Working hours - bank holidays - leave

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

#### Art. 9 Financial conditions

The CDI will reimburse to the seconded expert :

- travel costs from his/her place of residence to Brussels at the beginning of the secondment and the return at the end thereof : Economy class for air, First class for train.
- a monthly living allowance of 70.000 BF.



Mission costs outside Brussels authorised by the CDI Director will be reimbursed according to the CDI internal regulations.

Art. 10 Exchange of experts

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

Art. 11 Final Report

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

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

• • • • •

Article 5

08.06.1993

INTERNAL REGULATION No. 523/L.IV/93

Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 11	Title : STAFF MEMBERS RECRUITED FOR SHORT-TERM APPOINTMENTS
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1. In accordance with Article 11 of Decision 1/92, the Director of the CDI may exceptionally recruit staff members for short-term appointments, for the performance of specific tasks to be detailed in their letter of appointment. Article 10 of Decision 1/92 is not applicable to such appointments.
2. Both the CDI and the staff members recruited in this way acknowledge that they are bound, to the exclusion of any national law, by :
  - a) - the CDI statute and internal regulations (Decision No. 4/91 of the ACP-EEC Council of Ministers);
  - the financial regulations applicable to the CDI (Decision No. 5/91 of the ACP-EEC Council of Ministers);
  - the staff regulations applicable to CDI staff under Lomé IV (Decision No. 1/92 of the ACP-EEC Council of Ministers);
  - the headquarters agreement signed in Brussels on November 29th 1978 between the Kingdom of Belgium and the CDI.
  - b) - the different internal regulations issued by the CDI in accordance with the aforesaid staff regulations and applicable to all CDI staff members.
3. Given the temporary nature of the appointments in question, however, the following rights and benefits shall not apply :
  - installation and reinstallation allowances (internal regulation S7/L.IV/93);
  - voluntary final severance grant (internal regulation S11/L.IV/93);
  - periodic home leave (internal regulation S9/L.IV/93);
  - reimbursement of removal expenses (internal regulation S8/L.IV/93);
  - daily allowances for newly recruited staff (internal regulation S2/L.IV/93);

- travel expenses for staff members taking up or leaving their duties (internal regulation S6/L.IV/93);
  - educational allowances (internal regulation S3/L.IV/93).
4. Similarly, certain provisions laid down for CDI staff members shall be modified as follows for staff members recruited for short-term appointments :

- The assessment report normally produced annually shall in this case be drawn up at the end of each of the contractual periods provided for in paragraph 4 of Article 11 of Decision 1/92.
- Staff members recruited for a short-term appointment shall have the option of taking leave, in accordance with the conditions laid down by internal regulation S19/L.IV/93, during the contractual period giving entitlement to leave or, in the case of renewal of their contract, of carrying over their leave entitlement to the following appointment period.

At the request of these staff members or if the needs of the departments to which they are assigned so require, these leave entitlements may be converted into a flat-rate payment corresponding to the leave entitlement, calculated in accordance with paragraph 2d) of internal regulation S19/L.IV/93. For staff members recruited for a short-term appointment over 65 years of age, the leave entitlement fixed by Article 1 of this internal regulation shall be limited to 2 days per month's service.

- Staff members recruited for a short-term appointment shall enjoy the same rights as other CDI staff members as regards social security cover, on the conditions laid down in Article 2c) of internal regulation S1.L.IV/93.

For staff members recruited for a short-term appointment over 65 years of age, the employer's contribution by the CDI does not apply.

10.06.1993

INTERNAL REGULATION No. S24/L.IV/93

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92, Art. 28</p>	<p>Title : MEDICAL EXAMINATION PRIOR TO RECRUITMENT AND ANNUAL MEDICAL EXAMINATION</p>
--	--

1. MEDICAL EXAMINATION PRIOR TO RECRUITMENT

Before being appointed on the conditions laid down in internal regulation S15/L.IV/93, successful applicants shall be bound to undergo a medical examination by the CDI medical officer so as to ensure that they fulfil the physical aptitude and health conditions required for performance of the duties envisaged.

If necessary, the medical officer may propose that applicants undergo a further examination to be conducted by a specialist doctor or establishment, the choice of which shall be made by the CDI after consulting its medical officer.

If any applicant refuses to undergo the said additional examination, the Director of the CDI may, in substantiated cases, decide to reject his application.

2. ANNUAL MEDICAL EXAMINATION

Staff members shall also be obliged to undergo an annual medical examination organized by the CDI with its medical officer, so as to ensure that they still fulfil the physical aptitude and health conditions required for performance of their duties.

On a proposal by the medical officer, staff members may be obliged to undergo a further examination by a specialist doctor or establishment, the choice of which shall be made by the CDI after consulting its medical officer.

If a staff member refuses to undergo the said additional examination, the case shall be considered by the Director of the CDI who, after consulting the CDI medical officer may, if no other solution is found and in serious and duly substantiated cases, terminate the employment of the staff member concerned.

3. The cost of the examination prior to recruitment, the annual examination and any additional examinations shall be payable by the CDI.

14.12.1993  
 Rev. 1

INTERNAL REGULATION No. 825/L.IV/93

<p>Date of issue :          Ref. Decision No. 1/92 of the          ACP-EEC Council of Ministers          of the 15/12/92, hereinafter          referred to as          Decision 1/92, Art. 7</p>	<p>Title : REGULATIONS          APPLICABLE TO          TECHNICAL STAFF          MEMBERS LEVEL 4A</p>
--	--

1. The category of "technical staff member" covers at level 4A those staff members assigned to manual or service duties requiring a primary education and possibly technical know-how and professional experience of at least two years.

The creation of this category within the framework of the regulations applicable to CDI staff members under the Lomé IV Convention is a transitional measure aimed at enabling the said staff members to enjoy the fiscal and social benefits introduced by the aforementioned regulations and by the headquarters agreement signed between the Kingdom of Belgium and the CDI.

2. For staff members recruited locally, some privileges and benefits established by the regulations applicable to CDI staff members shall not be accorded to the category of "technical staff member", namely :
  - a) reimbursement of any travel expenses incurred on taking up the appointment. On the other hand, the CDI shall reimburse any travel expenses incurred in returning to the country of origin, on the conditions laid down in internal regulation S6/L.IV/93;
  - b) reimbursement of any removal costs incurred on taking up the appointment. For the return to the country of origin, however, the CDI shall reimburse these expenses, on the conditions laid down in internal regulation S8/L.IV/93;
  - c) the temporary daily allowances provided for in internal regulation S2/L.IV/93;
  - d) reimbursement of travel expenses for periodic home leave to the country of origin, internal regulation S9/L.IV/93;

- e) the installation allowance on taking up the appointment. When his duties cease, however, the technical staff member shall receive the reinstallation allowance on the conditions laid down in internal regulation S7/L.IV/93.
3. For staff members not recruited locally, the normal rules governing the matters concerned shall apply.

14.12.1993  
Rev. 3

INTERNAL REGULATION No. 826/LXV/23

<p>Date of issue : Ref. Decision No. 1/92 of the ACP-EEC Council of Ministers of the 15/12/92, hereinafter referred to as Decision 1/92</p>	<p>Title : ALLOWANCE FOR CHILDREN PLACED IN CRECHES OR NURSERIES</p>
---	--

1. To take account of the cost of placing young children recognized as dependants of CDI staff members in creches and the fact that it impossible for staff members to have access to the creche of the European institutions in Brussels, the CDI shall grant to its staff members, within certain limits, a so-called "creche or nursery" allowance.

This allowance shall be paid to staff members on presentation of supporting documents proving that they have effectively placed their child(ren) in a creche or nursery (paid invoice or certificate of payment). Payment of this allowance shall be limited to the actual time for which the children are placed in such establishments.

2. Whatever the status - public or private - of the creche or nursery, the amount of the allowance shall be established taking account of :

- a) the official rates fixed by the "Office de la Naissance et de l'Enfance" (ONE) of the French Community or its equivalent for the Dutch-speaking Community, "Kind en Gezin". To this effect, only the highest rate applicable in these two official bodies shall be taken into account.

- b) a financial contribution by the staff member whose children have been duly recognized as his dependants by the CDI.

To determine the amount of this financial contribution, the CDI shall take the staff member's net incomes into account. If the spouse is also gainfully employed, the combined amount of these two incomes shall be taken into account. The staff member must submit a declaration on his honour to this effect.



A scale of financial contributions by the parents, established in accordance with the level of their incomes and the number of dependent children, is attached hereto.

3. Only that part of the cost determined in accordance with the scale referred to under point 2 a) which exceeds the staff member's financial contribution shall be covered by the "creche and nursery allowance".
-



**I. ACP-EEC Acts**

**6. Subcommittee for Cooperation on Agricultural and  
Rural Development**



DECISION No 1/94  
OF THE ACP-EC COOPERATION SUBCOMMITTEE  
FOR AGRICULTURAL AND RURAL DEVELOPMENT  
of 22 December 1994

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 COOPERATION SUBCOMMITTEE FOR AGRICULTURAL AND RURAL  
DEVELOPMENT,

Having regard to the Third ACP-EEC Convention, signed at Lomé on 8 December 1984, and  
in particular Article 37 thereof;

Having regard to Decision No 4/86 of the ACP-EEC Committee of Ambassadors of  
24 March 1986 laying down the conditions of employment of the staff of the Technical  
Centre for Agricultural and Rural Cooperation, hereinafter referred to as "the Centre", and in  
particular Article 3 thereof;

Having regard to Decision No 2/88 of the ACP-EEC Committee of Ambassadors of  
27 October 1988 fixing in Netherlands guilders the salary scale and tax brackets of the staff  
of the Centre;

Having regard to Decision No 4/91 of the ACP-EEC Committee of Ambassadors of 11 October 1991 extending the application of Decision No 4/86 mutatis mutandis until the entry into force of a new Decision laying down the conditions of employment of the staff of the Centre during the period of application of the Fourth ACP-EEC Convention;

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

Having regard to Decision No 2/92 of the ACP-EEC Committee of Ambassadors of 22 December 1992 laying down the Staff Regulations of the Centre, and in particular Article 49 thereof;

Whereas, under the third paragraph of Article 27 of Decision No 4/86 and of Article 49 of Decision No 2/92, the Subcommittee may decide, on a proposal from the Director of the Centre, to adjust the remuneration laid down in the aforementioned Decisions 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 periods from 1 July 1990 to 30 June 1991 and from 1 July 1991 to 31 December 1992;

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 in the remuneration of officials of the European Communities entail adjustment of the remuneration of the staff of the Centre as laid down in Article 3 of Decision No 4/86;

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 2/92 require that scale to be adjusted by 17,4% for the period from 1 July 1989 to 31 December 1992,

HAS DECIDED AS FOLLOWS:

Article 1

With effect from 1 July 1990 the remuneration and tax brackets shall be increased by 0,3% in relation to the scale which is the subject of Decision No 2/88.

Article 2

With effect from 1 July 1991 the remuneration and tax brackets referred to in Article 1 of Decision No 2/88 shall be increased by 13,7%.

Article 3

With effect from 1 July 1992 the remuneration and tax brackets referred to in Article 1 of Decision No 2/88 shall be increased by 22,5%.

Article 4

With effect from 1 January 1993, Annex II to Decision No 2/92 shall be replaced by the scale set out in the Annex hereto.

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22 -12- 1994

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 Co-operation 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-CLE de Cooperação Agrícola e Rural

El Presidente

Formand

Der Präsident

O Πρόεδρος

The President

Le président

Il Presidente

De Voorzitter

O Presidente

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"Annex II

## STAFF REGULATIONS OF THE CTA

GROSS BASIC MONTHLY SALARY TABLE (HFL) (Applicable as from 1 January 1993) LOME IV							
CATEGORY	LEVEL	DUTIES	STEP				
			1	2	3	4	5
1. DIRECTOR	1.A	Director	22.199,97				
2. ADMINISTRATIVE	2.A	Main Expert	15.798,99	16.749,75	17.694,64		
	2.B		12.641,54	13.398,63	14.220,27	15.041,91	15.928,11
	2.C	Expert	11.056,95	11.755,34	12.447,87	13.146,27	13.480,79
	2.D		8.850,25	9.384,32	9.953,60	10.552,23	11.186,06
3. CLERICAL	3.A	Principal Assistant	7.394,77	7.836,45	8.280,97	8.815,04	9.354,98
	3.B	Clerical Assistant	5.686,93	6.033,19	6.385,33	6.760,94	7.142,41
	3.C	Secretary	4.108,21	4.360,57	4.612,93	4.865,29	5.182,21
4. SUPPORTING STAFF	4.A	Technical Staff	3.351,12	3.538,93	3.726,73	3.920,40	4.172,77



DECISION No 2/94  
OF THE ACP-EC SUBCOMMITTEE FOR CO-OPERATION  
ON AGRICULTURAL AND RURAL DEVELOPMENT  
of 22 December 1994  
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 1990

THE ACP-EC SUBCOMMITTEE FOR CO-OPERATION 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 1/91 of the ACP-EEC 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-EEC 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 1990 drawn up on 31 December 1990,

Having regard to the Auditors' Report on the accounts for the financial year 1990,

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 1990 consisted principally of a contribution from the European Development Fund amounting to ECU 5 957 000;

Whereas the Director's overall implementation of the Centre's budget during the financial year 1990 was such that he should be given a discharge in respect of the implementation of that budget,

HAS DECIDED AS FOLLOWS:

Article 1

The Subcommittee hereby adopts the Centre's balance sheet at 31 December 1990, for both revenue and expenditure, in the amount of ECU 423 619.

Article 2

The Subcommittee hereby gives a discharge to the Director of the Centre in respect of the implementation of the Centre's budget for the financial year 1990.

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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  
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Για την Υποεπιτροπή Γεωργικής και Αγροτικής Συνεργασίας ΑΚΕ-ΕΟΚ  
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**DECISION 3/94  
OF THE ACP-EC SUBCOMMITTEE FOR COOPERATION  
ON AGRICULTURAL AND RURAL DEVELOPMENT  
of 22 December 1994**

giving a discharge to the Director of the  
Technical Centre for Agricultural and Rural Cooperation  
in respect of the implementation of the Centre's budget  
for the financial year 1991

**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(5) thereof,

Having regard to Decision No 1/91 of the ACP-EEC Committee of Ambassadors of  
19 April 1991 on the rules of operation of the Technical Centre for Agricultural and Rural  
Cooperation, hereinafter referred to as the "Centre", and in particular Article 7 thereof,

Having regard to decision No 2/91 of the ACP-EEC 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 or the financial year 1991 drawn up on  
31 December 1991,

Having regard to the Auditors' Report on the accounts for the financial year 1991,

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

Whereas it is for the ACP-EC Subcommittee for Cooperation on Agricultural and Rural Development, 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 1991 consisted principally of a contribution from the European Development Fund amounting to ECU 7 284 000;

Whereas the Director's overall implementation of the Centre's budget during the financial year 1991 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 1991.

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DECISION No 4/94  
OF THE ACP-EC SUBCOMMITTEE FOR CO-OPERATION  
ON AGRICULTURAL AND RURAL DEVELOPMENT  
of 22 December 1994

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 1992

THE ACP-EC SUBCOMMITTEE FOR CO-OPERATION 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 1/91 of the ACP-EEC 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-EEC 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 1992 drawn up on 31 December 1992,

Having regard to the Auditors' Report on the accounts for the financial year 1992,

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 1992 consisted principally of a contribution from the European Development Fund amounting to ECU 8 330 000;

Whereas the Director's overall implementation of the Centre's budget during the financial year 1992 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 1992.

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## **II. Transitional measures (ACP-EC and Communities)**





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

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, pursuant to Articles 76 (2), 102 (2) and 128 (2) of the 1994 Act of Accession, the Community and the ACP States opened negotiations for the conclusion of a protocol to adapt the Fourth ACP-EEC Convention to take account of the accession of Austria, Finland and Sweden to the European Union;

Whereas Articles 76 (3), 102 (3) and 128 (3) of the 1994 Act of Accession provide that if such a protocol is not concluded by 1 January 1995, the Community shall take the necessary measures to deal with that situation on accession;

Whereas it appears that the protocol will not be concluded by the specified date and that, in these conditions, autonomous transitional measures must be taken in order for the new Member States to apply the trade provisions of the Fourth ACP-EEC Convention as from 1 January 1995;

Whereas Article 72 of the 1994 Act of Accession allows Austria to maintain, until 1 January 1996, the customs duties and licensing arrangements it applies on the date of its accession to certain spirituous beverages and un-

denatured ethyl alcohol, in respect of other Member States,

HAS ADOPTED THIS REGULATION:

*Article 1*

From 1 January 1995 until the entry into force of the protocol referred to in Articles 76, 102 and 128 of the 1994 Act of Accession or until 31 December 1995, whichever is the earlier, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden shall apply the same arrangements to imports of products originating in the ACP States as are applied by the other Member States of the Community.

*Article 2*

Until 1 January 1996, the Republic of Austria may maintain the customs duties and licensing arrangements which it applied on the date of its accession to spirituous beverages and undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol. falling within heading 2208 of the HS. Any such licensing arrangements must be applied in a non-discriminatory manner.

*Article 3*

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

It shall apply with effect from 1 January 1995.

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

Done at Brussels, 22 December 1994.

*For the Council*

*The President*

H. SEEHOFER

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

**DECISION 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

(94/903/ECSC)

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

Whereas the Member States have concluded the Treaty establishing the European Coal and Steel Community;

Whereas, pursuant to Articles 76 (2), 102 (2) and 128 (2) of the 1994 Act of Accession, the Community and the ACP States opened negotiations for the conclusion of a protocol to adapt the Fourth ACP-EEC Convention to take account of the accession of Austria, Finland and Sweden to the European Union;

Whereas Articles 76 (3), 102 (3) and 128 (3) of the Act of Accession provide that if such a protocol is not concluded by 1 January 1995, the Community shall take the necessary measures to deal with that situation on accession;

Whereas it appears that the protocol will not be concluded by the specified date and that, in these conditions, autonomous transitional measures must be taken in order for the new Member States to apply the trade provisions of the Fourth ACP-EEC Convention as from 1 January 1995;

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

*Article 1*

From 1 January 1995 until the entry into force of the protocol referred to in Articles 76, 102 and 128 of the

1994 Act of Accession or until 31 December 1995, whichever is the earlier, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden shall apply to imports originating in the ACP States of products falling within the ECSC Treaty the same arrangements as are applied by the other Member States of the Community.

*Article 2*

The Member States shall take the measures necessary to implement this Decision.

*Article 3*

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

It shall apply as from 1 January 1995.

Done at Brussels, 22 December 1994.

*The President*

H. SEEHOFER

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

**A. Trade**

a) Economic relations



## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 1263/94**

of 30 May 1994

introducing a discontinuation of certain economic and financial relations with Haiti

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 228a thereof,

Having regard to Council Decision 94/315/CFSP of 30 May 1994 concerning the common position defined on the basis of Article J.2 of the Treaty on European Union regarding the reduction of economic relations with Haiti (1),

Having regard to the proposal from the Commission,

Having regard to the opinion of the Monetary Committee,

Whereas the United Nations Security Council, in view of the persistent absence of democracy and rule of law in Haiti, in particular the refusal of the military authorities in that country to comply in full with the resolutions of the Security Council and the provisions of the Governors Island Agreement, and in view of the serious violation of human rights in Haiti, and acting under Chapter VII of the Charter of the United Nations, has adopted resolution 917 of 6 May 1994;

Whereas resolution 917 (1994) obliges all States to discontinue certain economic relations with Haiti;

Whereas the Security Council in resolution 917 (1994) calls upon all States to act strictly in accordance with the provisions of that resolution and/or the earlier relevant resolutions, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or licence or permit granted prior to the effective date of the measures in resolution 917 (1994) or earlier resolutions;

Whereas resolution 917 (1994) provides for certain exceptions to its provisions when certain conditions are fulfilled and/or certain procedures are followed;

Whereas, for reasons of transparency, the Community legislation, implementing resolution 917 (1994) and other relevant legislation, should be incorporated in an all-embracing Community instrument;

Whereas, under these conditions, Council Regulation (EEC) No 1608/93 of 24 June 1993 introducing an embargo concerning certain trade between the European Economic Community and Haiti (2) and Council Regulation (EEC) No 3028/93 of 28 October 1993 repealing the suspension of the embargo concerning certain trade between the European Economic Community and Haiti and amending Regulation (EEC) No 1608/93 introducing this embargo (3) can be repealed,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Permission shall be denied to any aircraft to take off from, land in or overfly the territory of the Community if it is destined to land in or has taken off from the territory of Haiti.

2. The permission referred to in paragraph 1 shall, however, be granted when the aircraft performs a regularly scheduled commercial passenger flight, or when the aircraft is used for a particular flight that is approved by the Committee established by resolution 841 (1993) for humanitarian purposes or for other purposes consistent with resolution 917 (1994) and other relevant resolutions.

(1) See page 10 of this Official Journal.

(2) OJ No L 155, 26. 6. 1993, p. 2.

(3) OJ No L 270, 30. 10. 1993, p. 73.

### Article 2

The following shall be prohibited:

- (a) the introduction into the territory of the Community of all commodities and products originating in or coming from Haiti and having been exported from or transited through Haiti after the date of entry into force of this Regulation;
- (b) the export to, or the transit through, Haiti of all commodities and products, originating in, coming from or in transit through the Community;
- (c) the entering or leaving of the territory or territorial sea of Haiti by any and all traffic carrying commodities or products, falling under paragraphs (a) and (b);
- (d) any activity the object or effect of which is, directly or indirectly, to promote the activities falling under paragraphs (a), (b) or (c).

### Article 3

1. The prohibitions of Article 2 (a), (b) and (d) shall not apply to:
  - (a) the export from or transit through the Community to Haiti of foodstuffs and supplies intended strictly for medical purposes;
  - (b) the import and export of informational materials, including books and other publications, needed for the free flow of information;
  - (c) the export of other commodities or products, destined for essential humanitarian needs or in response to requests of President Aristide or the Prime Minister-in-Office Mr Malval;
  - (d) petroleum or petroleum products, including propane gas for cooking;
  - (e) the import and export of the equipment of journalists entering or leaving Haiti,

on condition that a proper authorization has been obtained from the competent authorities of the Member States, provided that the activities mentioned in points (b), (c), (d) and (e) are referred to.

2. The competent authorities of the Member States shall issue such an authorization for transactions falling under paragraph 1 (b) of this Article as well as in the cases referred to in points (c), (d) and (e), when the Committee established by resolution 841 (1993) has approved or authorized the import or export concerned.

### Article 4

1. The prohibitions set out in Article 2 (c) and (d) shall not apply to traffic performed by regularly scheduled maritime shipping lines calling in Haiti with goods falling under Article 3 as well as carrying other commodities and products which are solely being carried in transit to other destinations, on condition that a prior authorization has been obtained from the competent authorities of the country exercising jurisdiction over the ship concerned.

2. The competent authorities of the Member States shall issue an authorization referred to in paragraph 1 of this Article after having confirmed the compliance by the ship with the formal monitoring arrangements established with states cooperating with the legitimate Government of Haiti as provided for in paragraph 1 of resolution 875 (1993) and paragraph 10 of resolution 917 (1994).

### Article 5

1. Member States shall take the necessary measures to ensure the implementation of this Regulation, including the imposition of sanctions where the provisions of this Regulation are infringed.

2. Member States shall inform the Commission and the Member States concerned of the measures taken under paragraph 1 and of all other relevant information in connection with this Regulation, in particular on the application of the directives of the Sanctions Committee and on the movement of supplies intended exclusively for medical purposes and foodstuffs.

3. The names and addresses of the competent authorities of the Member States referred to are contained in the Annex<sup>(1)</sup>.

4. The Commission is hereby empowered to amend the Annex on the basis of notifications of the Member States. Such amendments shall be published in the *Official Journal of the European Communities*.

### Article 6

Regulations (EEC) No 1608/93 and (EEC) No 3028/93 shall be repealed.

### Article 7

This Regulation shall apply within the territory of the Community including its air space and in any aircraft or on any vessel under the jurisdiction of a Member State and to any person elsewhere who is a national of a Member State and any body elsewhere which is

<sup>(1)</sup> This Annex will be published at a later date.

incorporated or constituted under the law of a Member State.

*Article 8*

This Regulation shall apply notwithstanding any rights or obligations conferred on or imposed by any international agreements or any contract entered into or any licence or

permit granted before the entry into force of the Regulation.

*Article 9*

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, 30 May 1994.

*For the Council*

*The President*

G. MORAITIS

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## COUNCIL REGULATION (EC) No 1264/94

of 30 May 1994

prohibiting the satisfying of claims by the Haitian authorities with regard to contracts and transactions the performance of which was affected by the measures imposed by or pursuant to United Nations Security Council resolutions 917 (1994), 841 (1993), 873 (1993) and 875 (1993)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 73g and Article 228a thereof,

Having regard to Council Decision 94/315/CFSP of 30 May 1994 concerning the common position defined on the basis of Article J.2 of the Treaty on European Union regarding the reduction of economic relations with Haiti <sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas under Council Regulation (EEC) No 1608/93 of 24 June 1993 introducing an embargo concerning certain trade between the European Economic Community and Haiti <sup>(2)</sup> and Council Regulation (EEC) No 3028/93 of 28 October 1993 repealing the suspension of the embargo concerning certain trade between the European Economic Community and Haiti and amending Regulation (EEC) No 1608/93 introducing this embargo <sup>(3)</sup> and Council Regulation (EC) No 1263/94 of introducing a discontinuation of certain financial and economic relations with Haiti <sup>(4)</sup>;

Whereas, as a consequence of these measures, economic operators in the Community and third countries are exposed to the risk of claims by the authorities of Haiti concerning contracts or transactions the performance of which was affected by United Nations Security Council resolutions 917 (1994), 841 (1993), 873 (1993) and 875 (1993);

Whereas paragraph 11 of resolution 917 (1994) obliges all States to prevent the satisfaction of such claims by the Haitian authorities;

Whereas it is therefore necessary to protect economic operators permanently against such claims and to prevent

the authorities of Haiti from obtaining compensation for the negative effects of the embargo;

Whereas the Community considers that, in deciding whether to reduce of lift measures taken against the authorities of Haiti, particular account must be taken of any failure by these authorities to comply with paragraph 11 of resolution 917 (1994),

HAS ADOPTED THIS REGULATION:

*Article 1*

For the purposes of this Regulation:

1. 'contract or transaction' means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for this purpose 'contract' includes a bond, financial guarantee and indemnity or credit whether legally independent or not and any related provision arising under or in connection with the transaction;
2. 'claim' means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and in particular includes:
  - (a) a claim for performance of any obligation arising under in connection with a contract or transaction;
  - (b) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;
  - (c) a claim for compensation in respect of a contract or transaction;
  - (d) a counter-claim;
  - (e) a claim for the recognition or enforcement, including by the procedure of exequatur, of a judgment, an arbitration award or an equivalent decision, wherever made or given;

<sup>(1)</sup> See page 10 of this Official Journal.

<sup>(2)</sup> OJ No L 155, 26. 6. 1993, p. 2.

<sup>(3)</sup> OJ No L 270, 30. 10. 1993, p. 73.

<sup>(4)</sup> See page 1 of this Official Journal.



3. 'measures decided on pursuant to United Nations Security Council resolution 917 (1994) and related resolutions' means measures of the United Nations Security Council or measures introduced by the European Communities or any State, country or international organization in conformity with, as required by or in connection with the implementation of relevant decisions of the United Nations Security Council, or any action authorized by the United Nations Security Council, in respect of the discontinuation of certain financial and economic relations with Haiti;

4. 'person or body in Haiti' means

- (a) the authorities in Haiti;
- (b) any Haitian national;
- (c) any body having its registered office or head-quarters in Haiti;
- (d) any body controlled, directly or indirectly, by one or more of the abovementioned persons or bodies;
- (e) any person claiming through or for the benefit of any person or body referred to in (a), (b), (c) or (d).

Without prejudice to Article 2, performance of a contract or transaction shall also be regarded as having been affected by measures decided on pursuant to United Nations Security Council resolution 917 (1994) and related resolutions where the existence or content of the claim results directly or indirectly from those measures.

#### Article 2

1. It shall be prohibited to satisfy or to take any step to satisfy a claim made by:

- (a) a person or body in Haiti or acting through a person or body in Haiti;
- (b) any person or body acting, directly or indirectly, on behalf of or for the benefit of one or more persons or bodies in Haiti;
- (c) any person or body taking advantage of a transfer or rights of, otherwise claiming through or under, one or more persons or bodies in Haiti;
- (d) any other person or body referred to in paragraph 11 of United Nations Security Council resolution 917 (1994);
- (e) any person or body making a claim arising from or in connection with the payment of a bond or financial guarantee or indemnity to one or more of the abovementioned persons or bodies,

under or in connection with a contract or transaction the performance of which was affected, directly or indirectly, wholly or in part, by the measures decided on pursuant to United Nations Security Council resolution 917 (1994) and related resolutions.

2. The prohibition referred to in paragraph 1 shall apply within the Community and to any national of a Member State and any body which is incorporated or constituted under the law of a Member State.

#### Article 3

Without prejudice to the measures decided on pursuant to United Nations Security Council resolution 917 (1994) and related resolutions, Article 2 shall not apply:

- (a) to claims relating to contracts or transactions, with the exception of any bond, financial guarantee or indemnity, in respect of which the persons or bodies referred to in the said Article prove to a court in a Member State that the claim was accepted by the parties prior to the adoption of the measures decided on pursuant to United Nations Security Council resolution 917 (1994) and related resolutions, and that those measures have had no effect on the existence or content of the claim;
- (b) to claims for payment under an insurance contract in respect of an event occurring prior to the adoption of the measures referred to in Article 2 or under an insurance contract where such insurance is compulsory under the law of a Member State;
- (c) to claims for payment of sums paid into an account payment from which was blocked pursuant to the measures referred to in Article 2 provided that such payment does not concern sums paid under bonds in respect of contracts referred to in the said Article;
- (d) to claims relating to contracts of employment subject to the law of any Member State;
- (e) to claims for payment for goods which the persons or bodies referred to in Article 2 prove to a court in a Member State were exported prior to the adoption of the measures decided on pursuant to United Nations Security Council resolution 917 (1994) and related resolutions and that those measures have had no effect on the existence or content of the claim;
- (f) to claims for sums which the persons or bodies referred to in Article 2 prove to a court in a Member State are due under any loan made prior to the adoption of the measures decided on pursuant to

United Nations Security Council resolution 917 (1994) and related resolutions and that those measures have had no effect on the existence or content of the claim,

provided that the claim includes no amount, by way of interest, charge or otherwise, to compensate for the fact that performance was, as a result of those measures, not made in accordance with the terms of the relevant contract or transaction.

*Article 4*

In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited

by Article 2 shall be on the person seeking the enforcement of that claim.

*Article 5*

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed.

*Article 6*

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, 30 May 1994.

*For the Council*

*The President*

G. MORAITIS

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## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL RECOMMENDATION

of 30 May 1994

concerning a discontinuation of certain economic and financial relations with Haiti

(94/313/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 73g thereof,

Having regard to Council Decision 94/315/CFSP of 30 May 1994 concerning the common position defined on the basis of Article J.2 of the Treaty on European Union regarding the reduction of economic relations with Haiti <sup>(1)</sup>,

Having regard to the proposal from the Commission,

HEREBY RECOMMENDS:

1. The Member States and the Commission will inform each other and concert regarding the measures to be taken in order to implement Article 1 (2) of Decision 94/315/CFSP and exchange all relevant information concerning the implementation of this recommendation.
2. The funds and financial resources referred to in paragraph 4 of United Nations Security Council resolution 917 (1994) should be construed as meaning funds or financial resources of whatever kind or origin including, but not limited to, cash, liquid assets, payment claims, guarantees and

documentary credits, funds derived or generated from real property, investments, shares, bonds and other securities, as well as gold and other precious metals.

3. Member States are to ensure that, subject to the granting of authorization by their competent authorities, the measures which they take do not apply to:

- (a) exceptions requested by President Aristide and the Prime Minister-in-Office, Mr Malval;
- (b) payments of due interest or of similar remuneration on the funds and financial resources referred to in point 2, provided that they take place within the Community and are made to the persons or bodies entitled thereto;
- (c) the debiting of accounts in relation to the maintenance of deposits or in relation to other financial services rendered in respect of those accounts.

Done at Brussels, 30 May 1994

*For the Council*  
*The President*  
 G. MORAITIS

<sup>(1)</sup> See page 10 of this Official Journal.

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE  
MEMBER STATES, MEETING WITHIN THE COUNCIL

of 30 May 1994

introducing a discontinuation of certain economic and financial relations with Haiti

(94/314/ECSC)

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

HAVE DECIDED AS FOLLOWS:

*Article 1*

The following shall be prohibited:

Having regard to Council Decision 94/315/CFSP of 30 May 1994 concerning the common position defined on the basis of Article J.2 of the Treaty on European Union regarding the reduction of economic relations with Haiti<sup>(1)</sup>,

- (a) the introduction into the territory of the Community of all commodities and products falling under the ECSC Treaty, originating in or coming from Haiti, and having been exported from or transited through that country after the date of entry into force of this Decision;
- (b) the export to, or the transit through, Haiti of all commodities and products, originating in, coming from or in transit through the Community;
- (c) the entering or leaving of the territory or territorial sea of Haiti by any and all traffic carrying commodities or products falling under the ECSC Treaty and falling under paragraph (a) and (b);
- (d) any activity the object or effect of which is, directly or indirectly, to promote the activities falling under paragraph (a), (b) or (c).

Whereas the United Nations Security Council, in view of the persistent absence of democracy and rule of law in Haiti, in particular the refusal of the military authorities in that country to comply in full with the relevant resolutions of the Security Council and the provisions of the Governors Island Agreement, and in view of the serious violation of human rights in Haiti, and acting under chapter VII of the Charter of the United Nations, has adopted resolution 917 on 6 May 1994;

*Article 2*

Whereas resolution 917 (1994) obliges all States to discontinue certain economic relations with Haiti;

1. The prohibitions set out in Article 1 (a), (b) and (d) shall not apply to the export of commodities or products falling under the ECSC Treaty destined for essential humanitarian needs or in response to requests of President Aristide, on the condition that a prior authorization has been obtained from the competent authorities of the Member States.

Whereas the Security Council in resolution 917 (1994) calls upon all States to act strictly in accordance with the provisions of that resolution and/or the earlier relevant resolutions, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or licence or permit granted prior to the effective date of the measures in resolution 917 (1994) or earlier resolutions;

2. The competent authorities of the Member States shall issue the authorization referred to in paragraph 1 when the Committee established by Security Council resolution 841 (1993) has approved or authorized the export.

Whereas resolution 917 (1994) provides for certain exceptions to its provisions when certain conditions are fulfilled and/or certain procedures are followed,

*Article 3*

In agreement with the Commission,

1. The prohibitions set out in Article 1 (c) and (d) shall not apply to traffic performed by regularly scheduled maritime shipping lines calling in Haiti with commodities and products falling under Article 2 as well as carrying other commodities and products which are solely being carried in transit to other destinations, on the condition

<sup>(1)</sup> See page 10 of this Official Journal.

that a prior authorization has been obtained from the competent authorities of the country exercising jurisdiction over the ship concerned.

2. The competent authorities of the Member States shall issue the authorization referred to in paragraph 1 of this Article after having established the compliance by the ship with the formal monitoring arrangements established with States cooperating with the legitimate Government of Haiti as provided for in paragraph 1 of resolution 875 (1993) and paragraph 10 of resolution 917 (1994).

#### Article 4

1. Member States shall take the necessary measures to ensure the implementation of this Decision, including the imposition of sanctions where the provisions of this Decision are infringed.

2. Member States shall inform each other and the Commission of the measures taken under paragraph 1 and of all other relevant information in connection with this Decision.

3. The names and addresses of the competent authorities of the Member States referred to are contained in the Annex (1).

4. The Commission is hereby empowered to amend the Annex on the basis of notification of the Member States. Such amendments shall be published in the *Official Journal of the European Communities*.

#### Article 5

This Decision shall apply within the territory of the Community, including its air space and in any aircraft or on any vessel under the jurisdiction of a Member State, and to any person elsewhere who is a national of a Member State and any body elsewhere which is incorporated or constituted under the law of a Member State.

#### Article 6

This Decision shall apply notwithstanding any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted before the entry into force of this Decision.

#### Article 7

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

Done at Brussels, 30 May 1994

*The President*  
G. MORAITIS

(1) This Annex will be published at a later date.

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

COUNCIL DECISION

of 30 May 1994

concerning the common position defined on the basis of Article J.2 of the Treaty on European Union regarding the reduction of economic relations with Haiti

(94/315/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to resolution 917 (1994) adopted on 6 May 1994 by the United Nations Security Council,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. Economic relations with Haiti shall be reduced in accordance with the relevant mandatory provisions of resolution 917 (1994) adopted on 6 May 1994 by the United Nations Security Council.

2. Member States shall adopt without delay the laws, regulations or administrative measures necessary to freeze the funds and financial resources referred to in paragraph 4 of that resolution.

*Article 2*

This Decision shall be published in the Official Journal.

Done at Brussels, 30 May 1994

*For the Council*  
*The President*  
G. MORAITIS

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

COUNCIL DECISION

of 14 October 1994

concerning the common position defined on the basis of Article J.2 of the Treaty on European Union regarding the termination of the reduction of economic relations with Haiti

(Only the French text is authentic)

(94/681/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Resolution 944 (1994) adopted on 29 September 1994 by the United Nations Security Council,

HAS DECIDED AS FOLLOWS:

*Article 1*

The measures for reducing economic relations with Haiti will be terminated in accordance with the relevant

provisions of Resolution 944 (1994) adopted on 29 September 1994 by the United Nations Security Council.

*Article 2*

This Decision shall be published in the Official Journal.

Done at Brussels, 14 October 1994.

*For the Council*

*The President*

Th. WAIGEL

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## I

*(Acts whose publication is obligatory)*

COUNCIL REGULATION (EC) No 2543/94

of 19 October 1994

repealing Regulation (EC) No 1263/94 introducing the discontinuation of certain economic and financial relations with Haiti

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 228a thereof,

Having regard to Council Decision 94/681/CFSP of 14 October 1994 concerning the common position defined on the basis of Article J.2 of the Treaty on European Union regarding the termination of the reduction of economic relations with Haiti <sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas the United Nations Security Council, in view of developments in Haiti and acting on the basis of Chapter VII of the United Nations Charter, has decided to bring to an end at 00.01 hours (Eastern Standard Time) on the day following that of President Jean-Bertrand Aristide's return to Haiti the measures concerning Haiti contained in Resolutions 841 (1993), 873 (1993) and 917 (1994);

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

Done at Brussels, 19 October 1994.

Whereas under these conditions, Council Regulation (EC) No 1263/94 of 30 May 1994 introducing a discontinuation of certain economic and financial relations with Haiti <sup>(2)</sup> should be repealed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1263/94 is hereby repealed.

*Article 2*

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

It shall apply with effect from 16 October 1994.

*For the Council*

*The President*

Th. WAIGEL

<sup>(1)</sup> See page 3 of this Official Journal.

<sup>(2)</sup> OJ No L 139, 2. 6. 1994, p. 1.



## II

*(Acts whose publication is not obligatory)*

## COUNCIL

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL

of 19 October 1994

repealing Decision 94/314/ECSC introducing the discontinuation of certain economic and financial relations with Haiti

(94/680/ECSC)

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

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

Having regard to Council Decision 94/681/CFSP of 14 October 1994 concerning the common position defined on the basis of Article J.2 of the Treaty on European Union regarding the termination of the reduction of economic relations with Haiti (1),

*Article 1*

Decision 94/314/ECSC is hereby repealed.

*Article 2*

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

*Article 3*

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

It shall apply with effect from 16 October 1994.

Whereas the United Nations Security Council, in view of developments in Haiti and acting on the basis of Chapter VII of the United Nations Charter, has decided to bring to an end at 00.01 hours (Eastern Standard Time) on the day following that of President Jean-Bertrand Aristide's return to Haiti the measures concerning Haiti contained in Resolutions 841 (1993), 873 (1993) and 917 (1994);

Whereas under these circumstances, Decision 94/314/ECSC of the Representatives of the Governments of the Member States, meeting within the Council of 30 May 1994 introducing a discontinuation of certain economic and financial relations with Haiti (2) should be repealed;

Done at Brussels, 19 October 1994.

*The President*  
Th. WAIGEL

(1) See page 3 of this Official Journal.

(2) OJ No L 139, 2. 6. 1994, p. 8.



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

**A. Trade**

b) Agricultural products



## COUNCIL REGULATION (EC) No 234/94

of 24 January 1994

concerning a technical adaptation of Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the African, Caribbean and Pacific States (ACP States) are granted exemption from customs duties for pineapples, avocados, guavas, mangoes and mangosteens pursuant to the Fourth ACP-EEC Convention<sup>(1)</sup> and Regulation (EEC) No 715/90<sup>(2)</sup>;

Whereas, under Regulation (EEC) No 638/93<sup>(3)</sup>, with effect from 1 January 1993, the abovementioned products are included in Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(4)</sup> and avocados, guavas, mangoes and mangosteens are withdrawn from Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty<sup>(5)</sup>;

Whereas, the following the abovementioned amendment to Regulation (EEC) No 1035/72, a technical adaptation should be made to Regulation (EEC) No 715/90; whereas that adaptation should include the products in question in the table given in Article 15 listing fruit and vegetables

which may be imported free of customs duties; whereas that adaptation should take effect on the same date as the amendment to Regulation (EEC) No 1035/72,

HAS ADOPTED THIS REGULATION:

## Article 1

The following products are hereby inserted in the table given in Article 15 (1) of Regulation (EEC) No 715/90:

CN code	Description
0804 30 00	Pineapples
0804 40	Avocados
0804 50 00	Guavas, mangoes and mangosteens.

## Article 2

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

It shall apply from 1 January 1993.

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

Done at Brussels, 24 January 1994.

For the Council

The President

G. MORAITIS

<sup>(1)</sup> OJ No L 229, 17. 8. 1991, p. 2.

<sup>(2)</sup> OJ No L 84, 30. 3. 1990, p. 85. Regulation as last amended by Regulation (EEC) No 444/92 (OJ No L 52, 27. 2. 1992, p. 7).

<sup>(3)</sup> OJ No L 69, 20. 3. 1993, p. 7.

<sup>(4)</sup> OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EEC) No 746/93 (OJ No L 77, 31. 3. 1993, p. 4).

<sup>(5)</sup> OJ No L 151, 30. 6. 1968, p. 16. Regulation as last amended by Regulation (EEC) No 2430/93 (OJ No L 223, 2. 9. 1993, p. 9).

## COUNCIL REGULATION (EC) No 235/94

of 24 January 1994

amending Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 715/90<sup>(1)</sup> laid down the arrangements applicable to agricultural products and to certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or the overseas countries and territories;

Whereas by letter of 8 October 1993 Eritrea stated that, after becoming independent on 24 May 1993, it intended to continue its participation in the Fourth ACP-EEC Convention as a contracting party; whereas in its Decision No 1/93 the ACP-EEC Council of Ministers expressed its agreement thereto;

Whereas the list in Annex I to Regulation (EEC) No 715/90 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name 'Eritrea' shall be inserted in Annex I to Regulation (EEC) No 715/90.

*Article 2*

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

It shall apply from 24 May 1993.

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

Done at Brussels, 24 January 1994.

*For the Council*

*The President*

G. MORAITIS

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<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85. Regulation as last amended by Regulation (EC) No 234/94 (See page 11 of this Official Journal).

COMMISSION REGULATION (EC) No 606/94  
of 18 March 1994

on the issuing of licences for traditional imports of bananas originating in the  
ACP States for the second quarter of 1994

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas<sup>(1)</sup>, amended by Regulation (EC) No 3518/93<sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community<sup>(3)</sup>, as last amended by Regulation (EC) No 3297/93<sup>(4)</sup>, and in particular Article 16 (1) and (2) thereof,

Whereas Article 16 (2) of Regulation (EEC) No 1442/93 provides that where the quantities of bananas originating in one and the same ACP State listed in the Annex to Regulation (EEC) No 404/93 for which import licences are applied for exceed the indicative 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 490/94<sup>(5)</sup> fixes indicative quantities for imports of bananas into the Community for the second quarter of 1994 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 second quarter

of 1994 are higher than the quantities fixed by Regulation (EC) No 490/94; whereas, as a result, a single reduction percentage should be fixed for each application indicating this country or 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 second quarter of 1994, 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 0,870298 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 March 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 320, 22. 12. 1993, p. 15.

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

<sup>(4)</sup> OJ No L 296, 1. 12. 1993, p. 46.

<sup>(5)</sup> OJ No L 62, 5. 3. 1994, p. 10.

## COMMISSION REGULATION (EC) No 1280/94

of 2 June 1994

on the arrangement applicable to agricultural products subject to reference quantities and statistical surveillance 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 notably in the African, Caribbean and Pacific States<sup>(1)</sup>, as extended by Regulation (EEC) No 444/92<sup>(2)</sup>, and in particular Articles 16 and 27 thereof,

Whereas Article 16 of Regulation (EEC) No 715/90 stipulates for certain agricultural products, covered by that Regulation and originating in those countries, the progressive reduction of customs duties as well as control subject to reference quantities and a community surveillance in a set timetable;

Whereas this reduction of the customs duties is made progressively over the same periods and in accordance with the same timetable as those laid down in the Act of Accession of Spain and Portugal for the same products imported from these countries into the Community as constituted on 31 December 1985;

Whereas Commission Regulation (EEC) No 3593/91 of 11 December 1991 abolishing in two stages certain customs duties applicable in trade between the Community of Ten and Spain and Portugal as a result of the Mediterranean agreements<sup>(3)</sup> has foreseen that the residual customs duties applicable in 1991 to products from Spain and Portugal for which the dismantling of tariffs continued after 1 January 1993, were eliminated in two equal instalments on 1 January 1992 and 1 January 1993; whereas the same concession should be granted for the same products originating in ACP States, while keeping in force the controls in the framework of reference quantities and statistical surveillance foreseen by the abovementioned Regulation (EEC) No 715/90;

Whereas, in execution of its international obligations, the Community should open reference quantities and establish a system of statistical surveillance as regards the products shown in the Annex;

Whereas, in order to enable the competent authorities within the Commission to establish an annual trade balance sheet for each of the products and, if necessary, to put into application the arrangement provided for in Article 16 (3) of the abovementioned Regulation (EEC) No 715/90, these products are subject to a statistical surveillance in accordance with Council Regulations (EEC) No 2658/87<sup>(4)</sup>, as last amended by Commission Regulation (EC) No 882/94<sup>(5)</sup>, and (EEC) No 1736/75<sup>(6)</sup>, as last amended by Regulation (EEC) No 1629/88<sup>(7)</sup>;

Whereas to ensure the effectiveness of the surveillance system the Member States must charge against the reference quantities as and when the products are entered with the customs authorities for free circulation; whereas, therefore, it is appropriate for the periods indicated in the Annex to establish reference quantities for those products listed in the Annex, and this during the period of validity of Regulation (EEC) No 715/90;

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 into the Community of certain products originating in the African, Caribbean and Pacific States shall be duty-free within the framework of reference quantities and statistical surveillance.

The products referred to in the first subparagraph, their CN codes, the periods of validity and the levels of the reference quantities are set out in the Annex.

2. Quantities shall be charged against the reference quantities as and when products are entered with customs authorities for free circulation and accompanied by a movement certificate. If the movement certificate is submitted *a posteriori*, the goods shall be charged against the corresponding reference quantity at the moment when the goods are entered for free circulation.

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

(2) OJ No L 52, 27. 2. 1992, p. 7.

(3) OJ No L 341, 12. 12. 1991, p. 13.

(4) OJ No L 256, 7. 9. 1987, p. 1.

(5) OJ No L 103, 22. 4. 1994, p. 5.

(6) OJ No L 183, 14. 7. 1975, p. 3.

(7) OJ No L 147, 14. 6. 1988, p. 1.



The extent to which the reference quantities are used up shall be determined at Community level on the basis of the imports charged against them in the manner defined in the first subparagraph, as communicated to the Statistical Office of the European Communities in application of Regulations (EEC) No 2658/87 and (EEC) No 1736/75.

#### Article 2

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

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

Done at Brussels, 2 June 1994.

For the Commission  
Christiane SCRIVENER  
Member of the Commission

#### Article 3

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

It shall apply with effect from 1 January 1994.

### ANNEX

Order No	CN code	Taric code (1)	Description	Period	Reference quantities (tonnes)
12.0030	ex 0704 90 90	0704 90 90*92	Cabbages, fresh or chilled	1. 11 to 31. 12. 1994	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. 1994	1 000
12.0060	ex 0709 10 00	0709 10 00*30	Globe artichokes fresh or chilled	1. 10 to 31. 12. 1994	1 000
12.0080	ex 0809 10 00	0809 10 00*60 0809 10 00*80	Apricots, fresh	1. 9. 1994 to 30. 4. 1995	2 000
12.0090 (1)	ex 0809 20 60 ex 0809 20 80	0809 20 60*30 0809 20 80*31 0809 20 80*39	Cherries, fresh	1. 11. 1994 to 31. 3. 1995	2 000
12.0100 (1)	ex 0809 30 10 ex 0809 30 90	0809 30 10*10 0809 30 90*10	Peaches (including nectarines), fresh	1. 12. 1994 to 31. 3. 1995	2 000
12.0110	ex 0809 40 19	0809 40 19*25	Plums, fresh	15. 12. 1994 to 31. 3. 1995	2 000

(1) The Taric codes shown below are those applicable during the period shown as regards each order number.

Corrigendum to Commission Regulation (EC) No 1280/94 of 2 June 1994 on the arrangement applicable to agricultural products subject to reference quantities and statistical surveillance originating in the African, Caribbean and Pacific States (ACP)

(Official Journal of the European Communities No L 140 of 3 June 1994)

On page 11, the Annex should read as follows:

**'ANNEX**

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 annually	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 annually	1 000
12.0060	ex 0709 10 00	0709 10 00*30	Globe artichokes fresh or chilled	1.10 to 31.12 annually	1 000
12.0080	ex 0809 10 00	0809 10 00*60 0809 10 00*80	Apricots, fresh	1. 9 to 30.4 annually	2 000
12.0090 (*)	ex 0809 20 60 ex 0809 20 80	0809 20 60*30 0809 20 80*31 0809 20 80*39	Cherries, fresh	1.11 to 31.3 annually	2 000
12.0100 (*)	ex 0809 30 10 ex 0809 30 90	0809 30 10*10 0809 30 90*10	Peaches (including nectarines), fresh	1.12 to 31.3 annually	2 000
12.0110	ex 0809 40 19	0809 40 19*25	Plums, fresh	15.12 to 31.3 annually	2 000

(\*) The Taric codes shown below are those applicable during the period shown as regards each order number\*.

COMMISSION REGULATION (EC) No 1477/94  
of 27 June 1994

on the issuing of licences for traditional imports of bananas originating in the  
ACP States for the third quarter of 1994

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

Having regard to Council Regulation (EEC) No 404/93 of  
13 February 1993 on the common organization of the  
market in bananas <sup>(1)</sup>, as amended by Commission Regu-  
lation (EC) No 3518/93 <sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No  
1442/93 of 10 June 1993 laying down detailed rules for  
the application of the arrangements for importing  
bananas into the Community <sup>(3)</sup>, as last amended by  
Regulation (EC) No 1299/94 <sup>(4)</sup>, and in particular Article  
16 (1) thereof,

Whereas Commission Regulation (EC) No 1257/94 <sup>(5)</sup>  
fixes indicative quantities for imports of bananas into the  
Community for the third quarter of 1994 for imports  
originating in the ACP States under the traditional quanti-  
ties imported;

Whereas, the quantities requested for traditional imports  
of ACP bananas during the third quarter of 1994 do not

exceed the quantities fixed by Regulation (EC) No  
1257/94; whereas, as a result, a single reduction perce-  
ntage should not be fixed;

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 third quarter of 1994, as regards licence applica-  
tions for traditional imports of bananas originating in the  
ACP States, import licences shall be issued in respect of  
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, 27 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 47, 25. 2. 1993, p. 1.  
<sup>(2)</sup> OJ No L 320, 22. 12. 1993, p. 15.  
<sup>(3)</sup> OJ No L 142, 12. 6. 1993, p. 6.  
<sup>(4)</sup> OJ No L 141, 4. 6. 1994, p. 38.  
<sup>(5)</sup> OJ No L 137, 1. 6. 1994, p. 52.

## ANNEX

		<i>(ECU/100 kg)</i>
CN code	Description	Reference prices
1005	Maize :	
1005 10	- Seed :	
	- - Hybrid (*) :	
1005 10 11	- - - Double hybrids and top cross hybrids	95
1005 10 13	- - - Three-cross hybrids	104
1005 10 15	- - - Simple hybrids	191
1007 00	Grain sorghum :	
1007 00 10	- Hybrids for sowing	94

(\*) Entry under this CN code is subject to conditions to be determined by the competent authorities.

## COMMISSION REGULATION (EC) No 2270/94

of 20 September 1994

on the issuing of licences for traditional imports of bananas originating in the ACP States for the fourth quarter of 1994

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas<sup>(1)</sup>, amended by Regulation (EC) No 3518/93<sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community<sup>(3)</sup>, as last amended by Regulation (EC) No 1299/94<sup>(4)</sup>, and in particular Article 16 (1) and (2) thereof,

Whereas Article 16 (2) of Regulation (EEC) No 1442/93 provides that where the quantities of bananas originating in one and the same ACP State listed in the Annex to Regulation (EEC) No 404/93 for which import licences are applied for exceed the indicative 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 2161/94<sup>(5)</sup> fixes quantities for imports of bananas into the Community for the fourth quarter of 1994 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 second quarter

of 1994 are higher than the quantities fixed by Regulation (EC) No 2161/94; whereas, as a result, a single reduction percentage should be fixed for each application indicating this country or 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 1994, 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 0,598944 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, 20 September 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

(<sup>1</sup>) OJ No L 47, 25. 2. 1993, p. 1.  
 (<sup>2</sup>) OJ No L 320, 22. 12. 1993, p. 15.  
 (<sup>3</sup>) OJ No L 142, 12. 6. 1993, p. 6.  
 (<sup>4</sup>) OJ No L 141, 4. 6. 1994, p. 38.  
 (<sup>5</sup>) OJ No L 230, 3. 9. 1994, p. 1.

## COUNCIL REGULATION (EC) No 2484/94

of 10 October 1994

amending Regulation (EEC) No 715/90 by the inclusion of seedless table grapes falling within CN code ex 0806 10 15

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (\*) accords the products in question total or partial exemption from import duties;

Whereas, pursuant to Article 168 (2) (b) of the fourth ACP-EEC Convention, the ACP States have requested that seedless table grapes, which were not the subject of specific arrangements when the Convention entered into force, should enjoy the benefits of such arrangements;

Whereas, on account of the economic importance of seedless table grapes for certain ACP States, this product should be accorded a full reduction of customs duties, subject to quantitative limits, over the period 1 December to the end of March,

HAS ADOPTED THIS REGULATION:

*Article 1*

The product mentioned hereafter shall be inserted in Article 16 of Regulation (EEC) No 715/90:

CN code	Description	Reduction	Quota (TQ) Reference quantity (RQ) (t)
'0806	Grapes, fresh or dried:		
0806 10	- fresh:		
	- - Table grapes:		
	- - - From 1 November to 14 July:		
ex 0806 10 15	- - - - other:		
	- Seedless table grapes:		
	- From 1 December to 31 January	100	TQ 400
	- From 1 February to 31 March	100	RQ 100 <sup>1</sup>

*Article 2*

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

(\*) No L 84, 30. 3. 1990, p. 85. Regulation as last amended by Regulation (EC) No 235/94 (OJ No L 30, 3. 2. 1994, p. 12).

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

Done at Luxembourg, 10 October 1994.

*For the Council*  
*The President*  
Th. WAIGEL

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 2686/94**

of 31 October 1994

**establishing a special system of assistance to traditional ACP suppliers of bananas**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Acting in accordance with the procedure laid down in Article 189c of the Treaty <sup>(3)</sup>,

Whereas Protocol 5 on bananas to the fourth ACP-EEC Convention provides that, in respect of its banana exports to the Community markets, no ACP State shall be placed, as regards access to its traditional markets and its advantages on those markets, in a less favourable situation than in the past or at present;

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

Whereas the common organization of the market in bananas established by Regulation (EEC) No 404/93 <sup>(4)</sup> sets the framework for continuing, on the Community market, the advantages enjoyed by traditional ACP suppliers, in accordance with the Community's commitment set out above;

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

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

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

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

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

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

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

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

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

Whereas income support is granted each year for the preceding year and therefore this Regulation should apply as from 1 July 1993, the date Regulation (EEC) No 404/93 takes effect,

<sup>(1)</sup> OJ No C 344, 29. 12. 1992, p. 9.

<sup>(2)</sup> OJ No C 108, 19. 4. 1993, p. 39.

<sup>(3)</sup> Opinion of the European Parliament of 12 March 1993 (OJ No C 115, 26. 4. 1993, p. 266), Council common position of 11 July 1994 (OJ No C 232, 20. 8. 1994) and Decision of the European Parliament of 28 September 1994 (OJ No C 305, 31. 10. 1994).

<sup>(4)</sup> OJ No L 47, 25. 2. 1993, p. 1. Regulation as amended by Commission Regulation (EC) No 3518/93 (OJ No L 320, 22. 12. 1993, p. 15).



HAS ADOPTED THIS REGULATION :

*Article 1*

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

*Article 2*

For the purposes of this Regulation :

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

TITLE I

Technical and financial assistance

*Article 3*

1. Technical and financial assistance shall be provided to traditional ACP suppliers with a view to helping them adapt to the new market conditions following the establishment of a common organization of the market in bananas.
2. This technical and financial assistance shall be provided to contribute to the carrying-out of programmes in the banana sector to achieve one or more of the following objectives :
  - to improve quality,
  - to adapt production, distribution or marketing methods to meet the quality standards provided for in Article 2 of Regulation (EEC) No 404/93,
  - to establish producers' organizations which have as an objective the improvement of the marketing and competitiveness of their products,
  - to develop a production and/or marketing strategy to meet the requirements of the market in the Community in the light of the common organization of the market in bananas,
  - to assist with training, market intelligence, the development of environmentally sound production methods, improving the distribution infrastructure, improving trade and financial services to banana producers and/or improving competitiveness.
3. Assistance may be given to programmes having similar objectives which are currently financed under the fourth ACP-EEC Convention or by the public authorities of the Member States parties to that Convention where such assistance would result in more rapid completion of the programme.

*Article 4*

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

TITLE II

Income support

*Article 5*

1. Within the limits indicated in Article 15 (1) of Regulation (EEC) No 404/93, traditional ACP suppliers shall be eligible for income support.
2. Income support shall be paid where the reduction in income derived from exportation to the Community of bananas complying with the common standards is directly related to conditions prevailing on the market subsequent to the establishment of the common organization of the market in bananas.

*Article 6*

1. Income support shall be individually calculated for each traditional ACP supplier on the basis of the quantities exported to the Community during the year of application and the difference between the reference price and the actual price.
2. The reference price shall be the average price per tonne of bananas produced in the ACP State concerned and exported to the Community during the six calendar years preceding the entry into force of this Regulation, less the two years with the highest and the lowest figures.  
  
The actual price shall be the average price per tonne of bananas produced in the ACP State concerned and exported to the Community during the envisaged year of application.
3. The statistics needed for the calculation of income support shall be those drawn up and published on Community imports by the Statistical Office of the European Communities.
4. Before 1 July of each year, the Commission shall determine the income support for the previous year after consultation with the ACP State concerned.

5. Exceptionally, and in particular during the first year of application of this Regulation, advances may be paid where there is a significant reduction in production income compared to that of the previous year or for any given year.

The need for and the level of such advances shall be determined by the Commission after consultation with the ACP State concerned.

## TITLE III

## General provisions

*Article 7*

1. Financial commitments made under Title I shall be in addition to any funds available for ACP States pursuant to the provisions of the fourth ACP-EEC Convention.
2. Financial commitments made under Title II shall be complementary to funds available under the system guaranteeing the stabilization of export earnings provided for in Articles 186 *et seq.* of the fourth ACP-EEC Convention. Title II therefore only entitles to payments of income support as far as transfers, made for identical quantities in accordance with Articles 186 *et seq.* of the fourth ACP-EEC Convention, do not entirely offset the effects of price decreases on the income of traditional ACP suppliers.
3. Payments of income support shall be used, in accordance with a framework of mutual obligations to be agreed between the traditional ACP supplier concerned and the Commission in each case, for the benefit of producers adversely affected by the loss of income and be used to enhance the economic viability of production.
4. (a) Where application of Title II gives rise to a transfer basis, the ACP State concerned shall, in the month following receipt of the notification referred to in Article 6 (4), send the Commission a substantial analysis of the sector recording the loss of earnings, the causes of the loss, the policies pursued by the authorities and the projects, programmes or operations to which the resources are to be allocated in accordance with the objectives set out in paragraph 3 hereof.
- (b) Projects, programmes or operations to which the recipient ACP States undertake to allocate the transferred resources shall be examined jointly by the Commission and the ACP State concerned.
- (c) Resources shall be used to support immediate operations to sustain the economic viability of production, or adjustment operations designed to restructure production and export activities, within the framework of any consistent reform policy in the banana sector.

*Article 8*

1. The granting of assistance as defined in Article 1 shall be subject to the designation by the ACP State

concerned of a representative organization entitled to act and to receive payments on its behalf within the framework of this Regulation.

2. The representative organizations shall present the following characteristics :
  - (a) be composed entirely or mainly of producers of bananas in one or more traditional ACP suppliers ;
  - (b) pursue at least two of the following objectives :
    - improvement of the quality of the produce,
    - improvement of the quality of the distribution and marketing network,
    - improvement of the returns to producers,
    - improvement of the role of producers in the organization of the banana market.
3. The representative organization designated in accordance with paragraph 2 must be notified to the Commission.

*Article 9*

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

*Article 10*

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

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

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

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

*Article 11*

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

It shall apply with effect from 1 July 1993. It shall expire on 28 February 1996.

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

Done at Luxembourg, 31 October 1994.

*For the Council*  
*The President*  
K. KINKEL

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*ANNEX*

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

**Traditional ACP suppliers of bananas**

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

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## COMMISSION REGULATION (EC) No 2763/94

of 14 November 1994

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 originating in the ACP States or to overseas countries and territories (OCT) <sup>(1)</sup>, extended by Regulation (EEC) No 444/92 <sup>(2)</sup>, and in particular Article 27 thereof,

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

- 2 000 tonnes of tomatoes, other than cherry tomatoes falling within CN code ex 0702 00 10, for the period 15 November to 30 April,
- 2 000 tonnes of cherry tomatoes, falling within CN code ex 0702 00 10, for the period 15 November to 30 April,
- 200 tonnes of fresh figs falling within CN code ex 0804 20 10, for the period 1 November to 30 April,

— 1 500 tonnes of fresh strawberries falling within CN code ex 0810 10 90, for the period 1 November to 28 February;

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, and this during the period of validity of Regulation (EEC) No 715/90 ;

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 indicated and within the limits of the Community tariff quotas as shown below :

Order No	CN code <sup>(1)</sup>	Description	Amount of quota (tonnes)	Quota duty (%)
09.1601	ex 0702 00 10	Tomatoes, fresh or chilled, from 15 November of one year until 30 April of the following year	2 000	4,4 min. 0,8 ECU/100 kg/net
09.1613	ex 0702 00 10	Cherry tomatoes, fresh or chilled from 15 November of one year until 30 April of the following year	2 000	0
09.1608	ex 0804 20 10	Fresh figs, from 1 November of one year until 30 April of the following year	200	0
09.1603	ex 0810 10 90	Fresh strawberries, from 1 November of one year until 28 February of the following year	1 500	0

<sup>(1)</sup> Taric codes appear in the Annex.

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

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

*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 State 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 to the corresponding quota as soon as possible.

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

Done at Brussels, 14 November 1994.

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.

*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 November 1994 and during the entire period of validity of Regulation (EEC) No 715/90.

*For the Commission*  
Christiane SCRIVENER  
*Member of the Commission*

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## ANNEX

## Taric codes (\*)

Order No	CN code	Taric code
09.1601	ex 0702 00 10	0702 00 10'29 0702 00 10'39 0702 00 10'49 0702 00 10'58 0702 00 10'79 0702 00 10'84
09.1613	ex 0702 00 10	0702 00 10'21 0702 00 10'31 0702 00 10'41 0702 00 10'55 0702 00 10'71 0702 00 10'81
09.1608	ex 0804 20 10	0804 20 10'10 0804 20 10'40
09.1603	ex 0810 10 90	0810 10 90'32 0810 10 90'33 0810 10 90'36 0810 10 90'39

(\*) The Taric codes shown are those applicable on the date of entry into force of the present Regulation.

## COMMISSION REGULATION (EC) No 3144/94

of 21 December 1994

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 originating in the ACP States or in the overseas countries and territories (OCT) <sup>(1)</sup>, as amended by Regulation (EC) No 2484/94 <sup>(2)</sup>, extended by Regulation (EEC) No 444/92 <sup>(3)</sup>, and in particular Article 27 thereof,

Whereas Articles 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, and
- 400 tonnes of seedless table grapes falling within CN code ex 0806 10 15 for the period 1 December to 31 January

originating in the countries in question;

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 indicated and within the limits of the Community tariff quotas as shown below:

Order No	CN code <sup>(1)</sup>	Taric subdivision	Description	Volume	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
	0808 10 51				4 MIN 1,1 ECU/100 kg/net
	0808 10 53				4 MIN 1,1 ECU/100 kg/net
	0808 10 59				4 MIN 1,1 ECU/100 kg/net
	0808 10 61				3 MIN 0,7 ECU/100 kg/net
	0808 10 63				3 MIN 0,7 ECU/100 kg/net
	0808 10 69				3 MIN 0,7 ECU/100 kg/net
	0808 10 71	'10			2,7
		'20			2,9+0,5 ECU/100 kg/net
		'30			2,9+1 ECU/100 kg/net
	'40	2,9+1,5 ECU/100 kg/net			
	'50	2,9+2 ECU/100 kg/net			
	'60	2,9+14,3 ECU/100 kg/net			

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

<sup>(2)</sup> OJ No L 265, 15. 10. 1994, p. 3.

<sup>(3)</sup> OJ No L 52, 27. 2. 1992, p. 7.

Order No	CN code (*)	Taric subdivision	Description	Volume	Rate of duty (%)	
09.1610 (cont'd)	0808 10 73	*10			2,7	
		*20			2,9+0,5 ECU/100 kg/net	
		*30			2,9+1 ECU/100 kg/net	
		*40			2,9+1,5 ECU/100 kg/net	
		*50			2,9+2 ECU/100 kg/net	
		*60			2,9+14,3 ECU/100 kg/net	
	0808 10 79	*10			2,7	
		*20			2,9+0,5 ECU/100 kg/net	
		*30			2,9+1 ECU/100 kg/net	
		*40			2,9+1,5 ECU/100 kg/net	
		*50			2,9+2 ECU/100 kg/net	
		*60			2,9+14,3 ECU/100 kg/net	
	0808 10 92	*10			6,6	
		*20			6,7+0,5 ECU/100 kg/net	
		*30			6,7+1 ECU/100 kg/net	
		*40			6,7+1,5 ECU/100 kg/net	
		*50			6,7+2 ECU/100 kg/net	
		*60			6,7+14,3 ECU/100 kg/net	
	0808 10 94	*10			6,6	
		*20			6,7+0,5 ECU/100 kg/net	
		*30			6,7+1 ECU/100 kg/net	
		*40			6,7+1,5 ECU/100 kg/net	
		*50			6,7+2 ECU/100 kg/net	
		*60			6,7+14,3 ECU/100 kg/net	
0808 10 98	*10	6,6				
	*20	6,7+0,5 ECU/100 kg/net				
	*30	6,7+1 ECU/100 kg/net				
	*40	6,7+1,5 ECU/100 kg/net				
	*50	6,7+2 ECU/100 kg/net				
	*60	6,7+14,3 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
	0808 20 47	*59				
		*11				2,3
		*19				
		*21				2,4+0,5 ECU/100 kg/net
		*29				
		*31				2,4+1 ECU/100 kg/net
		*39				
		*41				2,4+1,5 ECU/100 kg/net
*49						
*51				2,4+2 ECU/100 kg/net		
*59						
*61				2,4+14,3 ECU/100 kg/net		
*69						



Order No	CN code (*)	Taric subdivision	Description	Volume	Rate of duty (%)	
09.1612 (cont'd)	0808 20 51	'11			4,6	
		'19				
		'21			4,8 + 0,5 ECU/100 kg/net	
		'29				
		'31			4,8 + 1 ECU/100 kg/net	
		'39				
		'41			4,8 + 1,5 ECU/100 kg/net	
		'49				
		'51			4,8 + 2 ECU/100 kg/net	
		'59				
	0808 20 57	'11				6,3
		'19				
		'21			6,3 + 0,4 ECU/100 kg/net	
		'29				
		'31			6,3 + 0,8 ECU/100 kg/net	
		'39				
		'41			6,3 + 1,3 ECU/100 kg/net	
		'49				
		'51			6,3 + 1,7 ECU/100 kg/net	
		'59				
	0808 20 67	'11				6,3
		'19				
		'21			6,3 + 0,5 ECU/100 kg/net	
		'29				
		'31			6,3 + 1,1 ECU/100 kg/net	
		'39				
		'41			6,3 + 1,7 ECU/100 kg/net	
		'49				
		'51			6,3 + 2,2 ECU/100 kg/net	
		'59				
09.1615	ex 0806 10 15 ex 0806 10 29 (*)		--- other :	400	0	
			- Seedless table grapes : - From 1 December to 31 January 1995			

(\*) See Taric codes in the Annex.

(\*) CN code from 1 January 1995.

### 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.

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

### Article 3

Where an importer preserves an entry for release for free circulation in a Member State 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

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 to 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, 21 December 1994.

*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 January 1995 for quotas under the order Nos 09.1610 and 09.1612 and from 1 December 1994 for quota No 09.1615.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

ANNEX

Order No	CN code	Taric code
09.1615	ex 0806 10 15 ex 0806 10 29	0806 10 15*33 0806 10 29*11

## COMMISSION REGULATION (EC) No 3147/94

of 21 December 1994

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

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 ACP States or in the overseas countries and territories (OCT) <sup>(1)</sup>, extended by Regulation (EEC) No 444/92 <sup>(2)</sup>, and in particular Article 27 thereof,

under CN code ex 0702 00 10 ; whereas, following the result of the GATT negotiations, in as much as the CN and Taric as well as the rate foreseen for the modifications in question will be applicable from 1 January 1995 ; it is appropriate to modify this Regulation in a manner that will allow these products to benefit from the system granted previously by the said Regulation,

HAS ADOPTED THIS REGULATION :

## Article 1

Whereas under Regulation (EC) No 2763/94 <sup>(3)</sup> the Commission opened Community tariff quotas for certain agricultural products for 1995 at reduced rate, among others, for tomatoes in a fresh or refrigerated state, falling

The table and Annex shown in Regulation (EC) No 2763/94 are to be replaced by following table :

Order No	CN code	Taric Subdivision	Description	Volume	Rate of duty (%)
09.1601	0702 00 15	'19	Tomatoes, other than cherry tomatoes, fresh or refrigerated from 15 November 1994 to 30 April 1995	2 000	4,2
		'29			4,2+0,7 ECU/100 kg/net
		'39			4,2+1,4 ECU/100 kg/net
		'49			4,2+2,1 ECU/100 kg/net
		'59			4,2+2,9 ECU/100 kg/net
		'69			4,2+14,4 ECU/100 kg/net
	0702 00 20	'13			4,2
		'63			
		'17			4,2+0,9 ECU/100 kg/net
		'67			
		'23			4,2+1,9 ECU/100 kg/net
		'73			
		'27			4,2+2,8 ECU/100 kg/net
		'77			
		'33			4,2+3,8 ECU/100 kg/net
		'83			
'37	4,2+14,4 ECU/100 kg/net				
'87					

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

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

<sup>(3)</sup> OJ No L 294, 15. 11. 1994, p. 6.

Order No	CN code	Taric Subdivision	Description	Volume	Rate of duty (%)
09.1601 (cont'd)	0702 00 45	'12			4,2
		'32			
		'52			
		'14			4,2 + 0,5 ECU/100 kg/net
		'34			
		'54			
		'17			4,2 + 1,1 ECU/100 kg/net
		'37			
		'57			
		'22			4,2 + 1,6 ECU/100 kg/net
		'42			
		'62			
		'24			4,2 + 2,2 ECU/100 kg/net
		'44			
	'64				
	'27			4,2 + 2,2 ECU/100 kg/net	
	'47				
	'67				
		0702 00 15	'19		
	'29				4,2 + 0,6 ECU/100 kg/net
	'39				4,2 + 1,2 ECU/100 kg/net
	'49				4,2 + 1,7 ECU/100 kg/net
	'59				4,2 + 2,3 ECU/100 kg/net
		'69			4,2 + 14,4 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, 21 December 1994.

*For the Commission*  
Christiane SCRIVENER  
*Member of the Commission*

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

#### **A. Trade**

##### **c) Cereals**



## COMMISSION REGULATION (EC) No 2458/94

of 10 October 1994

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 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<sup>(1)</sup>, as last amended by Regulation (EC) No 1866/94<sup>(2)</sup>, and in particular Article 5 thereof,

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

Whereas, with a view to supplying the markets of the ACP countries, favoured partners of the Community, significant quantities of common wheat are required; whereas these markets are usually supplied on the basis of annual contracts to ensure stable prices for the ACP countries over a long 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 in the 1994/95 marketing year 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 avoid encroaching on the economic effects of the following marketing year, the common wheat successfully tendered for must be sent to the countries of destination by 31 August 1995 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 the 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<sup>(5)</sup>, as last amended by Regulation (EC) No 3519/93<sup>(6)</sup>, provision should be made for the release for consumption in the ACP State(s) laid down in the Regulation;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Two standing invitations to tender are hereby issued for the 1994/95 marketing year for the export of:

- 500 000 tonnes of common wheat of breadmaking quality, held by the French intervention agency,
- 150 000 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 500 000 tonnes of French and 150 000 tonnes of German common wheat of breadmaking quality are stored are listed in Annex II.

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.

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

<sup>(2)</sup> OJ No L 197, 30. 7. 1994, p. 1.

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

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

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

<sup>(6)</sup> OJ No L 320, 22. 12. 1993, p. 16.

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 13 October 1994.
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 27 October 1994.

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. 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 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 30 June 1995.
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 10 % 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 Commission Regulation (EEC) No 3719/88 <sup>(1)</sup> notwithstanding, the rights deriving from the licence referred to in this Article shall not be transferable.

#### Article 6

1. The successful tenderer shall notify the storer and the intervention agency in writing of his intention to remove the merchandise at least 10 days in advance.
2. Before the lot awarded is removed, the intervention agency and the successful tenderer shall take a reference sample in accordance with the method laid down in Commission Regulation (EEC) No 689/92 <sup>(2)</sup> and shall analyse that sample.
  - (a) Where the final results of the analysis of the sample indicate a difference between the quality of the bread-making wheat to be removed and the quality as described in the notice of invitation to tender, which nevertheless remains 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,
    - 10 points for the Hagberg falling index,

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

<sup>(2)</sup> OJ No L 74, 20. 3. 1992, p. 18.



- one percentage point for the protein content,
- half a percentage point for the impurities referred to in points B.2 and B.4 of the Annex to Regulation (EEC) No 689/92,
- 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 following provisions shall apply :

- (i) the intervention agency shall, that same day, inform the Commission thereof in accordance with Annex III, as well as the storer and the successful tenderer ;
- (ii) the successful tenderer may :
  - either agree to take over the lot with its characteristics as established,
  - or refuse to take over the lot in question. In that case the successful tenderer shall, that same day, inform the intervention agency and the Commission thereof in accordance with Annex IV.

Once these formalities have been completed, he shall be immediately released from all his obligations relating to the lot in question.

The lot in question shall then be put up for sale again under a future invitation to tender at the quality established.
- (b) Where the final results of the analysis of the sample indicate that the quality is below the limits laid down in (a) :
  - the intervention agency shall, that same day, inform the Commission thereof in accordance with Annex IV, as well as the storer and the successful tenderer,
  - the successful tenderer shall give official notice, that same day, to the intervention agency of the impossibility of taking over the lot in question and shall inform the Commission thereof, that same day, in accordance with Annex IV. Once these formalities have been completed, he shall be immediately released from all his obligations relating to the lot in question.

3. Where the successful tenderer refuses the merchandise, as provided for in paragraph 2 above, the intervention agency shall supply him with another lot of intervention common wheat of the requisite quality, without extra charge, within eight days at the most.

4. If removal of the wheat is delayed by more than five days with relation to the date of acceptance of the lot to be removed by the successful tenderer for reasons imputable to the intervention agency, the Member State shall be responsible for the payment of compensation.

5. All risks shall be borne by the successful tenderer from the time of removal.

#### Article 7

The successful tenderer shall pay for the common wheat before removing it at the price indicated in the tender. The payment due for each of the lots to be removed shall be indivisible.

#### Article 8

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

2. The obligation to export and import into one of the countries of destination listed in Annex I shall be covered by a security amounting to ECU 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 (\*) notwithstanding :

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

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 time limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to 0,015 ECU/10 tonne 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° 2458/94,

- Bageegnet blød hvede fra intervention uden restitutionsydelse bestemt for (navnet på det eller de pågældende AVS-lande), forordning (EF) nr. 2458/94,

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

(†) OJ No L 351, 14. 12. 1987, p. 1.

- Interventions-Brotweichweizen ohne Ausfuhrerstattung, Bestimmung (Name des AKP-Staates oder der AKP-Staaten) — Verordnung (EG) Nr. 2458/94,
- μαλακός αρτοποιήσιμος σίτος παρέμβασης, που δεν παρέχει δικαίωμα επιστροφής, προοριζόμενος για (όνομα της χώρας ΑΚΕ ή των χωρών ΑΚΕ), κανονισμός (ΕΚ) αριθ. 2458/94,
- Intervention common wheat of breadmaking quality not eligible for refund, bound for (name of the ACP State or States), Regulation (EC) No 2458/94,
- 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° 2458/94,
- Frumento tenero d'intervento panificabile non dante diritto a restituzione, destinato al (nome del paese o dei paesi ACP), regolamento (CE) n. 2458/94,
- Zachte broodtarwe uit interventie, zonder recht op restitutie, bestemd voor (naam van de ACS-Staat of de ACS-Staten), Verordening (EG) nr. 2458/94,
- Trigo brando panificável de intervenção que não dá direito a uma restituição, destinado a (nome do Estado ou dos Estados ACP), Regulamento (CE) n° 2458/94.

*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*.

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

Done at Brussels, 10 October 1994.

*For the Commission*  
René STEICHEN  
*Member of the Commission*

## ANNEX I

## Groups of ACP States signatories to the Lomé Convention

Group I	Group II	Group III	Group IV
Mauritania Mali Niger Senegal Burkina Faso Gambia Guinea-Bissau Guinea Cape Verde Sierra Leone Liberia Ivory Coast 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

<i>(tonnes)</i>	
Region of storage	Quantities
FRANCE :	
Orléans	400 000
Paris	40 000
Poitiers	60 000
GERMANY :	
Schleswig-Holstein/Niedersachsen/ Mecklenburg-Vorpommern/Sachsen/ Sachsen-Anhalt/Thüringen	149 934

## ANNEX III

Standing invitation to tender for the export of 500 000 tonnes of common wheat of breadmaking quality held by the French intervention agency and 150 000 tonnes of common wheat of breadmaking quality held by the German intervention agency

(Regulation (EC) No 2458/94)

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

(\*) 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 : 295 25 15  
296 10 97  
296 20 05.

## ANNEX V

Communication of refusal of lots under the standing invitation to tender for the export of 650 000 tonnes of bread-making wheat held by the French and German intervention agency

(Article 6 (2) of Regulation (EC) No 2458/94)

- Name of successful tenderer :
- Date of award of contract :
- Date of refusal of lot by successful tenderer :

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			<ul style="list-style-type: none"> <li>— Specific weight (kg/hl)</li> <li>— % sprouted grains</li> <li>— % miscellaneous impurities (Schwarzbesatz)</li> <li>— % of matter which is not wheat of unimpaired quality</li> <li>— Other</li> </ul>

## COMMISSION REGULATION (EC) No 2598/94

of 26 October 1994

amending Regulation (EC) No 2458/94 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 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<sup>(1)</sup>, as last amended by Regulation (EC) No 1866/94<sup>(2)</sup>, and in particular Article 5 thereof,

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

Whereas Commission Regulation (EC) No 2458/94<sup>(5)</sup> opened a standing invitation to tender for the export of 500 000 tonnes of common wheat of breadmaking quality held by the French intervention agency; whereas, as a result of the use of quantities made available under the invitation to tender dated 13 October 1994 and taking account of the needs of the ACP countries of destination,

it is advisable, for the purposes of appropriate administration, to close that invitation to tender;

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*

The standing invitation to tender opened by Regulation (EEC) No 2458/94 is hereby closed in respect of cereals held by the French intervention agency.

*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, 26 October 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 197, 30. 7. 1994, p. 1.

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

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

<sup>(5)</sup> OJ No L 262, 12. 10. 1994, p. 21.



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

**A. Trade**

d) Beef and veal





## COMMISSION DECISION

of 20 January 1994

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

(94/39/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories<sup>(1)</sup>, as last amended by Regulation (EEC) No 444/92<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2867/93<sup>(4)</sup>, 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 1994, 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 1994, 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<sup>(5)</sup>, as last amended by Regulation (EEC) No 1601/92<sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 January 1994 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:

*Federal Republic of Germany:*

- 350,00 tonnes originating in Botswana,
- 600 tonnes originating in Madagascar,
- 1 190,00 tonnes originating in Zimbabwe,
- 390,00 tonnes originating in Namibia;

*French Republic:*

- 15,00 tonnes originating in Madagascar;

*Kingdom of the Netherlands:*

- 100,00 tonnes originating in Botswana,
- 200,00 tonnes originating in Zimbabwe,
- 150,00 tonnes originating in Namibia;

*United Kingdom:*

- 230,00 tonnes originating in Botswana,
- 16,00 tonnes originating in Swaziland,
- 3 752,00 tonnes originating in Zimbabwe,
- 200,00 tonnes originating in Namibia.

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

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

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 262, 21. 10. 1993, p. 26.

<sup>(5)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(6)</sup> OJ No L 173, 27. 6. 1992, p. 13.

*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 1994 in respect of the following quantities of boned beef and veal:

— Botswana :	18 236,00 tonnes
— Kenya :	142,00 tonnes
— Madagascar :	7 558,00 tonnes
— Swaziland :	3 347,00 tonnes
— Zimbabwe :	3 958,00 tonnes
— Namibia :	12 260,00 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 20 January 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

## COMMISSION DECISION

of 25 January 1994

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

(94/40/EC)

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

Having regard to Council Directive 72/462/EEC of 12  
December 1972 on health and veterinary inspection  
problems upon importation of bovine, ovine and caprine  
animals and swine, fresh meat or meat products from  
third countries <sup>(1)</sup>, as last amended by Regulation (EEC)  
No 1601/92 <sup>(2)</sup>, 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, Zimbabwe has 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 suffi-  
cient and it may therefore be entered on a first list of  
establishments from which imports of meat products may  
be authorized;

Whereas imports of meat products from the establish-  
ment on the list in the Annex hereto continue to be  
subject to provisions already laid down, the general provi-  
sions of the Treaty and in particular the other Com-  
munity veterinary regulations, particularly as regards  
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 Zimbabwe 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 health  
protection.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 25 January 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

## ANNEX

## LIST OF ESTABLISHMENTS

Approval No	Establishment	Address
7	Cold Storage Commission Canning Branch	Bulawayo, Matabeleland

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ No L 173, 27. 6. 1992, p. 13.

## COMMISSION DECISION

of 17 February 1994

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

(94/138/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 agricul-  
tural products and certain goods resulting from the  
processing of agricultural products originating in the  
African, Caribbean and Pacific States or in the overseas  
countries and territories<sup>(1)</sup>, as last amended by Regulation  
(EC) No 235/94<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by  
Regulation (EEC) No 2867/93<sup>(4)</sup>, 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 1994, expressed in terms of  
boned meat, in accordance with Article 15 (1) (b) of Regu-  
lation (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 quanti-  
ties requested;

Whereas the quantities, in respect of which licences may  
be applied for from 1 March 1994, 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<sup>(5)</sup>, as last amended by  
Regulation (EEC) No 1601/92<sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 February  
1994 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:

*Federal Republic of Germany:*

- 15,00 tonnes originating in Madagascar,
- 690,00 tonnes originating in Zimbabwe,
- 45,00 tonnes originating in Namibia;

*French Republic:*

- 15,00 tonnes originating in Madagascar;

*Kingdom of the Netherlands:*

- 100,00 tonnes originating in Botswana,
- 30,00 tonnes originating in Madagascar,
- 45,00 tonnes originating in Namibia;

*United Kingdom:*

- 65,00 tonnes originating in Swaziland,
- 630,00 tonnes originating in Zimbabwe,
- 395,00 tonnes originating in Namibia.

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.<sup>(4)</sup> OJ No L 262, 21. 10. 1993, p. 26.<sup>(5)</sup> OJ No L 302, 31. 12. 1972, p. 28.<sup>(6)</sup> OJ No L 173, 27. 6. 1992, p. 13.

*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 1994 in respect of the following quantities of boned beef and veal:

— Botswana :	18 136,00 tonnes
— Kenya :	142,00 tonnes
— Madagascar :	7 498,00 tonnes
— Swaziland :	3 282,00 tonnes
— Zimbabwe :	2 638,00 tonnes
— Namibia :	11 775,00 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 17 February 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

COMMISSION REGULATION (EC) No 578/94  
of 16 March 1994

establishing for 1993 and 1994 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 (<sup>1</sup>), as last amended by Regulation (EC) No 234/94 (<sup>2</sup>), 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 for the preceding or following year;

Whereas, by letter of 26 September 1993, the ACP States concerned requested a transfer of 5 142 tonnes to Zimbabwe for 1993 involving a reduction of 1 000, 142, 2 500, 500 and 1 000 tonnes respectively in the quotas for Botswana, Kenya, Madagascar, Swaziland and Namibia; whereas the transfer to Zimbabwe requested by the other ACP States should be agreed to;

Whereas, as a result of the time lost pending a decision on the abovementioned request, Zimbabwe should be permitted to deliver the transferred quantity in 1994;

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

Done at Brussels, 16 March 1994.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Imports of beef from the African, Caribbean and Pacific (ACP) States pursuant to Regulation (EEC) No 715/90 for the 1993 calendar year shall be as follows:

— Botswana :	17 916 tonnes,
— Kenya :	— tonnes,
— Madagascar :	5 079 tonnes,
— Swaziland :	2 863 tonnes,
— Zimbabwe :	14 242 tonnes,
— Namibia :	12 000 tonnes.

2. Imports of beef from the African, Caribbean and Pacific (ACP) States pursuant to Regulation (EEC) No 715/90 for the 1994 calendar year shall be as follows:

— Botswana :	18 916 tonnes,
— Kenya :	142 tonnes,
— Madagascar :	7 579 tonnes,
— Swaziland :	3 363 tonnes,
— Zimbabwe :	14 242 tonnes,
— Namibia :	13 000 tonnes.

*Article 2*

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

It shall apply from 1 April 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

(<sup>2</sup>) OJ No L 30, 3. 2. 1994, p. 12.

## COMMISSION DECISION

of 28 February 1994

amending Decision 92/25/EEC concerning the animal health conditions and veterinary certification of imports of fresh meat from Zimbabwe

(94/171/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, caprine animals and swine, fresh meat or meat products from third countries<sup>(1)</sup>, as last amended by Regulation (EEC) No 1601/92<sup>(2)</sup>, and in particular Articles 14, 15 and 16 thereof,

Whereas Commission Decision 92/25/EEC<sup>(3)</sup>, as last amended by Decision 93/86/EEC<sup>(4)</sup>, lays down the animal health conditions and veterinary certification of imports of fresh meat from Zimbabwe; whereas this Decision provides that Member States shall authorize imports of de-boned carcass meat of bovine animals from the regions of Mashonaland West, Mashonaland East, Mashonaland Central, Makoni and Midlands Provinces, excluding the districts of Gokwe, Zvishavane and Mberengwa;

Whereas the situation has improved in relation to foot-and-mouth disease and it is now possible to amend further the regionalization in Zimbabwe, thereby allowing importation into the Community of fresh de-boned meat from Gutu district of Masvingo Province, Zvishavane district of Midlands Province and Insiza district of Matabeleland South Province derived from animals slaughtered after 1 November 1993;

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

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 92/25/EEC is amended as follows:

1. In Article 1 (1), 'the veterinary regions of Mashonaland West, Mashonaland East, Mashonaland Central, Makoni and Midlands Provinces, excluding the districts of Gokwe, Zvishavane and Mberengwa' is replaced by 'the veterinary regions of Mashonaland West Province, Mashonaland East Province, Mashonaland Central Province, Matabeleland Province (including only Makoni district), Midlands Province (including only the districts of Gweru, Kwekwe, Shurugwi, Chirimanzu and Zvishavane districts), Masvingo Province (including only the district of Gutu) and Matabeleland South Province (including only the district of Insiza).'
2. The Annex is replaced by the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 28 February 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.<sup>(2)</sup> OJ No L 173, 27. 6. 1992, p. 13.<sup>(3)</sup> OJ No L 10, 16. 1. 1992, p. 32.<sup>(4)</sup> OJ No L 36, 12. 2. 1993, p. 44.

## ANNEX

## ANIMAL HEALTH CERTIFICATE

for de-boned fresh meat (\*) of domestic animals of the bovine species, excluding offals, intended for consignment to the European Community

Country of destination : .....

Reference number of the public health certificate (†) : .....

Exporting country: ZIMBABWE (veterinary regions of Mashonaland West Province, Mashonaland East Province, Mashonaland Central Province, Manicaland Province (including only Makoni district), Midlands Province (including only the districts of Gweru, Kwekwe, Shungwi, Chirimanzu and Zvishavane districts), Masvingo Province (including only the district of Gutu) and Matebeleland South Province (including only the district of Insiza))

Ministry : .....

Department : .....

Reference : .....

(optional)

## I. Identification of meat

Meat of domestic animals of the bovine species

Nature of cuts (‡) : .....

Nature of packaging : .....

Number of cuts or packages : .....

Net weight : .....

## II. Origin of meat

Address(es) and veterinary approval number(s) of the approved slaughterhouse(s) (†) : .....

.....

Address(es) and veterinary approval number(s) of the approved cutting plant(s) (†) : .....

.....

Address(es) and veterinary approval number(s) of the approved cold store(s) (†) : .....

.....

## III. Destination of meat

The meat will be sent from : .....

(place of loading)

to : .....

(country and place of destination)

By the following means of transport (‡) : .....

Name and address of consignor : .....

.....

Name and address of consignee : .....

.....

(\*) Fresh meat means all parts fit for human consumption from domestic bovine animals, excluding offals, which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

(†) Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.

(‡) Only de-boned fresh meat from bovine animals, from all bones and the major accessible lymphatic glands have been removed, is authorized for importation.

(§) For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.



## IV. Attestation of health

I, the undersigned, official veterinarian, certify that :

1. the de-boned fresh meat described above is obtained from :

- (a) animals which were born and reared in the Republic of Zimbabwe and have remained in the veterinary regions of Mashonaland West Province, Mashonaland East Province, Mashonaland Central Province, Manicaland Province (including only Makoni district), Midlands Province (including only the districts of Gweru, Kwekwe, Shurugwi, Chinmanzu and Zvishavane districts), Masvingo Province (including only the district of Gutu) and Matebeleland South Province (including only the district of Insiza) for at least 12 months preceding slaughter or since birth in the case of animals less than 12 months old ;
- (b) animals which bore, in accordance with the legal provisions, a mark indicating their region of origin that is for the veterinary region of Mashonaland West Province, northern part, brand 'L', for Mashonaland West Province, southern part, brand 'HL', for Mashonaland East Province, brand 'H' or 'JJ', for Mashonaland Central Province, brand 'C', for Manicaland Province (including only Makoni District), brand 'UM', for Midlands Province (including only the districts of Gweru, Kwekwe, Shurugwi and Chinmanzu), brand 'J' and for Midlands Province (including only the district of Zvishavane), brand 'JCZ' or 'Z', for Masvingo Province (including only the district of Gutu), brand 'TF' or 'T' and for Matebeleland South Province (including only the district of Insiza), brand 'MY' or 'Y' ;
- (c) animals which have not been vaccinated against foot-and-mouth disease during the preceding 12 months ;
- (d) animals which on the way to the slaughterhouse and while awaiting slaughter therein have not come into contact with animals not satisfying the requirements laid down in the decisions of the European Community currently in force as regards export of their meat to a Member State, and if they were conveyed by vehicle or container, the latter was cleaned and disinfected before loading ;
- (e) animals which when subjected to an ante-mortem health inspection at the slaughterhouse during the 24 hours preceding slaughter, which included examination of the mouth and feet, showed no symptoms of foot-and-mouth disease ;
- (f) animals which have been slaughtered on different days from those on which animals which do not comply with the conditions required for export of their meat to the European Community were slaughtered ;
- (g) animals which were slaughtered between ..... and ..... (dates of slaughter) ;

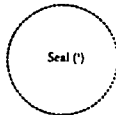
2. the de-boned fresh meat described above :

- (a) originates from carcasses which have matured at a room temperature of more than + 2° C for at least 24 hours after slaughter and before the bones were removed ;
- (b) has had the major lymphatic glands removed ;
- (c) has, during all stages of its production, de-boning and storage, been kept strictly separate from meat not conforming to the requirements laid down in the decisions of the European Community currently in force as regards export of meat to a Member State (with the exception of meat packed in boxes or cartons and kept in special storage areas).

Done at ..... on .....

(place)

(date)



Seal (\*)

.....  
(signature of official veterinarian)

.....  
(name in capital letters, title and qualification of signatory)

(\*) The signature and the seal must be in a colour different to that of the printing.

## COMMISSION REGULATION (EC) No 695/94

of 28 March 1994

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 235/94 (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 1994 be as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 April 1994.

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

Done at Brussels, 28 March 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

(2) OJ No L 30, 3. 2. 1994, p. 12.

(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

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC	Importe (en ecus/100 kg) Beløb (ECU/100 kg) Betrag (ECU/100 kg) Εισφορά (Ecu/100 kg) Amount (ECU/100 kg) Montant (en écus/100 kg) Importo (ECU/100 kg) Betrag (ecu/100 kg) Montante (Em ECU/100 kg)
0102 90 05	118,290
0102 90 21	118,290
0102 90 29	118,290
0102 90 41	118,290
0102 90 49	118,290
0102 90 51	118,290
0102 90 59	118,290
0102 90 61	118,290
0102 90 69	118,290
0102 90 71	118,290
0102 90 79	118,290
0201 10 00	224,751
0201 20 20	224,751
0201 20 30	179,800
0201 20 50	269,700
0201 20 90	337,125
0201 30 00	385,624
0202 10 00	148,350
0202 20 10	148,350
0202 20 30	118,679
0202 20 50	185,437
0202 20 90	222,524
0202 30 10	185,437
0202 30 50	185,437
0202 30 90	255,161
0206 10 95	385,624
0206 29 91	255,161
0210 20 10	337,125
0210 20 90	385,624
0210 90 41	385,624
0210 90 90	385,624
1602 50 10	385,624
1602 90 61	385,624

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

*NB:* KN-kodemne, 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 modificado.

*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.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 18 March 1994

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

(94/185/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<sup>(1)</sup>, as last amended by Regulation (EC) No 235/94<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2867/93<sup>(4)</sup>, 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 1994, 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 April 1994, should be fixed within the scope of the total quantity of 57 242 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<sup>(5)</sup>, as last amended by Regulation (EEC) No 1601/92<sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 March 1994 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:

*Federal Republic of Germany:*

- 640,00 tonnes originating in Botswana,
- 75,00 tonnes originating in Madagascar,
- 170,00 tonnes originating in Zimbabwe,
- 325,00 tonnes originating in Namibia;

*Kingdom of the Netherlands:*

- 160,00 tonnes originating in Botswana;

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.<sup>(4)</sup> OJ No L 262, 21. 10. 1993, p. 26.<sup>(5)</sup> OJ No L 302, 31. 12. 1972, p. 28.<sup>(6)</sup> OJ No L 173, 27. 6. 1992, p. 13.

*United Kingdom :*

- 475,00 tonnes originating in Botswana,
- 90,00 tonnes originating in Swaziland,
- 395,00 tonnes originating in Zimbabwe,
- 635,00 tonnes originating in Namibia.

— Botswana :	16 861,00 tonnes
— Kenya :	142,00 tonnes
— Madagascar :	7 423,00 tonnes
— Swaziland :	3 192,00 tonnes
— Zimbabwe :	7 215,00 tonnes
— Namibia :	10 815,00 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 March 1994.

*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 1994 in respect of the following quantities of boned beef and veal :

*For the Commission*  
René STEICHEN  
*Member of the Commission*

## COMMISSION

## COMMISSION DECISION

of 19 April 1994

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

(94/283/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 (\*), as last amended by Regulation (EC) No 235/94 (\*\*), 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 (\*), as last amended by Regulation (EEC) No 2867/93 (\*\*), 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 1994, 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 May 1994, should be fixed within the scope of the total quantity of 57 242 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 (\*), as last amended by Council Regulation (EEC) No 1601/92 (\*\*).

HAS ADOPTED THIS DECISION :

*Article 1*

The following Member States shall issue on 21 April 1994 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 :*

- 700,00 tonnes originating in Botswana,
- 540,00 tonnes originating in Zimbabwe,
- 1 020,00 tonnes originating in Namibia ;

*France :*

- 15,00 tonnes originating in Madagascar ;

*Netherlands :*

- 500,00 tonnes originating in Botswana,
- 125,00 tonnes in Madagascar,
- 10,00 tonnes originating in Namibia ;

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

(\*\*) OJ No L 30, 3. 2. 1994, p. 12.

(\*) OJ No L 241, 13. 9. 1980, p. 5.

(\*\*) OJ No L 262, 21. 10. 1993, p. 26.

(\*) OJ No L 302, 31. 12. 1972, p. 28.

(\*\*) OJ No L 173, 27. 6. 1992, p. 13.

*United Kingdom :*

- 660,00 tonnes originating in Botswana,
- 83,00 tonnes originating in Swaziland,
- 730,00 tonnes originating in Zimbabwe,
- 940,00 tonnes originating in Namibia.

— Botswana :	15 001,00 tonnes
— Kenya :	142,00 tonnes
— Madagascar :	7 283,00 tonnes
— Swaziland :	3 109,00 tonnes
— Zimbabwe :	5 945,00 tonnes
— Namibia :	8 845,00 tonnes.

*Article 3*

This Decision is addressed to the Member States.

*Article 2*

Done at Brussels, 19 April 1994.

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 1994 in respect of the following quantities of boned beef and veal :

*For the Commission*

René STEICHEN

*Member of the Commission*

## COMMISSION DECISION

of 19 May 1994

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

(94/311/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

and fresh meat from third countries (\*), as last amended by Council Regulation (EEC) No 1601/92 (†),

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS DECISION :

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 (‡), as last amended by Regulation (EC) No 235/94 (‡), in particular Article 27 thereof,

*Article 1*

The following Member States shall issue on 21 May 1994 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 :

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 (‡), as last amended by Regulation (EEC) No 2867/93 (‡), and in particular Article 15 (6) (b) (i) thereof,

*Germany :*

- 310,00 tonnes originating in Botswana,
- 180,00 tonnes originating in Madagascar,
- 330,00 tonnes originating in Zimbabwe,
- 460,00 tonnes originating in Namibia ;

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 ;

*Netherlands :*

- 130,00 tonnes originating in Botswana,
- 120,00 tonnes originating in Zimbabwe,
- 115,00 tonnes originating in Namibia ;

Whereas the applications for import licences submitted between 1 and 10 May 1994, 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 ;

*United Kingdom :*

- 810,00 tonnes originating in Botswana,
- 41,00 tonnes originating in Swaziland,
- 730,00 tonnes originating in Zimbabwe,
- 950,00 tonnes originating in Namibia.

*Article 2*

Whereas the quantities, in respect of which licences may be applied for from 1 June 1994, should be fixed within the scope of the total quantity of 57 242 tonnes, fixed by Commission Regulation (EC) No 578/94 (‡) ;

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 1994 in respect of the following quantities of boned beef and veal :

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

- |                |                  |
|----------------|------------------|
| — Botswana :   | 13 751,00 tonnes |
| — Kenya :      | 142,00 tonnes    |
| — Madagascar : | 7 103,00 tonnes  |
| — Swaziland :  | 3 068,00 tonnes  |
| — Zimbabwe :   | 4 765,00 tonnes  |
| — Namibia :    | 7 320,00 tonnes. |

(‡) OJ No L 84, 30. 3. 1990, p. 85.

(†) OJ No L 30, 3. 2. 1994, p. 12.

(‡) OJ No L 241, 13. 9. 1980, p. 5.

(\*) OJ No L 262, 21. 10. 1993, p. 26.

(†) OJ No L 74, 17. 3. 1994, p. 6.

(\*) OJ No L 302, 31. 12. 1972, p. 28.

(†) OJ No L 173, 27. 6. 1992, p. 13.



*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 May 1994.

*For the Commission*  
René STEICHEN  
*Member of the Commission*

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## COMMISSION DECISION

of 30 May 1994

amending Decision 94/311/EC on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(94/326/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<sup>(1)</sup>, as last amended by Regulation (EC) No 235/94<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 1084/94<sup>(4)</sup>, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of import licences being issued for beef and veal products; whereas, however, imports must not exceed the quantities laid down for each of these exporting third countries;

Whereas quantities expressed in terms of boned meat in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80 covered by licence applications submitted between 1 and 10 May 1994 do not exceed the quantities available for products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia; whereas import licences for the quantities applied for may accordingly be issued;

Whereas, as a result of an administrative error, the Commission was not notified of certain quantities applied

for under these arrangements; whereas Commission Decision 94/311/EC<sup>(5)</sup> should be amended to take account thereof,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 94/311/EC is hereby amended as follows:

1. the following is added to Article 1:

*Italy:*— 30,00 tonnes originating in Madagascar<sup>6</sup>;

2. the figure for Madagascar in Article 2 is replaced by '7 073,00 tonnes'.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 30 May 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.<sup>(4)</sup> OJ No L 120, 11. 5. 1994, p. 30.<sup>(5)</sup> OJ No L 137, 1. 6. 1994, p. 74.

COMMISSION REGULATION (EC) No 1531/94  
of 30 June 1994

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) <sup>(1)</sup>, as last amended by Regulation (EC) No 235/94 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3808/92 <sup>(4)</sup>,

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 third quarter of 1994 be as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 July 1994.

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

Done at Brussels, 30 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.

<sup>(3)</sup> OJ No L 99, 19. 4. 1990, p. 8.

<sup>(4)</sup> OJ No L 384, 30. 12. 1992, p. 33.

## ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Código NC KN-kode KN-Code Κωδικός ΕΟ CN code Code NC Codice NC GN-code Código NC	Importe (en ecus/100 kg) Beløb (ECU/100 kg) Betrag (ECU/100 kg) Εισοφορά (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)
0102 90 05	118,290
0102 90 21	118,290
0102 90 29	118,290
0102 90 41	118,290
0102 90 49	118,290
0102 90 51	118,290
0102 90 59	118,290
0102 90 61	118,290
0102 90 69	118,290
0102 90 71	118,290
0102 90 79	118,290
0201 10 00	224,751
0201 20 20	224,751
0201 20 30	179,800
0201 20 50	269,700
0201 20 90	337,125
0201 30 00	385,624
0202 10 00	138,500
0202 20 10	138,500
0202 20 30	110,800
0202 20 50	173,125
0202 20 90	207,750
0202 30 10	173,125
0202 30 50	173,125
0202 30 90	238,220
0206 10 95	385,624
0206 29 91	238,220
0210 20 10	337,125
0210 20 90	385,624
0210 90 41	385,624
0210 90 90	385,624
1602 50 10	385,624
1602 90 61	385,624

*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 referências em pé-de-página são definidos no Regulamento (CEE) n° 2658/87 alterado.

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 17 June 1994

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

(94/440/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<sup>(1)</sup>, as last amended by Regulation (EC) No 235/94<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1084/94<sup>(4)</sup>, 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 1994, 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 1994, should be fixed within the scope of the total quantity of 57 242 tonnes, fixed by Commission Regulation (EC) No 578/94<sup>(5)</sup>;

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<sup>(6)</sup>, as last amended by Council Regulation (EEC) No 1601/92<sup>(7)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 June 1994 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:*

- 950,00 tonnes originating in Botswana,
- 120,00 tonnes originating in Madagascar,
- 250,00 tonnes originating in Zimbabwe,
- 470,00 tonnes originating in Namibia;

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

<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 120, 11. 5. 1994, p. 30.

<sup>(5)</sup> OJ No L 74, 17. 3. 1994, p. 6.

<sup>(6)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(7)</sup> OJ No L 173, 27. 6. 1992, p. 13.

*Italy:*

— 30,00 tonnes originating in Madagascar;

*Netherlands:*

— 300,00 tonnes originating in Botswana,  
— 76,00 tonnes originating in Madagascar;

*United Kingdom:*

— 1 270,00 tonnes originating in Botswana,  
— 112,00 tonnes originating in Swaziland,  
— 400,00 tonnes originating in Zimbabwe,  
— 700,00 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 July 1994 in respect of the following quantities of boned beef and veal:

— Botswana:	11 231,00 tonnes
— Kenya:	142,00 tonnes
— Madagascar:	6 847,00 tonnes
— Swaziland:	2 956,00 tonnes
— Zimbabwe:	4 115,00 tonnes
— Namibia:	6 150,00 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 17 June 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

## COMMISSION DECISION

of 19 July 1994

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

(94/477/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 <sup>(1)</sup>, as last amended by Regulation (EC) No 235/94 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EC) No 1084/94 <sup>(4)</sup>, 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 July 1994, 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 August 1994, should be fixed within the scope of the total quantity of 57 242 tonnes, fixed by Commission Regulation (EC) No 578/94 <sup>(5)</sup>;

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 <sup>(6)</sup>, as last amended by Council Regulation (EEC) No 1601/92 <sup>(7)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 July 1994 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:*

- 430,00 tonnes originating in Botswana,
- 60,00 tonnes originating in Madagascar,
- 200,00 tonnes originating in Zimbabwe,
- 200,00 tonnes originating in Namibia;

*Italy:*

- 32,30 tonnes originating in Madagascar;

*Netherlands:*

- 100,00 tonnes originating in Botswana,
- 12,00 tonnes originating in Madagascar;

*United Kingdom:*

- 1 300,00 tonnes originating in Botswana,
- 115,00 tonnes originating in Swaziland,
- 600,00 tonnes originating in Zimbabwe,
- 1 175,00 tonnes originating in Namibia.

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

<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 120, 11. 5. 1994, p. 30.

<sup>(5)</sup> OJ No L 74, 17. 3. 1994, p. 6.

<sup>(6)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(7)</sup> OJ No L 173, 27. 6. 1992, p. 13.



*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 August 1994 in respect of the following quantities of boned beef and veal:

— Botswana :	9 401,00 tonnes
— Kenya :	142,00 tonnes
— Madagascar :	6 742,70 tonnes
— Swaziland :	2 841,00 tonnes
— Zimbabwe :	3 315,00 tonnes
— Namibia :	4 775,00 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 July 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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## COMMISSION DECISION

of 18 August 1994

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

(94/596/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

within the scope of the total quantity of 57 242 tonnes, fixed by Commission Regulation (EC) No 578/94 (\*) ;

Having regard to the Treaty establishing the European Community,

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 (\*), as last amended by Council Regulation (EEC) No 1601/92 (†),

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 (‡), as last amended by Regulation (EC) No 235/94 (‡), in particular Article 27 thereof,

HAS ADOPTED THIS DECISION :

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 (‡), as last amended by Regulation (EC) No 1084/94 (\*), and in particular Article 15 (6) (b) (i) thereof,

*Article 1*

The following Member States shall issue on 21 August 1994 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 :

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 ;

*Germany :*

- 190,00 tonnes originating in Botswana,
- 120,00 tonnes originating in Madagascar,
- 35,00 tonnes originating in Namibia ;

Whereas the applications for import licences submitted between 1 and 10 August 1994, 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 ;

*Netherlands :*

- 90,00 tonnes originating in Botswana,
- 120,98 tonnes originating in Madagascar ;

*United Kingdom :*

- 300,00 tonnes originating in Botswana,
- 25,00 tonnes originating in Swaziland,
- 605,00 tonnes originating in Zimbabwe,
- 815,00 tonnes originating in Namibia.

Whereas the quantities, in respect of which licences may be applied for from 1 September 1994, should be fixed

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

(\*\*) OJ No L 30, 3. 2. 1994, p. 12.

(\*\*\*) OJ No L 241, 13. 9. 1980, p. 5.

(\*\*\*) OJ No L 120, 11. 5. 1994, p. 30.

(\*) OJ No L 74, 17. 3. 1994, p. 6.

(\*\*) OJ No L 302, 31. 12. 1972, p. 28.

(\*\*\*) OJ No L 173, 27. 6. 1992, p. 13.

*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 September 1994 in respect of the following quantities of boned beef and veal:

— Botswana :	8 821,00 tonnes
— Kenya :	142,00 tonnes
— Madagascar :	6 501,72 tonnes
— Swaziland :	2 816,00 tonnes
— Zimbabwe :	2 710,00 tonnes
— Namibia :	3 925,00 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 August 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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## COMMISSION REGULATION (EC) No 2314/94

of 27 September 1994

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) <sup>(1)</sup>, as last amended by Regulation (EC) No 235/94 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3808/92 <sup>(4)</sup>,

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 fourth quarter of 1994 be as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 27 September 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.

<sup>(3)</sup> OJ No L 99, 19. 4. 1990, p. 8.

<sup>(4)</sup> OJ No L 384, 30. 12. 1992, p. 33.

## ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC	Importe (en ecus/100 kg) Beløb (ECU/100 kg) Betrag (ECU/100 kg) Εισφορά (Ecu/100 kg) Amount (ECU/100 kg) Montant (en écus/100 kg) Importo (ECU/100 kg) Betrag (ecu/100 kg) Montante (Em ECU/100 kg)
0102 90 05	118,290
0102 90 21	118,290
0102 90 29	118,290
0102 90 41	118,290
0102 90 49	118,290
0102 90 51	118,290
0102 90 59	118,290
0102 90 61	118,290
0102 90 69	118,290
0102 90 71	118,290
0102 90 79	118,290
0201 10 00	224,751
0201 20 20	224,751
0201 20 30	179,800
0201 20 50	269,700
0201 20 90	337,125
0201 30 00	385,624
0202 10 00	150,812
0202 20 10	150,812
0202 20 30	120,650
0202 20 50	188,515
0202 20 90	226,218
0202 30 10	188,515
0202 30 50	188,515
0202 30 90	259,396
0206 10 95	385,624
0206 29 91	259,396
0210 20 10	337,125
0210 20 90	385,624
0210 90 41	385,624
0210 90 90	385,624
1602 50 10	385,624
1602 90 61	385,624

*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.

## COMMISSION REGULATION (EC) No 2377/94

of 29 September 1994

correcting Regulation (EC) No 2314/94, 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)<sup>(1)</sup>, as last amended by Regulation (EC) No 235/94<sup>(2)</sup>, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 2314/94<sup>(3)</sup> fixed the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced, in respect of importations during the fourth quarter of 1994;

Whereas a check has shown that an error in calculation appears in the Annex to this Regulation; whereas the Regulation in question should accordingly be corrected,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 2314/94 is replaced by the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 29 September 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.

<sup>(3)</sup> OJ No L 252, 28. 9. 1994, p. 5.

## ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC	Importe (en ecus/100 kg) Beløb (ECU/100 kg) Betrag (ECU/100 kg) Εισφορά (Ecu/100 kg) Amount (ECU/100 kg) Montant (en écus/100 kg) Importo (ECU/100 kg) Belrag (ecu/100 kg) Montante (Em ECU/100 kg)
0102 90 05	118,290
0102 90 21	118,290
0102 90 29	118,290
0102 90 41	118,290
0102 90 49	118,290
0102 90 51	118,290
0102 90 59	118,290
0102 90 61	118,290
0102 90 69	118,290
0102 90 71	118,290
0102 90 79	118,290
0201 10 00	224,751
0201 20 20	224,751
0201 20 30	179,800
0201 20 50	269,700
0201 20 90	337,125
0201 30 00	385,624
0202 10 00	145,887
0202 20 10	145,887
0202 20 30	116,709
0202 20 50	182,359
0202 20 90	218,831
0202 30 10	182,359
0202 30 50	182,359
0202 30 90	250,925
0206 10 95	385,624
0206 29 91	250,925
0210 20 10	337,125
0210 20 90	385,624
0210 90 41	385,624
0210 90 90	385,624
1602 50 10	385,624
1602 90 61	385,624

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.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 19 September 1994

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

(94/656/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 <sup>(1)</sup>, as last amended by Regulation (EC) No 235/94 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EC) No 1084/94 <sup>(4)</sup>, 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 September 1994, 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 October 1994, should be fixed within the scope of the total quantity of 57 242 tonnes, fixed by Commission Regulation (EC) No 578/94 <sup>(5)</sup>;

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 or meat products animals and swine and fresh meat from third countries <sup>(6)</sup>, as last amended by Council Regulation (EEC) No 1601/92 <sup>(7)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 September 1994 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:*

- 220,00 tonnes originating in Botswana,
- 105,00 tonnes originating in Madagascar,
- 129,50 tonnes originating in Zimbabwe,
- 230,00 tonnes originating in Namibia;

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.<sup>(4)</sup> OJ No L 120, 11. 5. 1994, p. 30.<sup>(5)</sup> OJ No L 74, 17. 3. 1994, p. 6.<sup>(6)</sup> OJ No L 302, 31. 12. 1972, p. 28.<sup>(7)</sup> OJ No L 173, 27. 6. 1992, p. 13.



*France:*

- 15,00 tonnes originating in Madagascar;

*Netherlands:*

- 200,00 tonnes originating in Botswana,
- 30,00 tonnes originating in Madagascar,
- 52,00 tonnes originating in Namibia;

*United Kingdom:*

- 300,00 tonnes originating in Botswana,
- 95,00 tonnes originating in Swaziland,
- 750,00 tonnes originating in Zimbabwe,
- 350,00 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 October 1994 in respect of the following quantities of boned beef and veal:

— Botswana :	8 101,00 tonnes
— Kenya :	142,00 tonnes
— Madagascar :	6 351,72 tonnes
— Swaziland :	2 721,00 tonnes
— Zimbabwe :	1 830,50 tonnes
— Namibia :	3 293,00 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 September 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

## COMMISSION REGULATION (EC) No 2528/94

of 19 October 1994

amending Regulation (EC) No 578/94 establishing for 1993 and 1994 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<sup>(1)</sup>, as last amended by Regulation (EC) No 2484/94<sup>(2)</sup>, and in particular Article 4 (3) thereof,

Whereas Commission Regulation (EC) No 578/94<sup>(3)</sup> makes provision for the breakdown of imports for 1994 under the abovementioned Regulation;

Whereas, by letter of 20 September 1994, the ACP States concerned requested a transfer of 5 500 tonnes to Zimbabwe for 1994 involving a reduction of 1 000, 2 500, 1 000 and 1 000 tonnes in the quotas for Botswana, Madagascar, Swaziland and Namibia respectively; whereas the situation on the Community market for beef allows that request to be acceded to; whereas Regulation (EC) No 578/94 should be amended accordingly;

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

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

Done at Brussels, 19 October 1994.

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 (2) of Regulation (EC) No 578/94 is hereby replaced by the following:

‘2. Imports of beef from the African, Caribbean and Pacific (ACP) States pursuant to Regulation (EEC) No 715/90 for the 1994 calendar year shall be broken down as follows:

— Botswana :	17 916 tonnes,
— Kenya :	142 tonnes,
— Madagascar :	5 079 tonnes,
— Swaziland :	2 363 tonnes,
— Zimbabwe :	19 742 tonnes,
— Namibia :	12 000 tonnes.

*Article 2*

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

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 265, 15. 10. 1994, p. 3.

<sup>(3)</sup> OJ No L 74, 17. 3. 1994, p. 6.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 20 October 1994

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

(94/726/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<sup>(1)</sup>, as last amended by Regulation (EC) No 235/94<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 1084/94<sup>(4)</sup>, 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 October 1994, 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 November 1994, should be fixed within the scope of the total quantity of 57 242 tonnes, fixed by Commission Regulation (EC) No 578/94<sup>(5)</sup>, as amended by Regulation (EC) No 2528/94<sup>(6)</sup>;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine, animals and swine, fresh meat or meat products from third countries<sup>(7)</sup>, as last amended by Regulation (EEC) No 1601/92<sup>(8)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 October 1994 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:

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

<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 120, 11. 5. 1994, p. 30.

<sup>(5)</sup> OJ No L 74, 17. 3. 1994, p. 6.

<sup>(6)</sup> OJ No L 269, 20. 10. 1994, p. 13.

<sup>(7)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(8)</sup> OJ No L 173, 27. 6. 1992, p. 13.

*Germany:*

- 200,00 tonnes originating in Botswana,
- 223,50 tonnes originating in Madagascar,
- 300,00 tonnes originating in Namibia;

*Italy:*

- 60,55 tonnes originating in Madagascar;

*Netherlands:*

- 100,00 tonnes originating in Botswana,
- 220,50 tonnes originating in Madagascar;

*United Kingdom:*

- 450,00 tonnes originating in Botswana,
- 790,00 tonnes originating in Zimbabwe,
- 550,00 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 November 1994 in respect of the following quantities of boned beef and veal:

— Botswana :	6 351,00 tonnes
— Kenya :	142,00 tonnes
— Madagascar :	3 347,17 tonnes
— Swaziland :	1 721,00 tonnes
— Zimbabwe :	6 540,50 tonnes
— Namibia :	1 443,00 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 20 October 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

## COMMISSION DECISION

of 18 November 1994

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

(94/759/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<sup>(1)</sup>, as last amended by Regulation (EC) No 235/94<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 1084/94<sup>(4)</sup>, 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 November 1994, 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 December 1994, should be fixed within the scope of the total quantity of 57 242 tonnes, fixed by Commission Regulation (EC) No 578/94<sup>(5)</sup>, as amended by Regulation (EC) No 2528/94<sup>(6)</sup>;

Whereas, due to an error in the communication from the United Kingdom to the Commission in September 1994,

licence applications for 300 tonnes rather than 620 tonnes were recorded for products from Botswana; whereas, however, licences were issued for 620 tonnes; whereas, therefore, the difference of 320 tonnes should be deducted in the quantities available from Botswana in December;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine, animals and swine, fresh meat or meat products from third countries<sup>(7)</sup>, as last amended by Regulation (EEC) No 1601/92<sup>(8)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 November 1994 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:*

- 400,00 tonnes originating in Botswana,
- 60,00 tonnes originating in Madagascar,
- 100,00 tonnes originating in Namibia;

*Netherlands:*

- 91,19 tonnes originating in Madagascar;

*United Kingdom:*

- 310,00 tonnes originating in Botswana,
- 800,00 tonnes originating in Zimbabwe,
- 390,00 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 December 1994 in respect of the following quantities of boned beef and veal:

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.<sup>(4)</sup> OJ No L 120, 11. 5. 1994, p. 30.<sup>(5)</sup> OJ No L 74, 17. 3. 1994, p. 6.<sup>(6)</sup> OJ No L 269, 20. 10. 1994, p. 13.<sup>(7)</sup> OJ No L 302, 31. 12. 1972, p. 28.<sup>(8)</sup> OJ No L 173, 27. 6. 1992, p. 13.

— Botswana :	5 321,00 tonnes
— Kenya :	142,00 tonnes
— Madagascar :	3 195,98 tonnes
— Swaziland :	1 721,00 tonnes
— Zimbabwe :	5 740,50 tonnes
— Namibia :	953,00 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 November 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

COMMISSION REGULATION (EC) No 3180/94  
of 22 December 1994

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) <sup>(1)</sup>, as last amended by Regulation (EC) No 2484/94 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3808/92 <sup>(4)</sup>,

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 first quarter of 1995 be as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 1995.

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

Done at Brussels, 22 December 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

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

## ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC	Importe (en ecus/100 kg) Beløb (ECU/100 kg) Betrag (ECU/100 kg) Εισοφορά (Ecu/100 kg) Amount (ECU/100 kg) Montant (en écus/100 kg) Importo (ECU/100 kg) Belrag (ecu/100 kg) Montante (Em ECU/100 kg)
0102 90 05	118,290
0102 90 21	118,290
0102 90 29	118,290
0102 90 41	118,290
0102 90 49	118,290
0102 90 51	118,290
0102 90 59	118,290
0102 90 61	118,290
0102 90 69	118,290
0102 90 71	118,290
0102 90 79	118,290
0201 10 00	224,751
0201 20 20	224,751
0201 20 30	179,800
0201 20 50	269,700
0201 20 90	337,125
0201 30 00	385,624
0202 10 00	133,575
0202 20 10	133,575
0202 20 30	106,860
0202 20 50	166,969
0202 20 90	200,363
0202 30 10	166,969
0202 30 50	166,969
0202 30 90	229,749
0206 10 95	385,624
0206 29 91	229,749
0210 20 10	337,125
0210 20 90	385,624
0210 90 41	385,624
0210 90 90	385,624
1602 50 10	385,624
1602 90 61	385,624

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

*NB:* KN-kodeme, 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 modificado.

*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.



## COMMISSION DECISION

of 20 December 1994

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

(94/870/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<sup>(1)</sup>, as last amended by Regulation (EC) No 235/94<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 1084/94<sup>(4)</sup>, 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 December 1994, 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 January 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<sup>(5)</sup>, as last amended by Regulation (EEC) No 1601/92<sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 December 1994 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:*

- 100,00 tonnes originating in Botswana,
- 131,00 tonnes originating in Madagascar;

*Italy:*

- 47,00 tonnes originating in Madagascar;

*Netherlands:*

- 98,13 tonnes originating in Madagascar;

*United Kingdom:*

- 50,00 tonnes originating in Botswana,
- 2 241,00 tonnes originating in Zimbabwe,
- 40,00 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 January 1995 in respect of the following quantities of boned beef and veal:

- |                |                   |
|----------------|-------------------|
| — Botswana :   | 18 916,00 tonnes  |
| — Kenya :      | 142,00 tonnes     |
| — Madagascar : | 7 579,00 tonnes   |
| — Swaziland :  | 3 363,00 tonnes   |
| — Zimbabwe :   | 9 100,00 tonnes   |
| — Namibia :    | 13 000,00 tonnes. |

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

<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 120, 11. 5. 1994, p. 30.

<sup>(5)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(6)</sup> OJ No L 173, 27. 6. 1992, p. 13.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 20 December 1994.

*For the Commission*  
René STEICHEN  
*Member of the Commission*

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

**A. Trade**

e) Poultrymeat



## COMMISSION REGULATION (EC) No 337/94

of 15 February 1994

on import licences for milk products and 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<sup>(1)</sup>, as last amended by Regulation (EC) No 235/94<sup>(2)</sup>, and in particular Article 27 thereof,

Whereas Article 4 (5) of Commission Regulation (EEC) No 903/90<sup>(3)</sup>, as amended by Regulation (EEC) No 1741/90<sup>(4)</sup>, provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas licence applications have been lodged from 1 to 10 January 1994;

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 1994 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 1994 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 1994 for:

- 196 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 16 February 1994.

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

Done at Brussels, 15 February 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> O J No L 30, 3. 2. 1994, p. 12.

<sup>(3)</sup> O J No L 93, 10. 4. 1990, p. 20.

<sup>(4)</sup> O J No L 161, 27. 6. 1990, p. 32.

COMMISSION REGULATION (EC) No 1780/94  
of 20 July 1994

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<sup>(1)</sup>, as last amended by Regulation (EC) No 235/94<sup>(2)</sup>, and in particular Article 27 thereof,

Whereas Article 4 (5) of Commission Regulation (EEC) No 903/90<sup>(3)</sup>, as amended by Regulation (EEC) No 1741/90<sup>(4)</sup>, provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas licence applications have been lodged from 1 to 10 July 1994;

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 1994 of the products referred to in Article 6 of Regulation (EEC) No 715/90 should therefore be determined;

Whereas Council Regulation (EEC) No 444/92<sup>(5)</sup> 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 30 December 1994 shall be accepted in full.

*Article 2*

This Regulation shall enter into force on the 21 July 1994.

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

Done at Brussels, 20 July 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.

<sup>(3)</sup> OJ No L 93, 10. 4. 1990, p. 20.

<sup>(4)</sup> OJ No L 161, 27. 6. 1990, p. 32.

<sup>(5)</sup> OJ No L 52, 27. 2. 1992, p. 7.

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

#### **A. Trade**

- f) Milk products





## COMMISSION REGULATION (EC) No 88/94

of 19 January 1994

on import licences for milk and milk products originating in the African, Caribbean and Pacific States (ACP States)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT) <sup>(1)</sup>, as amended by Regulation (EEC) No 297/91 <sup>(2)</sup>, and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 <sup>(3)</sup>, as amended by Regulation (EEC) No 2975/90 <sup>(4)</sup>, provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas 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;

whereas under these circumstances the quantity available for the second half of 1994 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 1994 are hereby accepted.

2. Further licence applications may be lodged during the first 10 days of July 1994 for the following quantities:

- 250 tonnes of products falling within CN code 0402,
- 486 tonnes of products falling within CN code 0406.

*Article 2*

This Regulation shall enter into force on 20 January 1994.

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

Done at Brussels, 19 January 1994.

*For the Commission*

Rent STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 36, 8. 2. 1991, p. 9.

<sup>(3)</sup> OJ No L 114, 5. 5. 1990, p. 21.

<sup>(4)</sup> OJ No L 283, 16. 10. 1990, p. 16.

## COMMISSION REGULATION (EC) No 337/94

of 15 February 1994

on import licences for milk products and 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<sup>(1)</sup>, as last amended by Regulation (EC) No 235/94<sup>(2)</sup>, and in particular Article 27 thereof,

Whereas Article 4 (5) of Commission Regulation (EEC) No 903/90<sup>(3)</sup>, as amended by Regulation (EEC) No 1741/90<sup>(4)</sup>, provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas licence applications have been lodged from 1 to 10 January 1994;

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 1994 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 1994 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 1994 for:

- 196 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 16 February 1994.

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

Done at Brussels, 15 February 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.

<sup>(3)</sup> OJ No L 93, 10. 4. 1990, p. 20.

<sup>(4)</sup> OJ No L 161, 27. 6. 1990, p. 32.

COMMISSION REGULATION (EC) No 1746/94  
of 15 July 1994

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 modified by amended Regulation (EC) No 235/94 (2), and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 (3), as modified by Regulation (EEC) No 2975/90 (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;

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

Done at Brussels, 15 July 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

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 1994 and notified to the Commission shall be accepted.

*Article 2*

This Regulation shall enter into force on 23 July 1994.

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

(2) OJ No L 30, 3. 2. 1994, p. 12.

(3) OJ No L 114, 5. 5. 1990, p. 21.

(4) OJ No L 283, 16. 10. 1990, p. 16.



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

**A. Trade**

g) Rum



## COUNCIL REGULATION (EC) No 1989/94

of 27 July 1994

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 (1994 to 1995)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the Fourth ACP-EEC Convention<sup>(1)</sup> entered into force on 1 September 1991;

Whereas Protocol 6 thereof 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 traffic flows between the ACP States and the Community and between the Member States; whereas the Community shall until 31 December 1995 fix each year the quantities which may be imported free of customs duties; whereas according to that protocol moreover, the quota for 1994 and 1995 will be the same as that for the previous year increased by 20 000 hectolitres of pure alcohol;

Whereas the annual quota volume for the period from 1 July 1993 to 30 June 1994 has been fixed at 224 827 hectolitres of pure alcohol; whereas this volume is to be increased by 10 000 hectolitres of pure alcohol for the second six months of 1994 and of 10 000 hectolitres of pure alcohol for the first six months of 1995; whereas the annual quota volume for the period 1 July 1994 to 30 June 1995 has been fixed at 224 827 hectolitres of pure alcohol;

Whereas equal and continuous access to the said quota should be ensured for all Community importers and the

rates laid down for the quotas should be applied consistently to all imports of the products in question into all the 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;

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 operation concerning the administration of the quotas may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

From 1 July 1994 to 30 June 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	244 827	Free

<sup>(1)</sup> OJ No L 229, 17. 8. 1991, p. 3.

*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 covered by this Regulation, 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 4*

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 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 (\*) shall apply to the products covered by this Regulation.

*Article 7*

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

It shall apply from 1 July 1994.

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

Done at Brussels, 27 July 1994.

*For the Council*

*The President*

Th. WAIGEL

(\*) OJ No L 358, 21. 12. 1990, p. 4.



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

**B. Financial and technical cooperation**



## COUNCIL RECOMMENDATION

of 21 March 1994

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 1992

(94/181/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<sup>(1)</sup>,

Having regard to the 1979 Internal Agreement on the financing and administration of Community aid<sup>(2)</sup>, 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<sup>(3)</sup>, and in particular Article 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 1992 and the Court of Auditors' report relating to the financial year 1992 together with the Commission's replies<sup>(4)</sup>,

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 1992 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 1992.

Done at Brussels, 21 March 1994.

*For the Council*

*The President*

Y. PAPANIOU

<sup>(1)</sup> OJ No L 361, 31. 12. 1980, p. 1.

<sup>(2)</sup> OJ No L 347, 22. 12. 1980, p. 210.

<sup>(3)</sup> OJ No L 101, 11. 4. 1981, p. 12.

<sup>(4)</sup> OJ No C 309, 16. 11. 1993, pp. 231-254 and 353-360.

## COUNCIL RECOMMENDATION

of 21 March 1994

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 1992

(94/182/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 206 thereof,

Having regard to the Third ACP-EEC Convention, signed at Lomé on 8 December 1984,

Having regard to Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community<sup>(1)</sup>,

Having regard to the Internal Agreement on the financing and administration of Community aid<sup>(2)</sup>, signed in Brussels on 19 February 1985, as amended by Decision 86/281/EEC<sup>(3)</sup>, and in particular Article 29 (3) thereof,

Having regard to the Financial Regulation of 11 November 1986 applicable to the Sixth European Development Fund<sup>(4)</sup>, and in particular Article 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 1992 and the Court of Auditors' report relating to the financial year 1992 together with the Commission's replies<sup>(5)</sup>,

Whereas, pursuant to Article 29 (3) of the Internal Agreement, the discharge for the management of the European Development Fund (1984) (Sixth EDF) must be given to the Commission by the European Parliament on a recommendation from the Council;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1984) (Sixth EDF) during the financial year 1992 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 1992.

Done at Brussels, 21 March 1994.

*For the Council*

*The President*

Y. PAPANIOU

<sup>(1)</sup> OJ No L 175, 1. 7. 1986, p. 1.

<sup>(2)</sup> OJ No L 86, 31. 3. 1986, p. 210.

<sup>(3)</sup> OJ No L 178, 2. 7. 1986, p. 13.

<sup>(4)</sup> OJ No L 325, 20. 11. 1986, p. 42.

<sup>(5)</sup> OJ No C 309, 16. 11. 1993, pp. 231-254 and 353-360.

## COUNCIL RECOMMENDATION

of 21 March 1994

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 1992

(94/183/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 206 thereof,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(1)</sup>,

Having regard to the Internal Agreement on the financing and administration of Community aid<sup>(2)</sup>, signed in Brussels on 16 July 1990, and in particular Article 33 (3) thereof,

Having regard to the Financial Regulation of 29 July 1991 applicable to the Seventh European Development Fund<sup>(3)</sup>, and in particular Articles 69 to 77 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1989) (Seventh EDF) as at 31 December 1992 and the Court of Auditors' report relating to the financial year 1992 together with the Commission's replies<sup>(4)</sup>,

Whereas, pursuant to Article 33 (3) of the Internal Agreement, the discharge for the management of the European Development Fund (1989) (Seventh EDF) must be given to the Commission by the European Parliament on a recommendation from the Council;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1989) (Seventh EDF) during the financial year 1992 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 1992.

Done at Brussels, 21 March 1994.

*For the Council*

*The President*

Y. PAPANIOU

<sup>(1)</sup> OJ No L 263, 19. 9. 1991, p. 1.

<sup>(2)</sup> OJ No L 229, 17. 8. 1991, p. 288.

<sup>(3)</sup> OJ No L 266, 21. 9. 1991, p. 1.

<sup>(4)</sup> OJ No C 309, 16. 11. 1993, pp. 231-254 and 353-360.

## DECISION OF THE EUROPEAN PARLIAMENT

of 21 April 1994

giving discharge to the Commission in respect of the financial management of the fifth European Development Fund for the financial year 1992

(94/351/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the EC Treaty,
  - having regard to the second ACP-EEC Convention<sup>(1)</sup>,
  - having regard to the balance sheets and revenue and expenditure accounts of the fifth, sixth and seventh European Development Funds for the 1992 financial year (COM(93)0234),
  - having regard to the report of the Court of Auditors concerning the financial year 1992 and the replies of the institutions<sup>(2)</sup>,
  - having regard to the recommendation of the Council of 25 March 1994 (C3-0150/94),
  - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A3-0257/94),
1. Grants discharge to the Commission in respect of the financial management of the fifth European Development Fund for the financial year 1992 on the basis of the following amounts:
    - Annual revenue
      - Contributions paid ECU 0,00
      - Sundry receipts ECU 0,00
    - Annual expenditure ECU 137 989 336,90;
  2. Records its observations in the resolution which forms part of this decision;
  3. Instructs its President to forward this decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and the European Investment Bank and to have them published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 21 April 1994.

*The Secretary-General*

Enrico VINCI

*The President*

Dr Egon KLEPSCH

<sup>(1)</sup> OJ No L 347, 22. 12. 1980, p. 1.<sup>(2)</sup> OJ No C 309, 16. 11. 1993.

## DECISION OF THE EUROPEAN PARLIAMENT

of 21 April 1994

giving discharge to the Commission in respect of the financial management of the sixth European Development Fund for the financial year 1992

(94/352/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the EC Treaty,
  - having regard to the third ACP-EEC Convention <sup>(1)</sup>,
  - having regard to the balance sheets and revenue and expenditure accounts of the fifth, sixth and seventh European Development Funds for the 1992 financial year (COM(93)0234),
  - having regard to the report of the Court of Auditors concerning the financial year 1992 and the replies of the institutions <sup>(2)</sup>,
  - having regard to the recommendation of the Council of 25 March 1994 (C3-0151/94),
  - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A3-0257/94),
1. Grants discharge to the Commission in respect of the financial management of the sixth European Development Fund for the financial year 1992 on the basis of the following amounts :
    - Annual revenue
      - Contributions paid ECU 1 650 259 399,63
      - Sundry receipts ECU 50 967 550,61
    - Annual expenditure ECU 914 829 311,80 ;
  2. Records its observations in the resolution which forms part of this decision ;
  3. Instructs its President to forward this decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and the European Investment Bank and to have them published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 21 April 1994.

*The Secretary-General*

Enrico VINCI

*The President*

Dr Egon KLEPSCH

<sup>(1)</sup> OJ No L 86, 31. 1. 1986, p. 1.<sup>(2)</sup> OJ No C 309, 16. 11. 1993.

## DECISION OF THE EUROPEAN PARLIAMENT

of 21 April 1994

giving discharge to the Commission in respect of the financial management of the seventh European Development Fund for the financial year 1992

(94/353/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the EC Treaty,
  - having regard to the fourth ACP-EEC Convention <sup>(1)</sup>,
  - having regard to the balance sheets and revenue and expenditure accounts of the fifth, sixth and seventh European Development Funds for the 1992 financial year (COM(93)0234),
  - having regard to the report of the Court of Auditors concerning the financial year 1992 and the replies of the institutions <sup>(2)</sup>,
  - having regard to the recommendation of the Council of 25 March 1994 (C3-0152/94),
  - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A3-0257/94),
1. Grants discharge to the Commission in respect of the financial management of the seventh European Development Fund for the financial year 1992 on the basis of the following amounts :
    - Annual revenue
      - Contributions paid ECU 0,00
      - Sundry receipts ECU 0,00
    - Annual expenditure ECU 888 830 691,23 ;
  2. Records its observations in the resolution which forms part of this decision ;
  3. Instructs its President to forward this decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and the European Investment Bank and to have them published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 21 April 1994.

*The Secretary-General*

Enrico VINCI

*The President*

Dr Egon KLEPSCH

<sup>(1)</sup> OJ No L 229, 17. 8. 1991, p. 1.<sup>(2)</sup> OJ No C 309, 16. 11. 1993.



## RESOLUTION

containing the observations which form part of the decisions granting discharge to the Commission in respect of the financial management of the fifth, sixth and seventh European Development Funds for the 1992 financial year

THE EUROPEAN PARLIAMENT,

- having regard to Articles 137 and 206 of the EC Treaty,
- having regard to Articles 67, 70 and 73 of the Financial Regulations applicable respectively to the fifth, sixth and seventh EDFs, under which the Commission is required to take all appropriate steps to act on the observations appearing in the discharge decisions,
- having regard to the motion for a resolution by Mr Mitolo and others on aid to Somalia (B3-1281/92),
- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A3-0257/94),

1. Takes note of :

- (a) the assurance given by the Commission concerning the Community character of the operation involving sending Belgian UN troops to Somalia ;
  - (b) the Commission's undertaking to use EDF appropriations solely to finance Community operations, ie those covered by Community legislation and, in particular, the Lomé Conventions ;
  - (c) the plan submitted by the Commission for the inclusion of the EDF in the budget ;
  - (d) the Commission's undertaking to refer to the European Parliament, for information, any decision of a political nature concerning changes in allocations ;
2. Calls on the Commission to act on the recent discharge decisions and observations of the Court of Auditors ;
3. Instructs its President to forward this resolution containing its observations to the Commission, the Council, the Court of Auditors and the European Investment Bank and to have it published in the *Official Journal of the European Communities* (L series).
-



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

**Fisheries**



## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 634/94**

of 10 March 1994

**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 The Gambia on fishing off The Gambia for the period 1 July 1993 to 30 June 1996**

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 Government of The Gambia on fishing off The Gambia (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 (3);

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 1 July 1993 to 30 June 1996 was initialled on 17 June 1993;

Whereas, it is in the Community's interest to conclude the new 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 Government of the Republic of The Gambia on fishing off The Gambia for the period 1 July 1993 to 30 June 1996 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 Brussels, 10 March 1994.

*For the Council*

*The President*

Y. PAPANTONIOU

(1) Opinion delivered on 11 February 1994 (not yet published in the Official Journal).

(2) OJ No L 146, 6. 6. 1987, p. 3.

(3) OJ No L 379, 31. 12. 1990, p. 15.

## PROTOCOL

establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of The Gambia on fishing off the coast of The Gambia for the period 1 July 1993 to 30 June 1996

### *Article 1*

Pursuant to Article 4 of the Agreement and for the period 1 July 1993 to 30 June 1996, annual fishing rights shall be as follows:

1. tuna vessels :
  - (a) freezer seiners : 23 vessels
  - (b) pole-and-line : 7 vessels
2. trawlers and other vessels :
  - (a) fresh fish trawlers : 410 GRT
  - (b) freezer trawlers :
    - fishing for shrimps : 2 000 GRT
    - fishing for other species : 750 GRT.

### *Article 2*

The total number of fishing days by fresh fish vessels and freezer trawlers in The Gambia's fishing zone is limited to 1 000 fishing days and 4 000 fishing days, respectively, in each fishing year of application of the Protocol.

The authorities of The Gambia shall notify the Commission Delegation in The Gambia when 80 % of the fishing days authorized for each category of vessel have been utilized.

### *Article 3*

1. For the period referred to in Article 1 the financial compensation referred to in Article 9 of the Agreement shall be ECU 1 100 000 payable in three equal annual instalments.
2. The use to which this compensation is put shall be the sole responsibility of the authorities of The Gambia.
3. The compensation shall be paid to the Accountant General's Department of The Gambia.

### *Article 4*

1. The Community shall also contribute during the period referred to in Article 1 the sum of ECU 80 000 towards the financing of scientific programmes designed to improve knowledge on the fish resources within the waters of The Gambia.

2. Following communication by the relevant authorities of The Gambia of the content of the scientific programmes, the corresponding amounts shall be transmitted to the account specified by those authorities.

3. The relevant authorities of The Gambia shall submit to the relevant services of the Commission reports on the realization of these programmes.

### *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 The Gambia 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 220 000. At the request of the relevant authorities of The Gambia, 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 6*

Should the Community fail to make the payments provided for in Articles 3 and 4, the application of this Protocol may be suspended.

### *Article 7*

The Annex to the Agreement between European Economic Community and the Government of the Republic of The Gambia on fishing off the coast of The Gambia 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 July 1993.

## ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS  
IN THE GAMBIA'S FISHING ZONE

## A. Licence application and issuing formalities

1. The relevant Community authorities shall present to the relevant authorities of The Gambia, via the Commission Delegation in The Gambia, 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 relevant authorities of The Gambia, 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 Gambia's 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 relevant authorities of The Gambia, within 15 days following receipt of proof of payment as laid down at 2, to the shipowners or their representatives via the Commission Delegation in The Gambia.

4. Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the European Economic Community, 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 relevant authorities of The Gambia via the Commission Delegation in The Gambia.

The new licence shall indicate :

- the date of issue,
- the fact it replaces the licence of the previous vessel for the remaining period of validity.

In the case, no fee shall be due for unexpired period of validity.

5. The licence must be held on board at all times.
6. The Accountant General's Department of The Gambia 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 licences for tuna vessels

1. Licences shall be valid for one year. They shall be renewable.
2. The fee shall be set at ECU 20 per tonne caught within The Gambia's fishing zone.
3. Licences shall be issued following payment to the Accountant General's Department of The Gambia 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, equivalent to the fees payable for a catch of :
  - 50 tonnes of tuna per year in the case of seiners,
  - 10 tonnes per year in the case of pole-and-line tuna vessels.
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 for each vessel and confirmed by the relevant scientific institutes, including the French Office de la recherche scientifique et technique d'outre-mer (Orstom) and the Instituto Español de Oceanografía (IEO).

The statement shall be forwarded simultaneously to the relevant authorities of The Gambia and to the shipowners. Any additional payment due shall be made by the shipowners to the Accountant General's Department of The Gambia no later than 30 days after notification of the final statement, to be paid into the account opened with a financial institution or any other body designated by the relevant authorities of The Gambia.

However, if the amount of the final statement is lower than the abovementioned amount, the resulting balance shall not be reimbursable.

#### C. Provisions applicable to licences for other vessels

1. Licences shall be valid for three, six or 12 months. The annual fee shall be fixed according to GRT, in proportion to the duration of the licence, at the rate of :
  - (a) fresh fish vessels :
    - ECU 96 per GRT for vessels fishing for crustaceans,
    - ECU 60 per GRT for other vessels ;
  - (b) freezer vessels :
    - ECU 96 per GRT for shrimp vessels,
    - ECU 72 per GRT for other vessels.

These fees shall be paid to the Accountant General's Department of The Gambia in the currency indicated by the relevant authorities of The Gambia.
2. Trawlers fishing in The Gambia's fishing zone shall be limited at a maximum of 1 500 GRT.
3. Each vessel shall be represented by an agent selected by the shipowner and based in The Gambia. An agent may represent more than one vessel.

#### D. Statement of catch

1. For tuna seiners and pole-and-line tuna vessels, a fishing log shall be kept, in accordance with the model in Appendix 2, for each fishing period spent in The Gambia's fishing zone. The form must be sent, within 45 days of the end of the fishing voyage spent in The Gambia's fishing zone, to the relevant authorities of The Gambia via the Commission Delegation in The Gambia.
  2. Trawlers are obliged to notify the relevant authorities of The Gambia of their catches using the standard form given in Appendix 3 via the Commission Delegation in The Gambia. The statements shall be monthly and must be communicated at least once every three months.
  3. Forms must be completed legibly and be signed by the master of the vessel.
  4. Should these provisions not be adhered to, the relevant authorities of The Gambia reserve the right to suspend the licence of the offending vessel until the formality has been complied with.
- In this case, the Commission Delegation in The Gambia shall be informed.

#### E. Landing of catch

Trawlers authorized to fish in The Gambia's fishing zone shall, in order to make a contribution towards supplying the local population with fish caught in The Gambia's fishing zone, be obliged to land free of charge, to the Ministry of Water Resources, Forestry and Fisheries of The Gambia, 30 kilograms per GRT per year of fish for local consumption.

Landings may be made individually or collectively, mention being made of the vessels concerned.

#### F. Signing-on of seamen

1. Trawler owners who have been issued fishing licences under the Agreement shall contribute to the on-the-job vocational training of The Gambia nationals, taking on board one seaman per trawler.
2. The wage of this fisherman, to be borne by the shipowners, shall be fixed by mutual agreement between shipowners and the relevant authorities of The Gambia. Should the fisherman not be signed on, the shipowners shall be obliged to pay a lump sum equivalent to 60 % of the seaman's wage. This sum will be used for the training of fishermen in The Gambia and is to be paid into an account specified by the relevant authorities of The Gambia.

#### G. Fishing zones

Community vessels may carry out fishing activities in the following zones :

- beyond seven miles from the coast for trawlers equal to or less than 250 GRT,
- beyond 12 miles from the coast for trawlers of more than 250 GRT,
- throughout the waters under sovereignty or jurisdiction of The Gambia for tuna vessels.



#### H. Meshes authorized

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be, when fishing for :

- live bait : 8 mm,
- cephalopods : 40 mm,
- fin fish : 60 mm,
- shrimp : 40 mm.

In the case of tuna, the international standards recommended by Iccat shall apply.

#### I. Entering and leaving the zone

1. All Community vessels fishing under the Agreement in The Gambia's fishing zone shall communicate to the Banjul radio station the date and time and their position when entering and leaving The Gambia's fishing zone.
2. While fishing in The Gambia's fishing zone, vessels shall notify their position and their catch to the relevant authorities of The Gambia every three days via the Banjul radio station, and give their total catch each time they leave the zone.
3. The call sign and operating frequencies and working hours of the station shall be communicated to the shipowners or their representatives by the relevant authorities of The Gambia 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 telegram.

#### J. Procedure in case of arrest and detention

The Commission Delegation in The Gambia shall be notified within 48 hours of any arrest and detention within The Gambia's fishing zone of a fishing vessel flying the flag of a Member State of the Community and operating under this Agreement. A brief report of the circumstances and reasons leading to the arrest shall be provided within 72 hours.

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Appendix 1

REPUBLIC OF THE GAMBIA

APPLICATION FORM FOR FISHING VESSEL TO FISH  
IN GAMBIAN WATERS

I. APPLICANT :

- 1. Name of applicant : .....
- 2. Name of company : .....
- 3. Address : .....

II. VESSEL :

- 1. Name : .....
- 2. Registration No : .....
- 3. Date and place of construction : .....
- 4. Radio call sign : .....
- 5. Country of registration : .....
- 6. Gross register tonnes : .....
- 7. Number of fish holds : .....
- 8. Capacity of holds : .....
- 9. Total number of crew : .....
- 10. Fishing method : .....
- 11. Is the vessel a freezer ? .....
- 12. If yes : .....
- Freezer capacity : .....
- Storage capacity : .....
- 13. Name of master of vessel : .....

III. PERIOD OF APPLICATION :

From ..... to .....

.....  
(Date)

.....  
(Signature)

\_\_\_\_\_





## I

*(Acts whose publication is obligatory)*

COUNCIL REGULATION (EC) No 410/94

of 14 February 1994

on the conclusion of the Protocol establishing for the period 16 June 1993 to 15 June 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-Bissau on fishing off the coast of Guinea-Bissau

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 (3), first subparagraph thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau <sup>(2)</sup> signed in Bissau on 27 February 1980, the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of application of the Protocol referred to in Article 9 of that Agreement <sup>(3)</sup>;

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 16 June 1993 to 15 June 1995 was initialled on 5 May 1993;

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 Brussels, 14 February 1994.

*Article 1*

The Protocol establishing for the period 16 June 1993 to 15 June 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-Bissau on fishing off the coast of Guinea-Bissau 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*.

*For the Council*  
*The President*  
Y. PAPANTONIOU

<sup>(1)</sup> OJ No C 20, 24. 1. 1994.

<sup>(2)</sup> OJ No L 226, 29. 8. 1980, p. 33.

<sup>(3)</sup> Regulation (EEC) No 346/92 (OJ No L 42, 18. 2. 1992, p. 24).

PROTOCOL

establishing for the period 16 June 1993 to 15 June 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-Bissau on fishing off the coast of Guinea-Bissau

*Article 1*

For a period of two years from 16 June 1993, the fishing rights granted pursuant to Article 4 of the Agreement shall be as follows:

1. (a) freezer shrimp trawlers: 11 000 GRT per month, annual average;
- (b) freezer fin fish and cephalopod trawlers: 4 000 GRT per month, annual average;
2. freezer tuna seiners: 22 vessels;
3. pole-and-line tuna vessels and surface longliners: 10 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 12 000 000, 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-Bissau.
3. The compensation shall be paid into an account opened with a financial institution or any other body designated by Guinea-Bissau.

*Article 3*

At the request of the Community, the fishing rights referred to in Article 1(1) may be increased by successive instalments of 1 000 GRT per 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 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 a brief report on the way that amount is used to the Commission staff.

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 country linked with the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 250 000. At the request of the 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, or to strengthen the administrative infrastructure of the Office of the Secretary of State for Fisheries. 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-Bissau on fishing off the coast of Guinea-Bissau 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 16 June 1993.

*Article 9*

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each text being equally authentic.

## ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN  
GUINEA-BISSAU'S FISHING ZONE

## A. Licence application and issuing formalities

The procedure for applications for, and issue of, the licences enabling Community vessels to fish in Guinea-Bissau's fishing zone shall be as follows:

The relevant Community authorities shall present to the Ministry for Fisheries of the Republic of Guinea-Bissau, via the Commission Delegation in Guinea-Bissau, 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-Bissau, specimens of which are 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 referred to in Article 2 of the Protocol.

The fees shall include all national and local taxes with the exception of port fees and fees for the provision of services.

By way of derogation from Article 4 (3) of the Agreement, the licences shall be valid from their date of issue to 31 December of the year in which they are issued or to the expiry of the Protocol in the case of the last year of application of the Protocol. The fees are annual. However, during the first and last years of application of the Protocol they shall be payable in proportion to the period of validity of the Agreement.

Licences for tuna seiners, pole-and-line tuna vessels and surface longliners shall be issued by the Guinea-Bissau authorities within the 30-day time limit laid down above to the shipowners or their representatives via the Delegation of the Commission of the European Communities in Guinea-Bissau.

Freezer trawlers must be present in the port of Bissau when the licence is handed over. The Delegation of the Commission of the European Communities shall be notified of each licence issued.

Licences shall be issued for a specific vessel 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 owner of the first vessel shall return the cancelled licence to the Ministry for Fisheries of the Republic of Guinea-Bissau via the authorities of the Commission of the European Communities.

The licence must be held on board at all times.

## 1. Provisions applicable to trawlers

For the duration of this Protocol the fees for annual licences shall be as follows:

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.

The fees for a calendar year may be paid in four-monthly or half-yearly instalments, in which case they shall be increased by 5 or 3% respectively.

## 2. Provisions applicable to tuna vessels and surface longliners

(a) The fees shall be ECU 20 per tonne caught within Guinea-Bissau's fishing zone.

(b) Licences shall be issued following payment to 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 by each shipowner and confirmed by the scientific institutes responsible for verifying catch date (Orstom and IEO — Spanish Institute of Oceanography). The statement shall be forwarded simultaneously to the Ministry for Fisheries and to the shipowners. Any additional payment due shall be made by the shipowners to the Ministry for Fisheries of Guinea-Bissau by 31 May of the following year at the latest, in accordance with the procedure for payment set out in Article 2 of the Protocol.

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-Bissau's waters under the Agreement a statement of their catch must be provided to the Ministry for Fisheries, with a copy to the Delegation of the Commission of the European Communities in Guinea-Bissau, in accordance with the procedures set out below:

- for trawlers, a statement of catch shall be made out according to the specimen annexed hereto (Appendix 2). The 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 voyage spent in the Guinea-Bissau fishing zone, to the Ministry for 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, moreover, 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 on-the-job 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 between 300 and 400 GRT,
  - five seamen/fishermen on vessels of more than 400 GRT;
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 Office of the Secretary of State 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 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-Bissau and is to be paid into an account specified by the Guinea-Bissau authorities.

#### E. Taking on board of observers

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 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. The salary and the social 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 on board leave the Guinea-Bissau fishing zone, all measures must be taken to ensure the observer's return to Guinea-Bissau as soon as possible at the expense of the shipowner.

2. Each trawler shall take on board an observer designated by the Ministry for Fisheries. As a contribution to the costs arising from the presence of the observer on board, the shipowner shall pay the Guinea-Bissau authorities the sum of ECU 4 per GRT per year per vessel exercising fishing activities in Guinea-Bissau waters at the same time as the licence fee is paid.
3. Tuna vessels and surface longliners shall take an observer on board at the request of the Ministry for Fisheries.

In that case, the port of embarkation shall be determined by mutual agreement between the Ministry for Fisheries and the shipowners or their representatives at a meeting to be arranged between the two parties.

#### F. Inspection and monitoring

Any Community vessel fishing in Guinea-Bissau's fishing zone shall allow on board any official of Guinea-Bissau 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.

#### G. Fishing zones

The freezer trawlers 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) 40 mm for cephalopod vessels;
- (c) 40 mm for shrimp vessels;
- (d) 16 mm for fishing for live hait.

Outrigger fishing shall be authorized.

#### I. Entering and leaving the zone

All Community vessels fishing under the Agreement in the Guinea-Bissau zone shall communicate to the radio station of the Ministry for 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 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 266 SEP BI), telegram or telefax (No 20 11 57).

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 boarding within the Guinea-Bissau fishing zone of a fishing vessel flying the flag of a Member State of the Community and shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through an administrative procedure. This procedure shall end 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 fix a bank security within 48 hours of the completion of the administrative procedure pending the judicial decision. The size of the security shall not exceed the maximum fine provided for in national legislation in respect of the presumed 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.

Should one of the parties consider it necessary, it may request urgent consultations pursuant to Article 10 of the Agreement.

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*Appendix 1*APPLICATION FORM  
FOR A  
FISHING LICENCE

For official use only	Remarks
Nationality: .....	.....
Licence No: .....	.....
Date of signing: .....	.....
Date of issue: .....	.....

## APPLICANT

Name of firm: .....

Trade register No: .....

First name and surname of applicant: .....

Date and place of birth: .....

Occupation: .....

Address: .....

.....

No of employees: .....

Name and address of co-signatory: .....

.....

## VESSEL

Type of vessel: ..... Registration No: .....

New name: ..... Former name: .....

Date and place of construction: .....

Original nationality: .....

Length: ..... Beam: ..... Hold: .....

Gross tonnage: ..... Net tonnage: .....

Type of building materials: .....

Make of main engine: ..... Type: ..... Rating: .....

Propeller: Fixed  Variable  Ducted 

Transit speed: .....

Call sign: ..... Call frequency: .....

List of sounding, navigating and transmission instruments:

Radar  Sonar  Netsonde   
 VHF  SSB  Netsonde satellite navigation  Other .....

No of seamen: .....

## CONSERVATION

Packed in ice  Ice and refrigeration   
 Freezing in brine  Dry  Refrigerated sea water

Total refrigerating power: .....

Freezing capacity in tonnes/24 hours: .....

Hold capacity: .....

## TYPE OF FISHING

## A. Demersal

Inshore demersal  Deep-sea demersal

Type of trawl:  
 Cephalopods  Shrimps  Fish

Length of trawl: ..... Headline: .....

Mesh size in the body: .....

Mesh size in the wings: .....

Speed of trawling: .....

## B. Deep-sea pelagic (tuna)

Pole and line  No of poles and lines

Seine  Length of net: ..... Depth of net: .....

No of tanks: ..... Capacity in tonnes: .....

## C. Longlines and pots

Surface  Bottom

Length of lines: ..... No of hooks: .....

No of lines: .....

No of pots: .....

**SHORE INSTALLATIONS**

Address and permit No: .....

Name of firm: .....

Activities: .....

Domestic wholesale fish trade

Export

Type and No of wholesale trader's card: .....

Description of processing and conservation plant:

.....

.....

.....

.....

.....

No of employees: .....

**NB: Indicate affirmative answers by a tick in the appropriate box.**

**Technical remarks**

**Authorization of the Ministry**

Appendix 2

MINISTRY FOR FISHERIES

STATISTICS ON CATCH AND ACTIVITY

Month:

Year:

Name of vessel:	
Nationality (flag):	

Engine rating:	
Gross registered tonnage:	

Fishing method:	
Port of landing:	

Date	Fishing zone		Number of fishing operations	Number of fishing hours	Species of fish						Totals	
	Longitude	Latitude										
1/												
2/												
3/												
4/												
5/												
6/												
7/												
8/												
9/												
10/												
11/												
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30/												
31/												





## COUNCIL DECISION

of 16 May 1994

on the conclusion of an Agreement in the form of an exchange of letters on the provisional application of the Protocol defining, for the period 1 December 1993 to 30 November 1996, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius

(94/289/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters<sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas the Community and Mauritius held negotiations to determine the amendments or additions to be made to the Agreement on fishing off Mauritius at the end of the period of application of Protocol 1;

Whereas, as a result of these negotiations a new Protocol was initialled on 26 November 1993;

Whereas, under this Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of Mauritius for the period 1 December 1993 to 30 November 1996;

Whereas, in order to avoid interruption of fishing activities by Community vessels, it is essential that the Protocol in question be approved as quickly as possible; whereas both parties have therefore initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the Protocols previously in force; whereas the Agreement in the form of an exchange

of letters should be concluded, subject to a definitive decision under Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an exchange of letters on the provisional application of the Protocol defining, for the period 1 December 1993 to 30 November 1996, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius 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, 16 May 1994.

*For the Council**The President*

Th. PANGALOS

(<sup>1</sup>) OJ No L 159, 10. 6. 1989, p. 1.

## AGREEMENT

in the form of an exchange of letters on the provisional application of the Protocol defining, for the period 1 December 1993 to 30 November 1996, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius

*A. Letter from the Government of Mauritius*

Sir,

With reference to the Protocol, initialled on 26 November 1993, defining the fishing opportunities and the financial contribution for the period 1 December 1993 to 30 November 1996, I have the honour to inform you that the Government of Mauritius is willing to apply the Protocol provisionally from 1 December 1993 pending its entry into force in accordance with Article 6 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one third of the financial compensation laid down by Article 2 of the Protocol, must be paid before 31 May 1994.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.

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

*For the Government  
of Mauritius*

*B. Letter from the Community*

Sir,

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

'With reference to the Protocol, initialled on 26 November 1993, defining the fishing opportunities and the financial contribution for the period 1 December 1993 to 30 November 1996, I have the honour to inform you that the Government of Mauritius is willing to apply the Protocol provisionally from 1 December 1993 pending its entry into force in accordance with Article 6 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one third of the financial compensation laid down by Article 2 of the Protocol, must be paid before 31 May 1994.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.'

I am pleased to confirm the agreement of the European Community to a provisional application.

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

*For the Council  
of the European Union*

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COUNCIL REGULATION (EC) No 1797/94  
of 18 July 1994

relating to the conclusion of the Protocol defining, for the period 1 December 1993 to 30 November 1996, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius

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, thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Whereas, in accordance with the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters<sup>(2)</sup>, the 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 Protocol No 1 ;

Whereas, as a result of these negotiations, a new Protocol defining, for the period 1 December 1993 to 30 November 1996, the fishing opportunities and the financial contribution provided for by the said Agreement was initialled on 26 November 1993 ;

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

Done at Brussels, 18 July 1994.

Whereas it is in the Community's interest to approve this Protocol,

HAS ADOPTED THIS REGULATION :

*Article 1*

The Protocol defining, for the period 1 December 1993 to 30 November 1996, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius 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<sup>(3)</sup>.

*Article 3*

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

*For the Council*

*The President*

J. BORCHERT

<sup>(1)</sup> Opinion delivered on 6 May 1994 (not yet published in the Official Journal).

<sup>(2)</sup> OJ No L 159, 10. 6. 1989, p. 2.

<sup>(3)</sup> The date of entry into force of the Protocol will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

## PROTOCOL

**defining, for the period 1 December 1993 to 30 November 1996, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius**

### *Article 1*

1. Pursuant to Article 2 of the Agreement, and for a period of three years from 1 December 1993, the following fishing possibilities shall be accorded:

- for ocean-going tuna seiners: licences for 20 vessels;
- for vessels flying by line (except tuna trollers and tuna surface longliners): licences for 100 grt/month on an annual average.

2. Furthermore, fishing licences may also be granted for tuna trollers and surface tuna longliners.

3. These fishing possibilities may, at the Community's request, be increased by the Joint Committee referred to in Article 8 of the Agreement.

### *Article 2*

1. The financial compensation referred to in the Agreement for the abovementioned period is fixed at ECU 975 000, payable in three annual instalments.

2. In the case of tuna fishing, this compensation shall cover a catch weight in waters of Mauritius of 6 000 tonnes of tuna fished per year. If the annual amount of tuna caught by Community vessels in the waters of Mauritius exceeds this quantity, the abovementioned compensation shall be increased by ECU 50 for each additional tonne caught.

3. The use to which this compensation is put shall be the sole competence of Mauritius.

4. The financial compensation shall be paid into an account opened at a financial institution or other body designated by Mauritius.

### *Article 3*

1. The Community shall also pay a contribution of ECU 380 000 towards the financing of scientific and technical programmes (including equipment, infrastructure, etc) in order to improve knowledge of fish stocks and fisheries in general.

2. The competent authorities of Mauritius shall send to the Commission a brief report on the utilization of the funds.

3. The Community's contribution to the scientific and technical programmes shall be paid into an account specified by the authorities of Mauritius.

### *Article 4*

The two parties hereby agree that an essential condition for the success of their cooperation is that the skills and know-how of persons engaged in sea fishing be improved. To this end, the Community will assist Mauritian nationals in finding places in establishments in its Member States or States with which it has concluded cooperation agreements and will make available an amount of ECU 100 000 for study or practical training awards with a maximum duration of five years in the various scientific, technical and economic subjects relating to fisheries. Of this amount, up to ECU 30 000 may be used, at the request of the Mauritian authorities, to cover the cost of attending international meetings relating to fisheries.

### *Article 5*

Should the Community fail to make the payments specified in Articles 2 and 3, the Agreement on fishing may be suspended.

### *Article 6*

The Annex to the Agreement between the European Community and the Government of Mauritius on fishing in the waters of Mauritius is hereby repealed and replaced by the Annex to this Protocol.

### *Article 7*

This Protocol with its Annex shall enter into force on the date of its signature.

It shall apply from 1 December 1993.

## ANNEX

**CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN  
THE WATERS OF MAURITIUS**

**1. Licence application and issuing formalities**

The application procedure for, and issue of, the licences enabling Community vessels to fish in the waters of Mauritius shall be as follows :

- (a) The Commission of the European Communities shall present to the authorities of Mauritius via the representative of the Commission of the European Communities in Mauritius an application, made by the shipowner, for each vessel that wishes to fish under this Agreement, at least 20 days before the date of commencement of the period of validity requested. The application shall be made on the forms provided for that purpose by Mauritius, a specimen of which is annexed hereto.
- (b) Every licence shall be issued to the shipowner for one designated vessel. At the request of the Commission of the European Communities the licence for a vessel may and, in cases of *force majeure*, shall be replaced by a licence for another Community vessel.
- (c) The licences shall be delivered by the authorities of Mauritius to the representative of the Commission of the European Communities in Mauritius.
- (d) The licence document must be held on board at all times. However, on receipt of the notification of the advance payment sent by the Commission of the European Communities to the Mauritian authorities, the vessel will be included on a list, to be notified to the Mauritian authorities, the vessel will be included on a list, to be notified to the Mauritian fisheries control authorities. 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.
- (e) The authorities of Mauritius shall communicate before the date of entry into force of the agreement the arrangements for payments of the licence fees, and in particular the details of the bank account and the currency to be used.

**2. Validity of licences and payment provisions for tuna vessels**

- (a) Licences shall be valid for a period of one year. They are renewable.
- (b) For tuna seiners, the fees shall be set at ECU 20 per tonne caught within the waters of Mauritius. Applications for licences for tuna vessels shall be issued following advance payment to Mauritius of a lump sum of ECU 1 000 a year for each tuna seiner, equivalent to the fees for 50 tonnes of tuna caught within the waters of Mauritius per year.
- (c) For small tuna trollers and surface tuna longliners mentioned in Article 1 of the Protocol, the licence fee is fixed at ECU 20 per tonne caught in Mauritian waters. The licences shall be issued following advance payment to Mauritius of a lump sum of ECU 300 per year per vessel, equivalent to the fees due for 25 tonnes of tuna caught in Mauritian waters per year.
- (d) A provisional statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by the shipowners and forwarded simultaneously to the authorities of Mauritius and the Commission of the European Communities. The corresponding amount shall be paid by the shipowners to the Treasury of Mauritius no later than 31 March of the following year. The final statement of the fees due in respect of a fishing year shall be drawn up by the Commission of the European Communities, taking into account available scientific opinion and any statistical data which can be gathered by Orstom, the Spanish Oceanographic Institute and any international fishing organizations in the Indian Ocean. The shipowners shall be notified by the Commission of the European Communities of the statement and shall have 30 days in which to meet their financial obligations. If the amount of the sum due for actual fishing operations is less than the advance payment, the corresponding outstanding sum shall not be recoverable by the shipowner.

**3. Validity of licences and payment provisions for other vessels**

For vessels fishing by line (except tuna trollers and tuna surface longliners), licences shall be valid for three, six or twelve months. The annual fees shall be fixed in relation to the GRT as follows : ECU 60 per GRT *pro rata temporis*.

**4. Observers**

All vessels above 50 GRT shall, at the request of the authorities of Mauritius, take on board an observer designated by these authorities in order to check catches made in the waters of Mauritius. Observers shall have all facilities necessary for the performance of this duty including access to places and documents. An observer must not be present for longer than the time required to fulfil his duties. They shall be provided with suitable food and accommodation while on board. Should a vessel with a Mauritian observer on board leave the waters of Mauritius, every step will be taken to ensure that the observer returns to Mauritius as soon as possible, at the shipowner's expense.

**5. Radio communication and reporting**

Vessels above 50 GRT shall communicate, when entering and leaving Mauritian waters, and, every three days, while fishing in Mauritian waters, to a radio station (the name, call sign and frequency of which shall be specified in the licence) or by fax (No 230-208-1929), their position and the volume of catches on board.

The captains of all vessels including vessels fishing by line shall complete a fishing report form which will indicate the date, the vessel's position, and the quantity and species of fish caught. Tuna vessels shall also provide the number of sets and the quantity of tuna caught per species. These forms shall be forwarded to the Authorities of Mauritius not later than three weeks after each fishing campaign. However, in the case of vessels fishing by line, tuna trollers and tuna surface longliners, these reports shall be sent not later than one month after the end of each quarter.

**6. Fishing zones**

Tuna seiners, tuna trollers and tuna surface longliners may fish in the waters of Mauritius except within a distance of 12 nautical miles measured from the baseline. Vessels fishing by line are only authorized to fish in their traditional grounds, namely Soudan Bank and East Soudan Bank.

**7. Supply to the tuna canning industry**

Community tuna vessels shall endeavour to sell part of their catch to the Mauritian tuna canning industry at a price to be fixed in common agreement between Community shipowners and the owners of the Mauritian tuna canning industry.

APPLICATION FOR A FOREIGN FISHING VESSEL LICENCE

Name of applicant : .....

Address of applicant : .....

Name and address of charterers of vessel if different from above : .....

Name and address of agent in Mauritius (if any) : .....

Name of vessel : .....

Type of vessel : .....

Country of registry : .....

Port and registration number : .....

Fishing vessel external identification : .....

Radio call sign and frequency : .....

Fax number of vessel : .....

Length of vessel : .....

Width of vessel : .....

Engine type and power : .....

Gross registered tonnage of vessel : .....

Net registered tonnage of vessel : .....

Minimum crew complement : .....

Type of fishing practised : .....

Proposed species of fish : .....

.....

.....

.....

.....

Period of validity requested : .....

I certify that the above particulars are correct.

Date ..... Signature .....

\_\_\_\_\_



## I

*(Acts whose publication is obligatory)*

COUNCIL REGULATION (EC) No 1348/94  
of 2 June 1994

on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania for the period 1 August 1993 to 31 July 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,

*Article 1*

Having regard to the proposal from the Commission,

The Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania for the period 1 August 1993 to 31 July 1996 is hereby approved on behalf of the Community.

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

The text of the Protocol is attached to this Regulation.

Whereas, in accordance with the second paragraph of Article 13 of the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania <sup>(2)</sup>, the two Parties negotiated to determine the amendments or additions to be introduced into the Annex to the said Agreement and into the Protocol at the end of the period of application of the Protocol <sup>(3)</sup>;

*Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Whereas, as a result of these negotiations, a new Protocol setting out, for the period 1 August 1993 to 31 July 1996, the fishing opportunities and financial contribution provided for in the aforementioned Agreement was initialled on 10 June 1993;

*Article 3*

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

Whereas it is in the Community's interest to approve this Protocol,

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

Done at Luxembourg, 2 June 1994.

*For the Council*

*The President*

D. KREMASTINOS

<sup>(1)</sup> OJ No C 128, 9. 5. 1994.

<sup>(2)</sup> OJ No L 388, 31. 12. 1987, p. 1.

<sup>(3)</sup> OJ No L 117, 10. 5. 1991, p. 1.

PROTOCOL

setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania for the period 1 August 1993 to 31 July 1996

*Article 1*

For a period of three years from 1 August 1993, the fishing opportunities granted pursuant to Article 2 of the Agreement shall be as follows:

1. Specialized vessels

- (a) fishing vessels specializing in crustaceans, with the exception of crawfish: 4 500 GRT/month annual average;
- (b) black hake trawlers and bottom longliners: 12 000 GRT/month annual average;
- (c) vessels fishing for demersal species other than black hake gear other than trawls (fixed gillnet, longliner, line): 2 600 GRT/month annual average;
- (d) trawlers fishing for deepwater demersal species other than black hake: 4 200 GRT/month annual average;
- (e) pot vessels (crawfish): 300 GRT/month annual average.

Vessels with licences for crawfish fishing may keep on board no fishing gear other than pots. These vessels are not authorized for live-bait fishing.

In addition, crawfish fishing shall be prohibited between 1 July and 30 September each year, since this is the height of the breeding season for these species.

2. Vessels fishing for highly migratory species

- Pole-and-line tuna vessels and surface longliners: 11 vessels
- Freezer tuna seiners: 34 vessels.

Pole-and-line tuna vessels are authorized to fish with live bait within the limits and under the conditions (zones and mesh sizes) laid down in the Annex to the Agreement.

*Article 2*

1. The total financial compensation referred to in Article 6 of the Agreement shall be, for the period referred to in Article 1, ECU 26 000 000, payable in three annual instalments.

2. The use to which this compensation is put shall be the sole responsibility of Mauritania.

3. The compensation shall be paid into an account opened with a financial institution or any other body designated by Mauritania.

*Article 3*

If Mauritania decides, taking account of stock levels, to re-open cephalopod fishing to vessels other than those of the national fleet, cephalopod fishing authorizations shall be granted to Community vessels under technical and financial conditions to be agreed. In such a case, the financial compensation referred to in Article 2 shall be adjusted.

*Article 4*

Of the amount of total financial compensation provided for in Article 2 (1), Mauritania shall allocate, for the period referred to in Article 1, the sum of ECU 900 000 towards the financing of scientific and technical programmes to improve biological and fishery resource information as regards the Mauritanian fishing zone. This sum shall be made available to Mauritania and the corresponding amounts shall be transferred to the accounts indicated by the Mauritanian authorities (CNROP in Nouadhibou).

The Community reserves the right to request the Contracting Party to provide any information that may be useful for scientific purposes.

*Article 5*

1. Of the amount of total financial compensation provided for in Article 2 (1), Mauritania shall allocate, for the period referred to in Article 1, the sum of ECU 360 000 to study and practical training in the various scientific, technical and economic disciplines relating to fisheries. To this end, the Community shall make it easier for nationals of Mauritania to find places in establishments in its Member States.

2. Part of the amount referred to in paragraph 1 may be allocated to cover the costs of participating in international meetings or training courses on fisheries.

*Article 6*

Should the Community fail to make the payments provided for in Article 2, Mauritania reserves the right to suspend the application of this Protocol.

*Article 7*

The Parties agree to encourage cooperation in the field of fisheries. They shall encourage the integration of Community and Mauritanian concerns through associations of mutual interest to exploit fisheries resources and process and market fishery products.

*Article 8*

The Annex to the Agreement between the European Community and Mauritania on fishing off the coast of Mauritania is hereby 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 with effect from 1 August 1993.

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## ANNEX

## CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN MAURITANIA'S FISHING ZONE

## A. Licence applications and issuing formalities

1. The Commission of the European Communities shall, via its delegation in Mauritania, present to the Mauritanian fishery authorities a licence application in respect of each vessel, drawn up by shipowners wishing to fish under the Agreement, at least 20 days before the date of commencement of the period of validity requested. The applications shall be made on the forms provided for that purpose by Mauritania, a specimen of which is shown in Appendix 1. Licence applications shall be accepted only if 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 the cost referred to at 2.

In addition, in the case of freezer tuna seiners, a tonnage certificate must be attached to the licence application form.

2. Before receiving a licence, each vessel, with the exception of freezer tuna seiners and pole-and-line tuna vessels, must be presented at the port of Nouadhibou for inspection in accordance with the rules and regulations in force. This inspection shall be carried out within 48 hours of the vessel's arrival in port. The expenses incurred shall be borne by the shipowner and may not be higher than those usually paid by other vessels for the same services.

In the case of pole-and-line tuna vessels and surface longliners, the inspection may be made in a foreign port to be agreed. All expenses linked to such inspection shall be at the shipowner's expense.

3. Licences shall be issued for a given 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 for another Community vessel having the same characteristics. In such a case, the owner of the vessel to be replaced shall return the licence to the Ministry responsible for maritime fisheries via the Delegation of the Commission of the European Communities in Mauritania.

The new licence shall indicate:

- the date of issue,
- the fact that this licence cancels and replaces that of the first vessel.

No fee shall be due for the period of validity remaining.

4. The licence shall be delivered to the master of the vessel or his representative by the Mauritanian authorities within 20 days of receipt of proof of payment of the fee. The Delegation of the Commission of the European Communities in Mauritania shall be notified of delivery.
5. The licence must be held on board at all times.
6. The Mauritanian authorities shall specify the bank account and currencies to be used for payment of fees before the entry into force of the Agreement.

## B. Validity of licences and payment of fees by shipowners

## 1. Provisions applicable to tuna vessels and surface longliners

- (a) Licences for these vessels shall be issued for periods of 12 months.
- (b) The fee to be paid by the shipowner shall be set at ECU 20 per tonne caught within the Mauritanian fishing zone.
- (c) Licences shall be issued following payment to the Mauritanian public treasury of a lump sum of ECU 2 000 a year for each pole-and-line tuna vessel and each surface longliner and ECU 1 000 a year for each freezer tuna seiner, equivalent to the fees for:
  - 100 tonnes of tuna a year in the case of pole-and-line tuna vessels,
  - 100 tonnes per year of species caught by surface longliners,
  - 50 tonnes of tuna per year caught by freezer tuna seiners.

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 national de recherche océanographique et des pêches (CNROP) on the other.

This statement shall be forwarded simultaneously to the Mauritanian seafishing services and to the shipowners not later than 30 April of the following year. Any additional payment due shall be made by the shipowners to the Mauritanian public treasury no 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.

In addition, ships' masters shall keep a logbook for each fishing period in Mauritania's fishing zone in accordance with the ICCAT form in Appendix II.

## 2. Provisions applicable to other vessels

- (a) Licences for these vessels shall be issued for periods of 3, 6 or 12 months. They shall be renewable.
- (b) The licence fees to be paid by shipowners, expressed in ecus per gross registered tonnage per year, shall be as follows:
  - fishing vessels specializing in crustaceans, with the exception of crawfish: 276
  - black hake trawlers and bottom longliners: 142
  - vessels fishing for demersal species other than black hake with gear other than trawls:
    - vessels less than 100 GRT: 133
    - vessels greater than 100 GRT: 200
  - trawlers fishing for deepwater demersal species other than black hake: 156
  - pot vessels (crawfish): 242

## C. Fishing logbook and statement of catch

1. All vessels authorized to fish in Mauritania's fishing zone under the Agreement, with the exception of tuna vessels and longliners, shall be required to enter their operations every day in the fishing logbook and its annex, specimens of which are given in Appendices III and IIIa. These documents must be completed legibly and be signed by the master of the vessel. Copies of these documents must be sent at the end of the voyage to the headquarters of the Commande des Pêches of the Ministry for Fisheries and the Economy of the Sea at Nouadhibou, via the Commission Delegation in Mauritania.
2. Should these provisions not be adhered to, Mauritania reserves 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 at Nouakchott shall be informed without delay.

## D. Signing-on of seamen

1. With the exception of freezer tuna seiners, each vessel shall employ Mauritanian fishermen during its fishing activities in Mauritania's fishing zone to make up 35 % of the non-officer crew engaged in manning the vessel or fishing operations. At the request of the Mauritanian authorities, one of the seamen taken on board may be an officer or a trainee officer whose conditions of presence on board (activity, lodging) shall be agreed jointly before sailing between the shipowner and the competent Mauritanian authority. A breakdown of the composition of the crew between officers and non-officers shall be provided when licence applications are lodged.

The pay conditions shall be identical to those applicable to seamen, officers and trainee officers on Mauritanian vessels.

2. The actual signing-on rate may be less than 35 % but must be greater than 25 %. Otherwise, compensation of ECU 200 per month for each seaman shall be paid by the shipowners to the Mauritanian authorities for the number of seamen not employed on board with regard to the limit of 35 %. Such compensation shall be used for the training of Mauritanian fishermen.

3. At the request of the Mauritanian authorities, each vessel, with the exception of freezer tuna seiners, shall take on board a scientific observer within the 35 % limit referred to in paragraph 1. The captain shall facilitate the task of the scientific observer, whose activities may not disturb fishing operations.
4. Shipowners shall be free to choose which Mauritanian sailors, officers and trainee officers they take on board their vessels. The Mauritanian authorities shall therefore keep an up-to-date list containing an adequate number of sailors, officers and trainee officers.
5. Shipowners shall communicate a list of the Mauritanian seamen taken on board each vessel to the Ministry for Fisheries and the Economy of the Sea every six months.
6. The employment contracts of these seamen, officers and trainee officers shall be drawn up in Mauritania between the shipowners or their representatives and those concerned in agreement with the Mauritanian fisheries authorities. These contracts shall cover the social security arrangements applicable to the seamen (including life, accident and sickness insurance). The pay agreed shall be determined in proportion to the period of validity of the licence.

#### E. Inspection and monitoring of fishing activities

Any Community vessel fishing in Mauritania's fishing zone shall allow on board any Mauritanian official responsible for inspecting and monitoring fishing activities and permit him to carry out his duties.

These officials should not remain on board any longer than the time required to carry out their duties.

#### F. Entering and leaving the zone

Community vessels, except those of less than 150 GRT, fishing under this Agreement shall inform the headquarters of the *Commande des pêches* (DCP) at Nouadhibou of the date, time and their position whenever entering or leaving the Mauritanian fishing zone. In addition, pole-and-line tuna vessels shall radio to the same station 24 hours in advance their intention to fish with live bait in the zones demarcated for this purpose.

#### G. Fishing zones

Community vessels shall have access to the fishing zones beyond the following limits:

1. for fishing vessels specializing in crustaceans, with the exception of crawfish:

— north of latitude 19°21' N: nine nautical miles from the baseline of Cap Blanc — Cap Timiris,

during a period laid down annually by decree of the Minister responsible for sea fishing, fishing is not authorized within the lines between the following points:

20°46' N	17°03' W,
19°50' N	17°03' W,
19°21' N	16°45' W;

— south of latitude 19°21' N: six nautical miles from the low-water mark;

2. for black trawlers and bottom longliners and trawlers fishing for deepwater demersal species other than hake:

— north of latitude 19°21' N: the line between the following points:

20°36' N	17°36' W,
20°03' N	17°36' W,
19°50' N	17°12,8' W,
19°50' N	17°03' W,
19°04' N	16°34' W;

— south of latitude 19°21' N: 18 nautical miles from the low water mark;

3. for vessels fishing for demersal species other than black hake with gear other than trawls: three nautical miles from the baselines;
4. for pot vessel (crawfish):
  - north of latitude 19°21' N: 20 nautical miles from the baselines of Cap Blanc — Cap Timiris,
  - south of latitude 19°21' N: 15 nautical miles from the low-water line;
5. for pole-and-line tuna vessels and surface longliners:
  - north of latitude 19°21' N: 15 nautical miles from the base lines of Cap Blanc — Cap Timiris,
  - south of latitude 19°21' N: 12 nautical miles from the low-water line;
6. for freezer tuna seiners:
  - north of latitude 19°21' N: 30 nautical miles from the base lines of Cap Blanc — Cap Timiris,
  - south of latitude 19°21' N: 30 nautical miles from the low-water line;
7. for pole-and-line tuna vessels fishing with live bait:
  - north of latitude 19°21' N: three nautical miles from the base lines of Cap Blanc — Cap Timiris,
  - south of latitude 19°21' N: three nautical miles from the low-water line.

#### H. By-catch

The by-catch (expressed as a proportion of the total weight of the catch) may not exceed the following percentages at any time during fishing:

- fishing vessels specializing in crustaceans, with the exception of crawfish:
  - 20 % fish,
  - 15 % cephalopods,
- black hake trawlers and bottom longliners:
  - 35 % fish,
  - 0 % shrimps and cephalopods,
- trawlers fishing for deepwater demersal species other than black hake:
  - 10 %, of which a maximum of 5 % shrimps and 5 % cephalopods,
- vessels fishing for demersal species other than black hake with gear other than trawls: 0 %.

It shall be forbidden to keep crawfish on board vessels other than crawfish pot vessels.

#### I. Authorized mesh sizes

The minimum mesh sizes authorized are the following:

- fishing vessels specializing in crustaceans, with the exception of crawfish: 40 mm.

During the first year of the Protocol, one vessel will experiment with the use of a trawl equipped with a 70 mm separator intended to protect juveniles; the assessment made by joint agreement between the parties concerned will lead to the general use of the method in the subsequent years if the results on the protection of juveniles and the profitability of fishing operations prove conclusive. If this is not the case, the 50 mm mesh will be used from the second year of the Protocol,

- black hake trawlers: 60 mm,
- trawlers fishing for deepwater demersal species other than black hake:
  - 60 mm in the first year of application of the Protocol,
  - 70 mm in the following years,

- vessels fishing for demersal species other than black hake, using a fixed gillnet: 120 mm,
- pole-and-line tuna vessels fishing with live bait: 8 mm,
- tuna seiners: the standards recommended by ICCAT shall apply.

**J. Seizure and detention of vessels**

The seizure or detention, under the terms of Mauritanian legislation, of a fishing vessel flying the flag of a Member State of the Community shall be the subject of a report to the Delegation of the Commission of the European Communities in Mauritania within 48 hours indicating the circumstances and reasons which led to the seizure or detention.

**K. Transshipment of catches**

Transshipment of catches for fishing vessels specializing in crustaceans, with the exception of crawfish, shall be made in Mauritanian ports.

---



## Appendix 1

## I. APPLICANT

Business name: .....

Number and date of registration: .....

Commercial registration number: .....

Forename and name of person responsible: .....

Date and place of birth: .....

Profession: .....

Address: .....

.....

Number of employees: ..... Permanent: ..... Temporary: .....

Name and address of person responsible: .....

.....

## II. VESSEL

Name of shipowner: ..... Type of ship: .....

Registration number: .....

Home port: .....

New name: ..... Former name: .....

Date and place of construction: .....

Modifications: to the structure: ..... to the equipment: .....

Nationality of origin: ..... Current nationality: .....

Date of acquiring current flag: .....

Classification bureau: .....

Length overall: ..... Breadth: ..... Draught: .....

..... GRT: ..... NRT: .....

Make of main engine: ..... Type: .....

HP of engine: .....

Engine No: .....

Propeller: Fixed pitch  Controllable pitch  Nozzle

Maximum speed: .....

Radio: call sign: ..... Frequency: .....

Detection, navigation and transmission equipment:

Radar  Sonar  Sounder/headline/Net Sonde

VHF  SSB  Navigation: satellite  Other

Crew: .....  
Name of master: .....  
Number of seamen: Total: .....  
Mauritanian: .....

III. PRESERVATION METHOD

Ice  Ice + refrigeration   
Freezing: In brine  Dry  In cold water   
Total refrigeration capacity: .....  
Freezer capacity per 24 hours in tonnes: .....  
Hold capacity: .....

IV. TYPE OF FISHING FOR WHICH AUTHORIZATION IS SOUGHT

— Crustaceans, type: .....  
— Black hake: .....  
— Pelagic species: .....  
— Tuna: .....  
— Gear and mesh used: .....

V. OTHER

Live bait fishing: .....  
Gear and mesh used: .....  
Period of validity sought: .....  
Date of application: .....  
Name and signature: .....







## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 17 June 1994

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 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

(94/456/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast<sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas, in accordance with the second subparagraph of Article 15 of the aforesaid Agreement, the Community and the Republic of Guinea conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed to the Agreement;

Whereas, as a result of these negotiations, a new Protocol was initialled on 24 February 1994;

Whereas, under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of the Republic of Guinea for the period from 1 January 1994 to 31 December 1995;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, it is essential that the new Protocol be applied as soon as possible; whereas, for this reason, the two Parties initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the current Protocol;

Whereas the Agreement in the form of an exchange of letters should be approved, pending a final decision taken on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 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 is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an exchange of letters and of the Protocol are attached to this Decision.

*Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Luxembourg, 17 June 1994.

*For the Council*  
*The President*  
 Th. MIKROUTSIKOS

<sup>(1)</sup> OJ No L 111, 27. 4. 1983, p. 1.

## AGREEMENT

in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1994 to 31 December 1995, the fishing rights and financial compensation provided for in the Agreement between the European Community and the Government of the Republic of Guinea on fishing off the Guinean coast

*A. Letter from the Government of the Republic of Guinea*

Brussels, . . . . .

Sir,

With reference to the Protocol initialled on 24 February 1994 establishing fishing rights and financial compensation for the period from 1 January 1994 to 31 December 1995, I have the honour to inform you that the Government of the Republic of Guinea is ready to apply this Protocol on a provisional basis, with effect from 1 January 1994, pending its entry into force in accordance with Article 8 of the said Protocol, provided that the European Community is disposed to do the same.

This is on the understanding that a first instalment equal to 50 % of the financial compensation specified in Article 2 of the Protocol is paid by 30 June 1994.

I should be obliged if you would confirm the European Community's agreement to such provisional application.

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

*For the  
Government of the Republic of Guinea*

*B. Letter from the Community*

Brussels, . . . . .

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 24 February 1994 establishing fishing rights and financial compensation for the period from 1 January 1994 to 31 December 1995, I have the honour to inform you that the Government of the Republic of Guinea is ready to apply this Protocol on a provisional basis, with effect from 1 January 1994, pending its entry into force in accordance with Article 8 of the said Protocol, provided that the European Community is disposed to do the same.

This is on the understanding that a first instalment equal to 50 % of the financial compensation specified in Article 2 of the Protocol is paid by 30 June 1994.

I should be obliged if you would confirm the European Community's agreement to such provisional application.'

I have the honour to confirm the European Community's agreement to this provisional application of the Protocol.

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

*On behalf of  
the Council the European Union*

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.

## I. Provisions applicable to trawlers

1. Each vessel shall be obliged to report to the port of Conakry once a year, prior to the issue of the licence, to undergo the inspection laid down by the rules and regulations currently in force. Inspections shall be carried out exclusively by duly authorized persons and must be effected within 24 working hours of arrival of the vessel in port if arrival has been announced at least 48 hours in advance. If the licence is renewed during the same calendar year the vessel shall be exempt from further inspection.
2. Each vessel must be represented by an agent of Guinean nationality, established in Guinea.
3. (a) 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 Secretary of State 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 Commission Delegation 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 grr 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 30% 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

1. 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:

- (i) 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;
- (ii) for the fleet of tuna seiners, three Guinea seamen shall be signed on permanently;
- (iii) 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;
- (iv) for the fleet of surface longliners, the shipowners undertake to employ two fishermen per boat;
- (v) 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.

APPLICATION FORM  
FOR A  
FISHING LICENCE

For official use only	Remarks
Nationality: .....	.....
Licence No: .....	.....
Date of signing: .....	.....
Date of issue: .....	.....

## APPLICANT

Name of firm: .....

Trade register No: .....

First name and surname of applicant: .....

Date and place of birth: .....

Occupation: .....

Address: .....

.....

No of employees: .....

Name and address of co-signatory: .....

.....

## VESSEL

Type of vessel: ..... Registration No: .....

New name: ..... Former name: .....

Date and place of construction: .....

Original nationality: .....

Length: ..... Beam: ..... Hold: .....

Gross tonnage: ..... Net tonnage: .....

Type of building materials: .....

Make of main engine: ..... Type: ..... Rating: .....

Propeller:                      Fixed                       Variable                       Ducted 

Transit speed: .....

Call sign: ..... Call frequency: .....

List of sounding, navigating and transmission instruments:

Radar                       Sonar                       Netsonde VHF                       SSB                       Netsonde satellite navigation                       Other: .....

No of seamen: .....

CONSERVATION

Packed in ice  Ice and refrigeration   
 Freezing in brine  Dry  Refrigerated sea water

Total refrigerating power: .....

Freezing capacity in tonnes/24 hours: .....

Hold capacity: .....

TYPE OF FISHING

A. Demersal

Inshore demersal  Deep-sea demersal

Type of trawl: Cephalopods  Shrimps  Fish

Length of trawl: ..... Headline: .....

Mesh size in the body: .....

Mesh size in the wings: .....

Speed of trawling: .....

B. Deep-sea pelagic (tuna)

Pole and line  No of poles and lines

Seine  Length of net: ..... Depth of net: .....

No of tanks: ..... Capacity in tonnes: .....

C. Longlines and pots

Surface  Bottom

Length of lines: ..... No of hooks: .....

No of lines: .....

No of pots: .....

SHORE INSTALLATIONS

Address and permit No: .....

.....

Name of firm: .....

Activities: .....

Domestic wholesale fish trade

Export

Type and No of wholesale trader's card: .....

Description of processing and conservation plant:

.....

.....

.....

.....

No of employees: .....

NB: Indicate affirmative answers by a tick in the appropriate box.



**Technical remarks**

**Authorization of the Ministry for Fisheries**

Appendix 2

OFFICE OF THE MINISTRY  
FOR FISHERIES

STATISTICS ON CATCH AND ACTIVITY

Month:

Year:

Name of vessel:	
Nationality (flag):	

Engine rating:	
Gross registered tonnage:	

Fishing method:	
Port of landing:	

Date	Fishing zone		Number of fishing operations	Number of fishing hours	Species of fish							Totals	
	Longitude	Latitude											
1/													
2/													
3/													
4/													
5/													
6/													
7/													
8/													
9/													
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## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 19 September 1994

on the conclusion of the Agreement in the form of an exchange of letters on the provisional application of the Protocol defining for the period 3 May 1994 to 2 May 1996 the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola

(94/646/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola<sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Angola held negotiations to determine the amendments or additions to be made to the abovementioned Agreement on the expiry of the application period of the Third Protocol annexed to the Agreement and currently in force;

Whereas, as a result of those negotiations, a new Protocol was initialled on 24 March 1994;

Whereas the Protocol provides Community fishermen with fishing opportunities in waters over which Angola has sovereignty from 3 May 1994 to 2 May 1996;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, the new Protocol 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 on the provisional application of the Protocol defining for the period 3 May 1994 to 2 May 1996, the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 19 September 1994.

*For the Council*

*The President*

J. BORCHERT

<sup>(1)</sup> OJ No L 341, 3. 12. 1987, p. 1.

## AGREEMENT

in the form of an exchange of letters on the provisional application of the Protocol defining, for the period 3 May 1994 to 2 May 1996, the fishing opportunities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola

*A. Letter from the Government of Angola*

Brussels,.....

Sir,

With reference to the Protocol initialled on 24 March 1994 defining the fishing opportunities and financial compensation for the period 3 May 1994 to 2 May 1996, I have the honour to inform you that the Government of Angola is prepared to apply the Protocol on a provisional basis with effect from 3 May 1994, pending its entry into force in accordance with Article 7 thereof, provided that the European Community is disposed to do the same.

This is on the understanding that the first instalment on the financial compensation fixed in Article 2 of the Protocol is to be paid before 30 September 1994.

I should be obliged if you would confirm the Community's agreement to such provisional application of the Protocol.

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

*For the Government  
of the Republic of Angola*

*B. Letter from the Community*

Brussels, .....

Sir,

I am in receipt of your letter of today's date, which reads as follows :

'With reference to the Protocol initialled on 24 March 1994 defining the fishing opportunities and financial compensation for the period 3 May 1994 to 2 May 1996, I have the honour to inform you that the Government of Angola is prepared to apply the Protocol on a provisional basis with effect from 3 May 1994, pending its entry into force in accordance with Article 7 thereof, provided that the European Community is disposed to do the same.

This is on the understanding that the first instalment of the financial compensation fixed in Article 2 of the Protocol is to be paid before 30 September 1994.

I should be obliged if you would confirm the Community's agreement to such provisional application of the Protocol.'

I have honour to confirm the Community's agreement to such provisional application of the Protocol.

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

*On behalf of  
the Council of the European Union*

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## I

(Acts whose publication is obligatory)

## COUNCIL REGULATION (EC) No 3020/94

of 6 December 1994

on the conclusion of the Protocol defining, for the period from 3 May 1994 to 2 May 1996, the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola

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 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas the two parties have held negotiations pursuant to the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola <sup>(3)</sup>, to determine the amendments or additions to be made to the Agreement on the expiry of the application period of the third Protocol annexed thereto;

Whereas, as a result of those negotiations, a new Protocol defining, for the period from 3 May 1994 to 2 May 1996, the fishing possibilities and financial compensation provided for in the said Agreement was initialled on 24 March 1994;

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

Done at Brussels, 6 December 1994.

Whereas it is in the Community's interest to approve the Protocol,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol defining, for the period from 3 May 1994 to 2 May 1996, the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola 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 that of its publication in the *Official Journal of the European Communities*.

For the Council  
The President  
N. BLÜM

<sup>(1)</sup> OJ No C 184, 6. 7. 1994, p. 4.

<sup>(2)</sup> OJ No C 323, 21. 11. 1994.

<sup>(3)</sup> OJ No L 341, 3. 12. 1987, p. 2.

## PROTOCOL

defining, for the period from 3 May 1994 to 2 May 1996, the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola

### Article 1

From 3 May 1994, for a period of two years, the limits referred to in Article 2 of the Agreement shall be as follows:

1. Shrimp vessels:

6 550 GRT per month, as an annual average (maximum 22 vessels).

The quantities to be fished by Community vessels shall be made up of 30 % prawns and 70 % shrimps.

2. Demersal trawlers:

1 900 GRT per month, as an annual average (maximum five vessels).

3. Bottom set longliner, fixed gillnet:

900 GRT per month, as an annual average.

Directed fishing for *Centropomus granulosus* shall be prohibited.

4. Freezer tuna seiners:

19 vessels.

5. Surface longliners:

five vessels.

### Article 2

1. The financial compensation provided for in Article 7 of the Agreement for the period referred to in Article 1 of this Protocol is hereby fixed at ECU 13 900 000 payable in two equal annual instalments into an account to be indicated by the Ministry of Fisheries.

2. If vessels are not covered by the Agreement and if the Angolan authorities do not accept their replacement by other vessels, the resulting reduction in fishing possibilities for the Community shall entail a proportional adjustment of the financial compensation provided for in paragraph 1.

3. The use to which this compensation is put shall be the sole responsibility of Angola.

### Article 3

During the period referred to in Article 1, the Community shall also contribute ECU 2 800 000 towards the financing of Angolan scientific and technical programmes (equipment, infrastructure, monitoring, seminars, studies, etc.). This amount shall be payable in two equal annual instalments to the Research Centre of the Ministry of Fisheries. Part of this amount may be used to cover Angola's contributions to international fisheries organizations.

### Article 4

The two parties agree that improving the skill and knowledge of persons employed in sea fishing is an essential part of the success of their cooperation. To this end the Community shall provide the Angolan nationals with study and practical training grants in the various scientific, technical and economic disciplines related to fisheries.

These grants may also be used in any State linked to the Community by a cooperation agreement. The total cost of these grants shall not exceed ECU 1 800 000. This amount shall be transferred to the account indicated by the Ministry of Fisheries in two equal annual instalments. The Ministry shall administer all the grants and other activities thus funded.

### Article 5

Should the Community fail to make the payments provided for in Articles 2, 3 and 4 within the time limits laid down, application of the Agreement may be suspended.

### Article 6

The Annex to the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola is hereby repealed and replaced by the Annex to this Protocol.

### Article 7

This Protocol shall enter into force on the date of its signature. It shall apply from 3 May 1994.



## ANNEX

## Conditions governing fishing activities in Angolan waters by Community vessels

## A. LICENCE APPLICATION AND ISSUING FORMALITIES

- (a) The Commission of the European Communities shall present to Angola's fishing authority, via the Delegation of the Commission of the European Communities in Angola, an application made by the shipowner for each vessel that wishes to fish under this Agreement, at least 15 days before the date of commencement of the period of validity requested. Applications shall be made on forms provided for the purpose by Angola, specimens of which are contained in Appendix 1 and Appendix 2. Each licence application shall be accompanied by proof of payment of the licence fee for the period of its validity.
- (b) Each licence shall be issued to the shipowner for one designated vessel. At the request of the Commission of the European Communities the licence for a vessel shall, in cases of proven *force majeure*, be replaced by a licence for another Community vessel.
- (c) Licences will be issued by the authorities of Angola to the skipper of the vessel in the Port of Luanda after inspection of the vessel by the competent authority. However, in the case of tuna vessels and surface longliners, a copy of the licence may be faxed to the shipowners or their representatives or agents.
- (d) The Delegation of the Commission of the European Communities in Angola shall be notified of the licences issued by Angola's fishing authority.
- (e) The licence document must be held on board at all times.
- (f) Licences shall be valid for periods of one year.
- (g) Each vessel shall be represented by an agent approved by the Ministry of Fisheries.
- (h) The Angolan authorities shall communicate, as soon as possible, particulars of the bank accounts and currencies to be used for financial settlements under this Agreement.

## B. LICENCE FEES

## I. Provisions applicable to trawlers

The fees shall be:

- Shrimp vessels: ECU 56 per GRT per month,
- Demersal vessels: ECU 195 per GRT per month.

The fees may be paid quarterly or half-yearly. In this case the amount shall be increased by 5 and 3 % respectively.

During the period covered by this Protocol, shipowners of the shrimp fleet must contribute ECU 350 000 per annum towards the carrying out of scientific studies and, where necessary, research campaigns.

## II. Provisions applicable to tuna vessels and surface longliners

The fees shall be ECU 20 per tonne caught within Angola's fishing zone.

Licences shall be issued following advance payment to Angola at a flat rate of ECU 4 000 a year for each freezer tuna seiner, equivalent, to the fees for 200 tonnes caught per year, and at a flat rate of ECU 2 000 a year for each surface longliner, equivalent to the fees for 100 tonnes caught per year.

The final statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of the first quarter of the year following that of the catches on the basis of the catch statements made for each vessel and verified by a specialized scientific body in the region.

This statement shall be communicated to the Angolan authorities and to the shipowners at the same time. The shipowners shall make any additional payment, within 30 days of notification of the final statement at the latest, into an account opened with a financial institution or any other body specified by the Angolan authorities.

However, if the amount of the final statement is lower than the advance referred to above, the balance shall not be reimbursable to the shipowners.

#### C. BY-CATCHES

The by-catches of shrimp vessels shall be the property of the shipowner. They shall be authorized to catch up to 500 tonnes of crab per annum.

#### D. LANDINGS

Community surface longliners shall endeavour to contribute to supplying Angolan tuna-canning factories, in accordance with their fishing effort in the zone, at a price to be jointly agreed between the shipowners and the Angolan fishing authorities based on current international market prices. Payment shall be in a convertible currency.

#### E. TRANSHIPMENTS

All transshipments shall be notified to the competent Angolan fishing authorities eight days in advance and shall take place in one of the bays of Luanda or Lobito in the presence of the tax authorities.

A copy of the documentation relating to transshipments shall be forwarded to the Inspection and Monitoring Department of the Ministry of Fisheries 15 days before the end of each month for the preceding month.

#### F. STATEMENT OF CATCHES

##### 1. *Shrimp vessels and demersal trawlers*

- (a) At the end of each fishing campaign these vessels must forward to the Fisheries Investigation Centre in Luanda, via the Delegation of the Commission of the European Communities, catch reports as contained in Appendices 3 and 4.

Furthermore, each vessel shall present a monthly report to the cabinet of the Minister for Planning or Ministry of Fisheries, via the Delegation of the Commission of the European Communities, listing the catches made during the month and the quantities on board on the last day of the month. This report shall be presented no later than the 45th day following the end of the month concerned. In the event of failure to comply with this provision, Angola reserves the right to apply the penalties provided for in its current legislation.

- (b) These vessels must also inform Luanda radio station on a daily basis of their geographical position and the previous day's catches. Shipowners shall be notified of the call sign at the time of issue of the fishing licence. If it is not possible to use the radio, vessels may use alternative means of communication such as telex or telegraph.

Before leaving Angola's fishing zone, these vessels must obtain authorization from the Department of Inspection and Monitoring of the Ministry of Fisheries and have the catches on board checked.

##### 2. *Tuna vessels and surface longliners*

Every three days during the fishing period in Angola's fishing zone, vessels shall inform Luanda radio station of their position and their catches. On entering and leaving Angola's fishing zone, the vessels shall inform Luanda radio station of their position and the volume of the catches on board.

If it is not possible to use the radio, vessels may use alternative means of communication such as telex or telegraph.

In addition, the skipper shall keep a fishing log book, in accordance with Appendix 5, for each fishing period spent in Angola's fishing zone.

This form must be completed legibly and be signed by the skipper of the vessel and sent to the Department of Inspection and Monitoring of the Ministry of Fisheries via the Delegation of the Commission of European Communities within 45 days of the end of the fishing campaign.

In the event of failure to comply with this provision, Angola reserves the right to apply the penalties provided for in its current legislation.

#### G. FISHING ZONES

- (a) The fishing zones accessible to shrimp vessels shall comprise all waters under the sovereignty or the jurisdiction of the Republic of Angola north of 12°20' and beyond the first 12 nautical miles measured from the base lines.
- (b) The fishing zones accessible to freezer tuna seiners and surface longliners shall comprise all waters under the sovereignty or the jurisdiction of the Republic of Angola beyond the first 12 nautical miles measured from the base lines.
- (c) The fishing zones accessible to demersal trawlers shall comprise all waters under the sovereignty or the jurisdiction of the Republic of Angola:
  - for trawlers, beyond the first 12 nautical miles measured from the baselines and restricted northwards by 13°00' south and southwards by a line five miles north of the border between the exclusive economic zones (EEZs) of Angola and Namibia,
  - for vessels using other types of fishing gear, beyond the first eight nautical miles measured from the baselines and restricted southwards by a line five miles north of the border between the exclusive economic zones (EEZs) of Angola and Namibia.

#### H. SIGNING OF CREWS

Owners of all vessels, except freezer tuna seiners and surface longliners, to whom fishing licences have been issued under this Agreement shall contribute to the on-the-job vocational training of four Angolan seamen on board each vessel.

The seamen's wages, set in accordance with Angolan scales, and other forms of remuneration shall be borne by the shipowners and shall be paid into an account opened with a financial institution designated by the Ministry of Fisheries.

Should shipowners wish to take on further Angolan crew members they can do so by applying to the Ministry of Fisheries.

#### I. SCIENTIFIC OBSERVERS

Any vessel may be asked to take on board a scientific observer designated and employed by the Ministry of Fisheries.

The scientific observer shall receive, as far as possible, the same treatment as the ship's officers. The observer shall be given all facilities necessary for him to carry out his duties. The scientific observer's presence and work shall neither interrupt nor hinder the fishing activities.

An amount of ECU 8/GRT a year is included in the fee paid by shipowners for each vessel fishing in Angolan waters to cover the cost to Angola of placing observers on vessels.

#### J. INSPECTION AND MONITORING

At the request of the Angolan authorities, Community fishing vessels operating under the Agreement shall allow on board any Angolan officials responsible for the inspection and monitoring of fishing activities and facilitate the accomplishment of their duties.

These officials shall remain on board no longer than is necessary for the accomplishment of their duties.

#### K. FUEL SUPPLIES, REPAIRS AND OTHER SERVICES

All vessels, except tuna vessels, operating in Angola's fishing zone under this Agreement must obtain their fuel and water supplies and have shipyard repairs and maintenance carried out in Angola wherever possible.

Subject to these same conditions, the transport of crews shall be undertaken by the Angolan national airline.

Fuel shall not be taken on board outside the roads of Luanda or Lobito without authorization from the Department of Inspection and Monitoring of the Ministry of Fisheries.

#### L. MESH SIZES

The minimum size of the mesh used shall be:

- (a) 40 mm for shrimp fishing; and
- (b) demersal fishing:
  - 60 mm, in the first year of the protocol
  - 110 mm, in the second year of the protocol.

The introduction of new mesh sizes shall apply to Community vessels from the sixth month following notification to the Commission of the European Communities.

#### M. BOARDING PROCEDURE

The Delegation of the Commission in Luanda shall be informed within 48 hours of the boarding of any fishing vessel flying the flag of a Member State of the Community within Angola's fishing zone, and shall at the same time receive a report of the circumstances and reasons for the boarding of the vessel.

---

*Appendix 1*

**APPLICATION FOR A LICENCE TO FISH FOR SHRIMP AND DEMERSAL SPECIES IN THE WATERS OF ANGOLA**

**PART A**

1. Name of owner: .....
2. Nationality of owner: .....
3. Business address of owner: .....
4. Chemical additives which may be used (brand name and composition): .....

**PART B**

*To be completed for each vessel*

1. Period of validity: .....
2. Name of vessel: .....
3. Year of construction: .....
4. Original flag country: .....
5. Currently flying the flag of: .....
6. Date of acquisition of current flag: .....
7. Year of acquisition: .....
8. Port and registration number: .....
9. Fishing method: .....
10. Gross registered tonnage: .....
11. Radio call sign: .....
12. Overall length (m): .....
13. Bow (m): .....
14. Depth (m): .....
15. Construction material of the hull: .....
16. Engine power (bhp): .....
17. Speed (knots): .....
18. Capacity of refrigeration chamber: .....
19. Capacity of fuel tanks (m<sup>3</sup>): .....
20. Capacity of fish holds (m<sup>3</sup>): .....
21. Colour of the hull: .....
22. Colour of the superstructure: .....

## 23. Communication equipment on board:

Type	Brand	Power (Watt)	Year of construction	Frequencies	
				Reception	Transmission

## 24. Navigation and detection equipment installed:

Type	Brand	Model	Range

25. Name of captain: .....

26. Nationality of captain: .....

*To be annexed:*

- three colour photographs of the vessel (side view),
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....  
(Date of application).....  
(Signature of owner's representative)

\_\_\_\_\_

*Appendix 2***APPLICATION FOR A LICENCE TO FISH FOR TUNA IN THE WATERS OF ANGOLA****PART A**

1. Name of owner: .....
2. Nationality of owner: .....
3. Business address of owner: .....
- .....
- .....

**PART B***To be completed for each vessel*

1. Period of validity: .....
2. Name of vessel: .....
3. Year of construction: .....
4. Original flag country: .....
5. Currently flying the flag of: .....
6. Date of acquisition of current flag: .....
7. Year of acquisition: .....
8. Ports and registration number: .....
9. Fishing method: .....
10. Gross registered tonnage: .....
11. Radio call sign: .....
12. Overall length (m): .....
13. Bow (m): .....
14. Depth (m): .....
15. Construction material of the hull: .....
16. Engine power (bhp): .....
17. Speed (knots): .....
18. Cabin capacity: .....
19. Capacity of fuel tanks (m<sup>3</sup>): .....
20. Capacity of fish holds (m<sup>3</sup>): .....
21. Freezing capacity (tonnes/24 hours) and freezing system used: .....
- .....
22. Colour of the hull: .....
23. Colour of the superstructure: .....

24. Communication equipment on board:

Type	Brand	Model	Power (Watt)	Year of construction	Frequencies	
					Reception	Transmission

25. Navigation and detection equipment installed:

Type	Brand	Model

- 26. Auxiliary vessels used (for each vessel): .....
- 26.1. Gross registered tonnage: .....
- 26.2. Overall length (m): .....
- 26.3. Bow (m): .....
- 26.4. Depth (m): .....
- 26.5. Construction material of the hull: .....
- 26.6. Engine power (bhp): .....
- 26.7. Speed (knots): .....
- 27. Auxiliary aerial fish detection equipment (even if not based on board): .....
- 28. Home port: .....
- 29. Name of captain: .....
- 30. Nationality of captain: .....

To be annexed:

- three colour photographs of the vessel (side view) and of auxiliary fishing vessels and of auxiliary aerial equipment for fish detection,
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....  
(Date of application)

.....  
(Signature of owner's representative)







Appendix 3.2

TRIP

Radio call signal (1)	
Registration (2)	
Name of the vessel (3)	
Nationality (4)	
Owner (5)	

Date	Departure (6)	Arrival (7)
Port		
Skipper's name and signature (8)		

FISHING GEAR (Record the dimensions) (9)

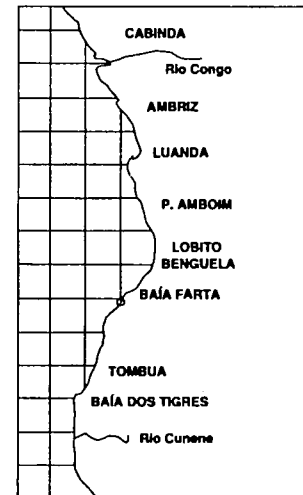
Gear	Headline (m) (g)	Footrope (m)	Codend mesh size (mm)
Demersal trawl (a)			
Pelagic trawl (b)			
Shrimp trawl (c)			
	Floatline	Depth (m)	
Seine (d)			
	Length (m)	No of hooks	
Longline (e)			
	Length (m)	Depth (m)	
Gillnet/Trammel net (f)			
Other (specify)			

MAIN SPECIES FISHED (please enter name or number) (10)

--	--	--	--

Please enter in the adjacent diagram the TOTAL NUMBER OF FISHING DAYS in each box (11)

TOTAL CATCH KG (Weight of all fish on board) (12)





Appendix 4.2

TRIP

Radio call signal (1)	
Registration (2)	
Name of the vessel (3)	
Nationality (4)	
Owner (5)	

	Departure (6)	Arrival (7)
Date		
Port		
Skipper's name and signature (8)		

FISHING GEAR (Record the dimensions) (9)

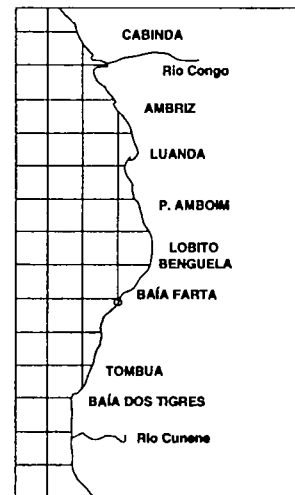
Gear	Headline (m) (g)	Footrope (m)	Codend mesh size (mm)
Demersal trawl (a)			
Pelagic trawl (b)			
Shrimp trawl (c)			
	Floatline	Depth (m)	
Seine (d)			
	Length (m)	No of hooks	
Longline (e)			
	Length (m)	Depth (m)	
Gillnet / Trammel net (f)			
Other (specify)			

MAIN SPECIES FISHED (please enter name or number) (10)

--	--	--	--

Please enter in the adjacent diagram the TOTAL NUMBER OF FISHING DAYS in each box (11)
--

TOTAL CATCH KG (Weight of all fish on board) (12)	
---	--





## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 10 November 1994

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period 1 July 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

(94/743/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 Equatorial Guinea on fishing off Equatorial Guinea<sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Equatorial Guinea held negotiations to determine the amendments or additions to be made to the abovementioned Agreement on the expiry of the application period of the Protocol to the Agreement;

Whereas, as a result of those negotiations, a new Protocol was initialled on 30 June 1994;

Whereas the Protocol provides Community fishermen with fishing opportunities in waters over which the Republic of Equatorial Guinea has sovereignty from 1 July 1994 to 30 June 1997;

Whereas, in order to avoid any longer interruption in the fishing activities of Community vessels, the new Protocol 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 1 July 1994; 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, 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 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, 10 November 1994.

*For the Council*

*The President*

U. SEILER-ALBRING

(1) OJ No L 188, 16. 7. 1984, p. 2. Agreement as amended by the Agreement approved by Regulation (EEC) No 252/87 (OJ No L 29, 30. 1. 1987, p. 1).

## AGREEMENT

in the form of an exchange of letters concerning the provisional application 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

*A. Letter from the Government of Equatorial Guinea*

Sir,

With reference to the Protocol initialled on 30 June 1994 establishing fishing rights and financial compensation for the period 1 July 1994 to 30 June 1997, I have the honour to inform you that the Government of Equatorial Guinea is ready to apply this Protocol on a provisional basis, with effect from 1 July 1994, pending its entry into force in accordance with Article 7 of the said Protocol, provided that the European Community is disposed to do the same.

This is on the understanding that a first instalment equal to one-third of the financial compensation specified in Article 2 of the Protocol is paid by 30 November 1994.

I should be obliged if you would confirm the European Community's agreement to such provisional application.

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

*For the Government of  
the Republic of Equatorial Guinea*

*B. Letter from the Community*

Sir,

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

'With reference to the Protocol initialled on 30 June 1994 establishing fishing rights and financial compensation for the period 1 July 1994 to 30 June 1997, I have the honour to inform you that the Government of Equatorial Guinea is ready to apply this Protocol on a provisional basis, with effect from 1 July 1994, pending its entry into force in accordance with Article 7 of the said Protocol, provided that the European Community is disposed to do the same.

This is on the understanding that a first instalment equal to one-third of the financial compensation specified in Article 2 of the Protocol is paid by 30 November 1994.

I should be obliged if you would confirm the European Community's agreement to such provisional application.'

I have the honour to confirm the European Community's agreement to this provisional application of the Protocol.

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

*On behalf of the Council  
of the European Union*

## COUNCIL DECISION

of 10 November 1994

on the conclusion of an Agreement in the form of an exchange of letters on the provisional application of the Protocol defining, for the period 6 September 1994 to 5 September 1997, the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde

(94/744/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde (<sup>1</sup>),

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Cape Verde held negotiations to determine the amendments or additions to be made to the Agreement on fishing off Cape Verde at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations a new Protocol was initialled on 23 June 1994;

Whereas, under this Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of Cape Verde for the period 6 September 1994 to 5 September 1997;

Whereas, in order to avoid interruption of fishing activities by Community vessels, it is essential that the Protocol in question be approved as quickly as possible; whereas both Parties have therefore initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the Protocols previously in force; whereas the Agreement in the form of an exchange

of letters should be concluded, subject to a definitive decision pursuant to Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an exchange of letters on the provisional application of the Protocol defining, for the period 6 September 1994 to 5 September 1997, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde is hereby approved on behalf of the Community.

The text of the Agreement in the form of an exchange of letters is attached to this Decision.

*Article 2*

The 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, 10 November 1994.

*For the Council**The President*

U. SEILER-ALBRING

(<sup>1</sup>) OJ No L 212, 9. 8. 1990, p. 1.



## AGREEMENT

**in the form of an exchange of letters on the provisional application of the Protocol establishing, for the period 6 September 1994 to 5 September 1997, the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde**

### *A. Letter from the Government of the Republic of Cape Verde*

Sir,

With reference to the Protocol initialled on 23 June 1994 establishing the fishing rights and financial compensation for the period 6 September 1994 to 5 September 1997, I have the honour to inform you that the Republic of Cape Verde is willing to apply the Protocol provisionally from 6 September 1994 pending its entry into force in accordance with Article 7 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one-third of the financial compensation laid down by Article 2 of the Protocol, must be paid before 31 December 1994.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.

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

*For the Government  
of the Republic of Cape Verde*

### *B. Letter from the Community*

Sir,

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

'With reference to the Protocol initialled on 23 June 1994 establishing the fishing rights and financial compensation for the period 6 September 1994 to 5 September 1997, I have the honour to inform you that the Republic of Cape Verde is willing to apply the Protocol provisionally from 6 September 1994 pending its entry into force in accordance with Article 7 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one-third of the financial compensation laid down by Article 2 of the Protocol, must be paid before 31 December 1994.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.'

I am pleased to confirm the agreement of the European Community to a provisional application.

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

*For the Council  
of the European Union*

## COUNCIL DECISION

of 10 November 1994

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing for the period 20 July 1994 to 19 July 1997 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 the Comoros

(94/745/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros<sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas the Community and the Islamic Federal Republic of the Comoros have 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;

Whereas, as a result of those negotiations, a new Protocol was initialled on 18 July 1994;

Whereas, under that Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Islamic Federal Republic of the Comoros for the period 20 July 1994 to 19 July 1997;

Whereas, in order to avoid interruption of fishing activities by Community vessels, it is essential that the said Protocol be approved as quickly as possible; whereas both Contracting Parties have therefore initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the Protocol

previously in force; whereas the Agreement in the form of an exchange of letters should be approved subject to a definitive decision 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 setting out for the period 20 July 1994 to 19 July 1997 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 the Comoros is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 10 November 1994.

*For the Council*

*The President*

U. SEILER-ALBRING

(<sup>1</sup>) OJ No L 137, 2. 6. 1988, p. 19.

## AGREEMENT

in the form of an exchange of letters concerning the provisional application of the Protocol setting out for the period 20 July 1994 to 19 July 1997 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 the Comoros

*A. Letter from the Government of the Comoros*

Sir,

With reference to the Protocol, initialled on 18 July 1994, setting out the fishing opportunities and financial consideration for the period 20 July 1994 to 19 July 1997, I have the honour to inform you that the Government of the Islamic Federal Republic of the Comoros is prepared to apply the Protocol provisionally from 20 July 1994, pending its entry into force in accordance with Article 7 thereof, on condition that the European Community is prepared to do likewise.

In this case, the first instalment of the financial consideration stipulated in Article 2 of the Protocol equal to one-third thereof must be paid before 31 December 1994.

I should be grateful if you would confirm that the European Community is in agreement with the foregoing.

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

*For the Government  
of the Comoros*

*B. Letter from the Community*

Sir,

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

'With reference to the Protocol, initialled on 18 July 1994, setting out the fishing opportunities and financial consideration for the period 20 July 1994 to 19 July 1997, I have the honour to inform you that the Government of the Islamic Federal Republic of the Comoros is prepared to apply the Protocol provisionally from 20 July 1994, pending its entry into force in accordance with Article 7 thereof, on condition that the European Community is prepared to do likewise.

In this case, the first instalment of the financial consideration stipulated in Article 2 of the Protocol equal to one-third thereof must be paid before 31 December 1994.

I should be grateful if you would confirm that the European Community is in agreement with the foregoing.'

I have the honour to confirm that the Community is in agreement with the contents of your letter.

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

*For the Council  
of the European Union*

---

## COUNCIL DECISION

of 10 November 1994

on the conclusion of the Agreement in the form of an exchange of letters on the provisional application 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 Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

(94/746/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire<sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Côte d'Ivoire held negotiations to determine the amendments or additions to be made to the abovementioned Agreement on the expiry of the application period of the Protocol to the Agreement;

Whereas, as a result of those negotiations, a new Protocol was initialled on 29 June 1994;

Whereas the Protocol provides Community fishermen with fishing opportunities in waters over which the Republic of Côte d'Ivoire has sovereignty from 1 July 1994 to 30 June 1997;

Whereas, in order to assure a quick resumption of the fishing activities of Community vessels, the new Protocol 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 1 July 1994; 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 on the provisional application 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 Republic of Côte d'Ivoire on fishing off Côte d'Ivoire is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 10 November 1994.

*For the Council*

*The President*

U. SEILER-ALBRING

(1) OJ No L 379, 31. 12. 1990, p. 3.

## AGREEMENT

in the form of an exchange of letters on the provisional application of the Protocol defining, for the period 1 July 1994 to 30 June 1997 the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

*A. Letter from the Government of Côte d'Ivoire*

Sir,

With reference to the Protocol, initialled on 29 June 1994, establishing the fishing rights and the financial compensation for the period 1 July 1994 to 30 June 1997, I have the honour to inform you that the Government of Côte d'Ivoire is willing to apply the Protocol provisionally from 1 July 1994 pending its entry into force in accordance with Article 8 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one-third of the financial compensation laid down by Article 3 of the Protocol, must be paid before 31 December 1994.

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 Côte d'Ivoire*

*B. Letter from the European Community*

Sir,

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

'With reference to the Protocol, initialled on 29 June 1994, establishing the fishing rights and financial compensation for the period 1 July 1994 to 30 June 1997, I have the honour to inform you that the Government of Côte d'Ivoire is willing to apply the Protocol provisionally from 1 July 1994 pending its entry into force in accordance with Article 8 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one-third of the financial compensation laid down by Article 3 of the Protocol, must be paid before 31 December 1994.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.'

I am pleased to confirm the agreement of the European Community to a provisional application.

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

*On behalf of the Council  
of the European Union*

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European Union — Council

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