

ACP-EEC COUNCIL OF MINISTERS  
Brussels

# **COMPILATION OF TEXTS**

## **XVII**

**ACP-EEC CONVENTIONS OF LOMÉ**

**1 January 1992 — 31 December 1992**





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## **I — ACP-EEC Acts**

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



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 under the Fourth ACP-EEC Convention

(93/131/EEC)

THE ACP-EEC COMMITTEE OF AMBASSADORS,

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

Having regard to the decision of the ACP-EEC Council of Ministers to delegate powers to the Committee of Ambassadors concerning the adoption of the texts relating to the Centre for the Development of Industry (hereinafter called the 'Centre') referred to in Article 93 (3) of the Convention,

Having regard to the proposal from the Committee of Ambassadors,

Whereas the Staff Regulations of the Centre should be laid down;

Whereas these Staff Regulations should also apply to the Director and Deputy Director of the Centre, who are appointed by the Committee on Industrial Cooperation, pursuant to Article 87 (1) (d) of the Convention;

Whereas steps should be taken to ensure the proper functioning of the Centre and to determine the conditions under which Protocol 3 on privileges and immunities, annexed to the Convention, can be applied to the staff of the Centre;

Whereas, as provided for in the said Protocol 3, the staff of the Centre shall enjoy the customary privileges, immunities and facilities in the territory of the Member States and of the ACP States, in particular, whilst carrying out their duties; whereas these privileges, immunities and facilities must be treated as comparable to those of similar institutions operating under like conditions,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Staff Regulations applicable to the staff of the Centre is hereby definitively adopted as set out in the Annex.

*Article 2*

The rules adopted by the Director of the Centre, adopted by the Centre's Executive Board and notified to the Committee on Industrial Cooperation before the entry into force of the Staff Regulations referred to in Article 1 shall be confirmed or amended by the Committee within two months of the date of their notification. However the rules may not enter into force before the implementation of the said Staff Regulations.

*Article 3*

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

*Article 4*

This Decision shall enter into force on 1 January 1993.

Hecho en Bruselas, el  
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Fatto a Bruxelles, addì  
Gedaan te Brussel,  
Feito em Bruxelas, em

18-12-1992

Por el Consejo de Ministros ACP-CEE  
På AVS-EØF-Ministerrådets vegne  
Im Namen des AKP-EWG-Ministerrates  
Για το Συμβούλιο των Υπουργών ΑΚΕ-ΕΚΚ  
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

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

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ANNEX

STAFF REGULATIONS APPLICABLE TO THE STAFF OF THE CENTRE FOR THE DEVELOPMENT  
OF INDUSTRY (CDI) UNDER THE FOURTH ACP—EEC CONVENTION

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## TITLE I

### GENERAL PROVISIONS

#### Article 1

1. These Staff Regulations, hereinafter referred to as 'the Regulations', are hereby established taking into account the international and public nature of the activity of the Centre. In particular, they regulate the rights and obligations of the staff; conditions relating to appointment, grading of posts and termination of service; working conditions; remuneration and social advantages; disciplinary arrangements and appeals procedures.

2. The Executive Board of the Centre, hereinafter referred to as 'the Board', may adopt proposals for, or amendments to, rules, submitted by the Director of the Centre, 'hereinafter referred to as the 'Director', for the purpose of setting out in greater detail the principles embodied in these Staff Regulations; this option will apply in particular to aspects expressly provided for therein.

3. The Board shall notify the Committee on Industrial Cooperation, hereinafter referred to as 'the Committee', of rules or amendments to rules adopted as soon as possible and not later than 30 working days from the date of their adoption.

The Board may, if it considers it necessary, provisionally apply the rules adopted.

Not later than three months from the date of notification, the Committee shall either approve the rules notified or make amendments thereto. The rules thus adopted by the Committee shall apply from the date which they set. However, that date may not be earlier than the date of their adoption.

4. The ACP-EEC Council of Ministers may at any time adopt amendments to these Regulations by introducing any adjustments it considers appropriate.

5. The Convention, the Headquarters Agreement between Belgium and the Centre, the Statute and Rules of Procedure of the Centre, the Regulations, the Financial Regulation of the Centre, the rules approved in accordance with paragraphs 2 and 3 of this Article after the entry into force of the Regulations, the internal implementing rules established by the Director and any individual conditions laid down in writing at the time of appointment or subsequently, in both cases with the Board's approval, together make up the legal rules applicable to the Director, the Deputy Director and the staff of the Centre within the meaning of Article 2 below, and are the only ones which they may invoke.

#### Article 2

1. These Regulations lay down the conditions applicable to:

- the Director and Deputy Director of the Centre,
- the staff of the Centre,
- the local staff of the Centre.

2. Within the meaning of these Regulations, a member of staff of the Centre is any person appointed by an instrument issued by the Director for a specified period and in the manner and within the limitations laid down herein.

3. For the purpose of these Regulations, a member of local staff is any person engaged under a contract of employment for a specified period by the Centre to perform manual or service duties in a post not specified in Article 7 and in accordance with local custom.

#### Article 3

1. The Board shall be responsible for approving, on proposals from the Director, the recruitment of staff and the renewal, extension or termination of staff appointments and any individual special conditions relating to one or more members of staff. It shall also be responsible for approving, on proposals from the Director, the recruitment of local staff and the renewal, extension or termination of their contracts of employment.

2. The Director shall seek the approval of the Board on all matters relating to recruitment of staff and the renewal, extension and termination of staff appointments. Such matters shall include, *inter alia*, vacancies, mode of advertisement of vacancies, applications received and the method and basis of selection of the candidates.

#### Article 4

1. The staff may elect a Staff Committee to represent their interests *vis-à-vis* the Centre and maintain continuous contact between the Centre and the staff. It shall contribute to the smooth running of the service by providing a channel for the expression of opinion by the staff.

The Staff Committee may bring to the notice of the Director or the Board any difficulty having general implications concerning the interpretation and application of these Regulations. It may be consulted on any difficulty of any kind in this area.

2. The Director must be informed of the election of the Staff Committee, the candidates put forward and the result of the votes cast.

3. The Director, with the prior agreement of the Board, must grant facilities for the performance of their duties on the Staff Committee to four members of the Committee at most.

*Article 5*

The Centre may draw upon the services of seconded experts.

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

TITLE II

STAFF

CHAPTER I

APPOINTMENT — GRADING OF POSTS —  
ESTABLISHMENT PLAN

*Article 6*

1. The sole object of any appointment of a member of staff shall be to fill, in accordance with the conditions laid down in these Regulations, a vacancy for a post contained on the list of posts annexed to the budget in accordance with the provisions of Article 10.

2. Staff whose appointment has been approved by the Board shall be appointed by the Director for a specified period which may expire no later than 31 August 1996. The duration specified in each letter of appointment may possibly be extended in the manner and within the limitations established in these Regulations, but may not extend beyond the above date, without prejudice to the provisions of Article 11 in the case of short-term appointments.

3. Any appointment or extension of appointment after 31 August 1996 shall be subject to authorization by and to conditions to be drawn up by the Committee and the period of the appointment or extension may not extend beyond the date of expiry of the Convention.

4. The letter appointing a member of staff, drawn up in accordance with the specimen in Annex I, shall state the date on which the appointment takes effect and its duration, the category, level and step to which the individual is appointed and the obligation on the member of staff to comply with these Regulations.

*Article 7*

1. Posts covered by these Regulations shall be graded, according to the nature and level of duties to which they

correspond, into three categories designated, in descending hierarchical order: 'administrative', 'clerical' and 'supporting staff'.

2. Each category shall comprise levels, and each level steps.

The categories, levels (with typical duties corresponding thereto) and steps are contained, along with other information, in the table referred to in Article 50.

On the basis of that table, the Director shall define the duties and powers attaching to each post at the Centre.

3. The 'administrative' category shall be for staff carrying out management and advisory duties in the industrial sphere, requiring university-level education. This category shall comprise four levels:

(a) a level 2.A and a level 2.B for staff carrying out the duties of 'main expert', requiring specific professional experience of at least 20 and 15 years respectively;

(b) a level 2.C and a level 2.D for staff carrying out the duties of 'expert', requiring specific professional experience of at least 10 and five years respectively.

The number of 2.A posts may not exceed 20 % of the 'administrative' category posts.

4. The 'clerical' category shall comprise three levels:

(a) two levels for staff carrying out the duties of 'principal assistant' and 'clerical assistant' respectively, entailing executive duties requiring higher education:



- a level 3.A requiring professional experience of at least 10 years,
  - a level 3.B requiring professional experience of at least five years;
- (b) a level 3.C for staff carrying out the duties of 'secretary', entailing clerical duties requiring secondary education and professional experience of at least three years.

5. The category 'supporting staff' shall comprise a level 4.A for staff carrying out the duties of 'technical staff', entailing manual or service duties requiring primary education, possibly supplemented by technical knowledge, and professional experience of at least two years.

#### *Article 8*

1. The grading of the member of staff at the time of appointment, specifying category, level and step, shall be established by the Director in accordance with rules adopted by the Board on a proposal from the Director.

2. When recruited, the member of staff shall be graded at the first step of his level.

However, in order to take account of the training and specific professional experience of the person concerned, the Director may allow him to pass over one step by recruiting him at step 2.

3. Assignment of a member of staff to a post corresponding to a level higher than that at which he was appointed shall necessitate amendment of the instrument of appointment.

#### *Article 9*

1. The Director shall assign each member of staff by nomination or transfer to posts requiring duties of his category and level, purely in the interests of the Centre and without taking nationality into account.

2. Assignment of a member of staff to a post of head or deputy head of an administrative unit at any level shall be for functional reasons only.

3. Assignment of members of staff shall reflect as far as possible the joint ACP-EEC nature of the Centre.

#### *Article 10*

A table attached to the annual budget of the Centre shall fix the number of posts in each category and level and specify any vacancies. It shall also indicate the names of all staff members, mentioning their administrative level, their date of birth and their career development within the Centre.

#### *Article 11*

1. The Director may, exceptionally and in the manner and within the limits laid down in these Regulations, employ staff on short-term appointments for the performance of specific and properly defined tasks.

2. Such short-term appointments may be concluded with all the categories and levels of staff specified in the table referred to in Article 50. The normal duration of such appointments shall be six months.

These appointments shall not be subject to the rules on prior approval by the Board, the age limit or the trial period on taking up one's duties.

3. This type of short-term appointment shall be used for:

(a) duties created during a budgetary year which are likely to be part of the general structure of the departments in the following budgetary year;

(b) short-term duties to supplement the capacity of staff on the spot in a specific sector of activity or in a specialized field;

(c) short-term duties as back-up when recurrent activities are being launched or completed;

(d) other short-term duties, in particular the provisional replacement of staff absent from the Centre for exceptional reasons.

4. Short-term appointments may be extended on one occasion by the Director for a maximum period of six months. At the end of that period, under exceptional circumstances, a second extension for a maximum period of six months shall be possible, but only with the prior approval of the Board.

5. On expiry of a short-term appointment, the duties of the member of staff must come to an end, and the person concerned may be appointed a staff member only on the basis of a competitive examination under the conditions laid down in Articles 27 to 30.

CHAPTER II

RIGHTS AND OBLIGATIONS

*Article 12*

1. Staff shall carry out their duties and conduct themselves solely with the interests of the Centre in mind; they shall neither seek nor take instructions from any government, authority, organization or person outside the Centre.
2. They shall not, without the permission of the Director, accept from any government or from any source outside the Centre any favour, gift or payment of any kind whatever, except for services rendered either before appointment or during special leave, and in respect of such services.

*Article 13*

1. Staff shall abstain from any action and, in particular any public expression of opinion which may reflect adversely on their position or on the reputation of the Centre.
2. They may not engage in activities, whether gainful or not, likely to detract from their independence or be detrimental to the activity of the Centre.

*Article 14*

If the legal spouse of a staff member or the person with whom the staff member lives in a marital state is in gainful employment, the staff member shall inform the Centre thereof.

Should the nature of the employment prove to be incompatible with that of the staff member or with the interests of the Centre and if the staff member is unable to give an undertaking that it will cease within a specified and reasonable period, the Director shall propose that the Board take a decision as to whether the staff member is to continue in his post, have his appointment terminated, or be suspended.

*Article 15*

A staff member who, in the performance of his duties, is called upon to decide on a matter in the handling or outcome of which he has a personal interest such as to impair his independence shall inform the Director thereof.

*Article 16*

At the end of his appointment a staff member shall observe the obligation to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

*Article 17*

1. Staff shall exercise the greatest discretion with regard to all facts and information coming to their knowledge in the course of or in connection with the performance of their duties; they shall not in any manner whatsoever disclose to any unauthorized natural or legal person any document or information not already made public. They shall continue to be bound by this obligation after leaving the service.
2. Staff shall not, whether alone or together with others, publish or cause to be published, without the permission of the Director, any matter dealing with the work of the Centre. Permission shall be refused only where the proposed publication is liable to prejudice the interests of the Centre.

*Article 18*

All rights, including copyright and other intellectual property rights, in any writings or other work done by staff in the performance of their duties shall be the property of the Centre.

*Article 19*

Staff shall reside either in the place where they are employed or at no greater distance therefrom than is compatible with the proper performance of their duties.

*Article 20*

1. Whatever his rank, a staff member shall assist and tender advice to his superiors; he shall be responsible for the performance of the duties assigned to him.
2. A staff member in charge of any branch of the service shall be responsible to his superiors in respect of the authority conferred on him and for the carrying out of instructions given by him. The responsibility of his subordinates shall in no way release him from his own responsibilities.
3. A staff member who receives instructions which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior thereof, if necessary, in writing. If he then receives written confirmation of the instructions from his superior, he shall

carry them out unless they constitute a breach of criminal law or would give rise to inordinate risk to personal security.

*Article 21*

1. A staff member shall be required to make good, in whole or in part, any damage suffered by the Centre as a result of serious misconduct on his part in the course of, or in connection with, the performance of his duties.

2. A reasoned decision shall be given by the Board on a proposal from the Director, in accordance with the procedure laid down in regard to disciplinary matters.

*Article 22*

1. The privileges and immunities enjoyed by staff members of the Centre are accorded solely in the interests of the latter. Subject to the provisions of the Protocol on Privileges and Immunities to the Convention applicable to the Centre and its staff, staff members concerned shall not be exempt from fulfilling their private obligations or from complying with the laws and police regulations in force.

2. When such privileges and immunities are in dispute, the staff member concerned shall immediately inform the Director.

3. It is understood that, in accordance with the Convention, staff shall enjoy in the territory of the Member States and that of the ACP States, in particular during the performance of their duties, the customary advantages, immunities and facilities, which shall be determined by comparison with similar institutions operating under like conditions.

*Article 23*

1. The Centre shall assist any staff member in any legal proceedings against the perpetrators of threats, insulting or defamatory acts or utterances, or any attack to person or property to which he or a member of his family is subjected by reason of his position or duties. It shall jointly and severally compensate for damage suffered thereby by any staff member in so far as he did not either intentionally or through grave negligence cause the damage and has been unable to obtain compensation from the person who did cause it.

2. The Centre shall facilitate the training of any staff member in so far as it is compatible with the requirements of the proper functioning of the service and is of benefit to the Centre

*Article 24*

A staff member shall be entitled to exercise the right of association; he may in particular be a member of trade unions or staff associations.

*Article 25*

1. Staff may address a petition to the Director on questions concerning their duties.

2. Any decision relating to a specific individual which is taken under these Regulations shall at once be communicated in writing to the staff member.

3. Any decision adversely affecting a staff member shall state the grounds on which it is based.

*Article 26*

1. The Centre shall keep a personal file for each staff member containing:

(a) all documents sent to the staff member concerning his administrative status and all reports relating to his ability, efficiency and conduct;

(b) any comments by the staff member on such documents.

2. Any document contained in the staff member's personal file concerning a disciplinary measure for first degree of seriousness in accordance with Article 56 (2) shall be cancelled after a period of three years if no further disciplinary measure has been imposed on the staff member during that period.

3. The staff member's personal file shall be confidential and may be consulted only in the offices of the Centre's administration department. It shall, however, be forwarded or communicated, if need be, when a dispute between the Centre and the staff member is being settled.

CHAPTER III

RECRUITMENT — PERIODIC ASSESSMENT —  
PROFESSIONAL ADVANCEMENT — TERMINATION OF  
SERVICE — REMOVAL FROM POST

Section 1

Recruitment

*Article 27*

1. Recruitment of staff shall be directed at securing for the Centre the services of persons of the highest standard of ability, efficiency and integrity.

2. The staff member shall be selected on the basis of a competition in accordance with rules adopted by the Board on a proposal from the Director.

3. The recruitment procedure established by the rules referred to in paragraph 2 shall be open and transparent, offering the same participation and appointment opportunities to all nationals of signatory States of the Convention.

Staff members shall be selected without reference to race, creed or sex.

No post shall be reserved for nationals of any specific Member State.

Given equivalent levels of professional qualifications and experience required for appointment to a post, recruitment shall be on as wide a geographical basis as possible from among nationals of States signatory to the Convention.

The appointments of staff members must reflect as far as possible the joint ACP-EEC nature of the Centre.

#### Article 28

1. A staff member may be appointed only on condition that:

- (a) he is a national of one of the States signatory to the Convention;
- (b) he has fulfilled any obligations imposed on him by the laws concerning military service applicable to him;
- (c) he produces the appropriate character references as to his suitability for the performance of his duties;
- (d) he was recruited in accordance with the competition-based procedure as referred to in Article 27 (2);
- (e) he is physically fit to perform his duties, as determined by a medical examination by a medical practitioner appointed by the Centre;
- (f) he produces evidence of a thorough knowledge of one of the Centre's principal working languages and a satisfactory knowledge of another working language of the Centre to the extent necessary for the performance of his duties.

2. Before taking up his duties, every staff member shall provide the Centre with the following documents:

- (a) a medical certificate attesting to his capacity to carry out the duties for which he has been appointed;

- (b) a document attesting to the fact that he has fulfilled his military service obligations;

- (c) documentary evidence that he is a national of one of the States signatory to the Convention and that he enjoys his full rights as a citizen;

- (d) documents relating to his civil status, and to that of his wife and dependent children.

3. At the request of the Centre, staff members agree to undergo a medical examination by the Centre's medical officer before the end of the trial period.

#### Article 29

1. In order to fill vacant posts, the Director, after considering the possibilities of assigning members of staff from the Centre to those posts by transfer or advancement in level or category pursuant to the terms of Articles 33 and 34, shall initiate a recruitment procedure on the basis of a competition in accordance with the rules referred to in Article 27 (2).

2. The recruitment procedure may also be initiated in order to constitute a reserve list for future recruitment.

#### Article 30

1. On appointment, a staff member shall serve a trial period which may not exceed six months' duration. During that period his work will be periodically assessed by his superiors.

2. During that trial period the Board, on a proposal from the Director, may without notice terminate the appointment of a staff member who has failed to exhibit sufficient competence. Termination of the appointment shall take effect at the time the person concerned receives notification of the Board's decision.

#### Section 2

#### Periodic Assessment — Professional — Advancement

#### Article 31

1. Every 12 months from the date of appointment and subject to rules laid down by the Director, the ability, efficiency and conduct in the service of a staff member shall be the subject of an assessment report by his superiors.

2. The assessment report shall be communicated to the staff member. He shall be entitled to make any comments thereon which he considers relevant.

*Article 32*

1. A member of staff, after satisfactory continuous service of not less than two years at the same level and step and whose appointment will continue for at least one month after that period, may have his step increased by one unit at the level at which he is graded, provided that he has not already reached the highest step at that level.

2. During the period between the date of signing of the Convention and 31 August 1996 this increase in step may take place only once.

3. The increase in step 1 during the period 1 September 1996 to the expiry of the Convention shall be subject to the authorization of, and conditions laid down by, the Committee in accordance with Article 6 (3).

4. Staff members shall accede to the highest step in each level only on an exceptional basis and as a result of outstanding performance.

5. The abovementioned increases in step shall not be automatic and shall be decided on by the Director on the basis of the ability, efficiency and conduct of the staff member as assessed by his superiors and of changes in the complexity of his duties.

*Article 33*

1. Any advancement in level or category of a staff member shall occur only in order to fill vacancies and by means of appointment by the Director to the level or category immediately above, in accordance with rules adopted by the Board on a proposal from the Director.

2. The appointment of a staff member to the level immediately above the category to which he belongs shall take place from among staff members who have completed a minimum length of service at their level, after consideration of their comparative merits and the reports of their hierarchical superiors.

3. A staff member may be appointed to the category immediately above only after a competitive examination among staff members applying, who have the requisite training and experience and have completed a minimum length of service at their level. The staff member shall be appointed to the lowest level of the new category.

4. The minimum length of service necessary for entitlement to advancement in level or category shall be laid down in the rules referred to in paragraph 1.

*Article 34*

1. The staff member shall be classified at the step for which the salary is closest to that which he was receiving at his previous level.

2. In no case shall a staff member receive at his new level a basic salary lower than that which he received at his former level.

*Section 3*

*Termination of service — Termination of appointment*

*Article 35*

1. Apart from cessation on death, employment shall cease:

(a) on the date stated in the instrument of fixed-term appointment;

(b) at the end of a period of notice corresponding to one month per year of service completed as from the date of appointment, this period being established on the initiative of the Centre or of the staff member, without prejudice to the provisions of paragraph 3 in the case of short-term appointments;

(c) at the end of the month during which the staff member reaches the age of 65 years, without prejudice to the provisions of Article 11 (2) in the case of short-term appointments.

2. In the event of termination of appointment on the initiative of the Centre before the end of the period laid down in the letter of appointment, the staff member shall be entitled, at the end of the period of notice provided for in paragraph 1 (b), to compensation equal to one-third of his basic salary for the period between his last day of work and the date on which the appointment was due to expire, without prejudice to the provisions of paragraph 3.

Where the Director causes the staff member's service to be terminated before the end of the abovementioned period of notice, the staff member shall nonetheless be paid the basic salary corresponding to the period of notice still to run.

3. Where the termination of duties takes place on the initiative of the Centre before the end of the period laid down in the letter of appointment for short-term appointments concluded under the terms of Article 11, it must be preceded by a period of notice of one month, the staff member being entitled in this case to compensation equal to half his basic salary for the period between his last day of work and the date on which the appointment was due to expire.

*Article 36*

The appointment of a staff member may be terminated without notice on the initiative of the Board on a proposal from the Director:

- (a) during or at the end of the probationary period, under the conditions set out in Article 30 (2);
- (b) if the staff member ceased to fulfil the conditions set out in Article 28 (1);
- (c) in the case provided for in Article 37;
- (d) in the case provided for in Article 38.

*Article 37*

1. After completion of the disciplinary procedure laid down in Chapter VI of this Title, the appointment of a staff member may be terminated without notice on disciplinary grounds in serious cases of failure to comply with his obligations, whether intentionally or through negligence on his part. The decision to terminate an appointment shall be taken by the Board on a proposal from the Director, after the person concerned has had an opportunity to submit his defence.

2. Prior to the termination of his appointment, the staff member may be suspended under the conditions set out in Article 58.

3. In the event of termination of duties pursuant to paragraph 1 of this Article, the Director may propose that the Board should decide to withhold from the person concerned all or part of his entitlement to the compensation and reimbursement of costs provided for in the rules referred to in Articles 47 and 53.

*Article 38*

1. The appointment of a staff member must be terminated without notice by the Centre when the Director finds that, at the time of his appointment, the person concerned intentionally provided false information concerning his professional skills or the conditions set out in Article 28 (1).

2. In this case, the termination of the appointment shall be declared by the Board on a proposal from the Director, after the person concerned has been heard and after completion of the disciplinary procedure laid down in Chapter VI of this Title.

3. Prior to the termination of his appointment, the staff member may be suspended under the conditions set out in Article 58.

The provisions of Article 37 (3) shall apply.

CHAPTER IV

WORKING CONDITIONS

Section 1

Duration of work

*Article 39*

1. Staff in active employment shall at all times be at the disposal of the Centre.

However, the normal working week shall not exceed forty-two hours, the hours of the normal working day being determined in accordance with rules laid down by the Director.

2. Exceptionally, and on duly justified grounds, the Director may authorize the staff member to work half-time if he considers that this would be fully in the interests of the Centre.

The arrangements for granting this authorization shall be set out in rules laid down by the Director.

3. A staff member authorized to work half-time shall, in each month, in the manner provided for by the Director, work one half of the normal working time.

*Article 40*

1. Staff may not be required to work overtime except in cases of urgency or exceptional pressure of work; night work and all work on Sundays or public holidays may be authorized only in accordance with rules laid down by the Director.

2. The total amount of overtime required of a staff member may not exceed 150 hours worked in a six-month period.

3. Overtime worked by staff in the 'administrative' and 'clerical staff' categories shall not create entitlement to compensation or to remuneration.

Under the conditions laid down in the rules referred to in paragraph 1, overtime worked by staff in the 'supporting staff' category shall create entitlement to a compensatory rest period or, if the needs of the service do not allow compensation in the six months following that during which the overtime was worked, to the automatic grant of a payment per hour of overtime fixed by those rules.

Section 2

Leave

Article 41

1. Staff shall be entitled to annual leave of not fewer than 24 working days nor more than 30 working days per calendar year, in accordance with rules laid down by the Director. Those rules shall specify the conditions for carrying over leave from one calendar year to the next.

2. Apart from this annual leave, staff may exceptionally, on request, be granted special leave by the Director. The arrangements for granting such leave shall be laid down in rules adopted by the Board on a proposal from the Director.

Article 42

Female members of staff shall be entitled, in addition to the leave provided for in Article 41, and on production of a medical certificate, to maternity leave with full pay normally starting six weeks before the expected date of confinement shown in the certificate and normally ending 10 weeks after the date of confinement; such leave shall not be for less than 16 weeks.

However, at the request of the person concerned and with medical authorization, the Director may allow the maternity leave to start less than six weeks before the expected date of confinement shown in the certificate, ending in this case at the end of a period of 10 weeks after the date of confinement plus the time which the person concerned has continued to work as from the sixth week preceding the actual date of confinement.

Article 43

A staff member who provides evidence of incapacity to perform his duties because of sickness or accident shall automatically be entitled to sick leave, in accordance with rules adopted by the Board on a proposal from the Director.

Article 44

The annual leave of a staff member authorized to work half-time shall, for the duration of such work, be reduced by half. Fractions of deductible days shall be disregarded.

Article 45

1. Except in case of sickness or accident, a staff member may not be absent without prior permission from his

immediate superior. Without prejudice to any disciplinary measures that may apply, any unauthorized absence which is duly established shall be deducted from the annual leave of the staff member concerned. If he has used up his annual leave, he shall automatically forfeit his remuneration for an equivalent period.

2. Where a staff member wishes to spend his sick leave in a place other than his place of employment, he shall be required to obtain prior authorization from the Director.

Section 3

Public holidays

Article 46

The list of public holidays shall be drawn up by the Director.

CHAPTER V

REMUNERATION AND EXPENSES

Article 47

1. Under the conditions set out in rules adopted by the Board on a proposal from the Director, and save as otherwise provided, a staff member shall be entitled to the remuneration relating to his category, level and his step by the sole fact of his appointment.

He may not waive this entitlement.

2. This remuneration shall comprise a basic salary and family and other allowances.

Article 48

The remuneration shall normally be expressed and paid in Belgian francs, unless a duly substantiated exception is made.

Article 49

The Committee may decide, on a proposal from the Board, to adjust remuneration in order to take account of trends in the cost of living in the place of employment and in purchasing power in the Community.

*Article 50*

The basic monthly salaries shall be fixed for each category, level and each step in accordance with the table in Annex II to the Regulations, of which it forms an integral part.

*Article 51*

1. The family allowances to which a staff member is entitled shall be laid down in the rules mentioned in Article 47 and comprise:

- (a) the household allowance;
- (b) the dependent child allowance;
- (c) the education allowance.

2. A staff member in receipt of the family allowances referred to in this Article shall be required to declare allowances of the same type paid elsewhere, these allowances being deducted from those paid under the Regulations.

3. The dependent child allowance may be doubled by a special and duly justified decision of the Director taken on the basis of substantiating medical documents drawn up by a doctor designated by the Centre certifying that the child in question imposes on the official heavy burdens resulting from a mental or physical handicap suffered by the child.

*Article 52*

If a staff member dies during his term of employment, the surviving legal spouse or the dependent children shall receive the overall remuneration of the deceased until the end of the sixth month following that of the death.

*Article 53*

Under the conditions set out in the rules indicated in Article 47, a staff member shall be entitled to reimbursement of the expenses which he incurred on taking up his duties, on being transferred, or at the end of his appointment, as well as the expenses he incurred in the pursuit, or in connection with the pursuit, of his duties, without prejudice to the provisions of Article 37 (3).

*Article 54*

1. In the event of the death of a staff member, of his legal spouse, of his dependent children or of the other persons dependent upon him within the meaning of the rules referred to in Article 47 and living under this roof, the costs incurred in respect of the transporting of the body from the staff member's place of employment to his place of origin

shall be reimbursed by the Centre. An advance may be granted for that purpose by the Centre.

The Centre shall also reimburse travel expenses and the costs relating to the transporting of the personal effects and luggage of the surviving persons mentioned in the preceding paragraph returning to the place of origin of the deceased staff member.

2. If a staff member dies during a mission, the costs incurred in respect of the transporting of the body from the place of death to the staff member's place of origin shall be reimbursed by the Centre.

*Article 55*

Any sum overpaid shall be recovered if the recipient had knowledge of the irregularity of the payment or if such irregularity was so obvious that he could not fail to have knowledge of it. The arrangements for recovery shall be laid down by the Director.

CHAPTER VI

DISCIPLINARY MEASURES

*Article 56*

1. Any failure by a staff member to comply with his obligations under these Regulations, whether intentionally or through negligence on his part, shall make him liable to disciplinary action.

2. Disciplinary measures shall take one of the following forms:

- measures for first degree of seriousness:
  - (a) written warning;
  - (b) reprimand,
- measures for second degree of seriousness:
  - (c) relegation in step;
  - (d) downgrading in level or category;
  - (e) removal from post.

3. A single offence shall not give rise to more than one disciplinary measure.

*Article 57*

1. The Director may issue the warning and the reprimand, without consulting the Board, on a proposal from the staff member's immediate superior or on his own initiative. The person concerned shall be heard beforehand.

2. The other measures shall be imposed by the Board, after completion of the disciplinary procedure laid down in



Article 59. This procedure shall be initiated by the Director or the Board after hearing the person concerned.

#### Article 58

1. Where an allegation of serious misconduct is made against a staff member, whether this amounts to failure to carry out his official duties or to a breach of law, the Director may order that he be suspended. The decision that a staff member be suspended shall be taken as a precautionary step within four working days of the day following discovery of the acts with which he is charged.
2. The decision that a staff member be suspended shall specify whether he is to continue to receive his remuneration during the period of suspension or what part thereof is to be withheld: the part withheld shall not be more than half the staff member's basic salary.
3. Where no decision has been taken on the staff member by the end of two months, from the date when the decision that the staff member be suspended came into force, the maintenance of that suspension must be confirmed by the Board.
4. Where no decision has been taken on the staff member by the end of four months, from the date when the decision that the staff member be suspended came into force, the staff member shall again receive his full remuneration.
5. Where, at the end of the disciplinary procedure, no disciplinary action has been taken in respect of a staff member, or no other measure than a written warning or reprimand, the staff member concerned shall be entitled to reimbursement of the amount of remuneration withheld.
6. Where, however, the staff member is prosecuted for those same acts, a final decision shall be taken only after a final verdict has been reached by the court hearing the case.

#### Article 59

1. The Board shall be provided with a report from the Director which must clearly state the facts complained of and, if appropriate, the circumstances in which they occurred.

This report shall be sent to the Secretary of the Board, who shall bring it to the attention of the members of the Board and notify the staff member charged thereof by registered letter.

Any frustration of delivery ascribable to the staff member and any refusal by the staff member to sign an acknowledgement of receipt shall count as notification.

2. The Director may appoint a rapporteur, preferably with legal training and independent of the Centre.
3. On receipt of the report, the staff member charged shall have the right to see his complete personal file and to take copies of all documents relevant to the proceedings.
4. The staff member charged shall have one month from the date of receipt of the registered letter with the report initiating disciplinary proceedings to submit comments in writing and call witnesses.
5. The Director of the Centre shall likewise have the right to call witnesses.
6. After consideration of the documents submitted and having regard to any statements made in writing by the staff member concerned and also to the results of any enquiry undertaken, the Director or, where appropriate, the rapporteur shall issue a final report containing a reasoned opinion on the disciplinary measure appropriate to the facts complained of and shall forward this opinion to the Board and the staff member concerned.
7. The Board shall take its decision within a maximum of two months.

### TITLE III

#### THE DIRECTOR AND DEPUTY DIRECTOR

##### Article 60

1. The provisions of these Regulations laying down rights and obligations for staff shall apply *mutatis mutandis* to the Director and Deputy Director.
2. Where, in the context of these Regulations, it is provided that the Director shall take decisions with respect to the staff and local staff, the Board shall take such decisions with respect to the Director and Deputy Director.

Similarly, where it is provided that the staff and local staff shall give information to the Director, the Director and Deputy Director shall give such information to the Board.

TITLE IV

PROVISIONS CONCERNING SOCIAL SECURITY, TAXATION AND APPEALS

CHAPTER I

*Article 63*

SOCIAL PROVISIONS

Section 1

Social security

*Article 61*

1. As regards social-security schemes, the staff member, the Deputy Director, the Director and, to the extent necessary, members of their family, may choose between the scheme of the State in whose territory the Centre has its headquarters, the scheme of the State where they last resided or that of the State of which they are nationals.

However, this choice may be exercised only once and must be made within three months of the date of appointment; it shall take effect on the date on which duties are taken up.

2. The staff member, the Deputy Director, the Director and their legal spouses, where these are not eligible for benefits of the same type and level under all other legal provisions or regulations, their children and other dependent persons under the rules referred to in Article 47, shall be covered against illness. The degree of cover shall be defined in rules adopted by the Board on a proposal from the Director.

3. One-third of the contributions necessary to provide such cover against illness shall be borne by the insured person in accordance with the rules referred to at the end of paragraph 2, second sentence.

*Article 62*

1. The staff member, the Deputy Director and the Director shall be insured from the date of their entering the service against the risk of occupational disease and of accident, subject to the rules laid down in Article 61 (2), second sentence. They shall contribute to the cost of insuring against these risks.

2. Risks not covered, benefits payable and expenses covered shall be specified in the rules mentioned in paragraph 1.

1. On the birth of a child to a staff member, the Deputy Director or the Director, a single, flat-rate grant shall be paid to the person who has actual care of the child in accordance with the rules referred to in Article 61 (2), second sentence.

2. The recipient of the grant on the birth of a child must declare any grants of the same nature received from other sources for the same child; such grants shall then be deducted from the grant referred to in paragraph 1. This grant shall be paid once only, where both parents as staff members of the Centre are potentially eligible.

Section 2

Provident fund

*Article 64*

1. The Centre shall set up a provident fund for the staff members, the Deputy Director and the Director in accordance with rules adopted by the Board on a proposal from the Director. The methods of compulsory contribution to the fund by these staff members and by the Centre, together with the methods of payment by the fund to staff members leaving the service of the Centre shall be established by these rules.

2. One-third of the contributions necessary to set up the provident fund shall be borne by the insured persons in accordance with the rules referred to in paragraph 1.

Section 3

Final and voluntary severance bonus

*Article 65*

1. A staff member whose appointment is terminated as the result of an agreement between the staff member and the Centre, and who has served in the Centre for at least five years may receive, by a decision of the Board and on the basis of a report drawn up by the Director, a final and voluntary severance bonus equal to not more than 10 months of his latest basic salary, in accordance with the rules adopted by the Board on a proposal from the Director.

2. This severance bonus is not automatic, and the interests and objectives of the Centre shall be considered when deciding whether it is to be granted. Payment shall be made under the conditions laid down by the Board on a proposal from the Director and in accordance with the rules referred to in paragraph 1.

3. No severance bonus shall be paid where the appointment is terminated as laid down in Articles 37 and 38.

4. The Director and Deputy Director shall not receive this severance bonus.

5. The severance bonus shall be incompatible with the compensation referred to in Article 35 (2).

## CHAPTER II

### TAX PROVISIONS

#### *Article 66*

1. The Director, the Deputy Director and the staff of the Centre shall be liable to a tax for the benefit of the Centre on remuneration paid by the Centre.

The conditions and the procedure for applying this tax are laid down in Annex III to these Regulations, of which it forms an integral part. The Committee shall be empowered to amend that Annex if necessary.

2. Tax shall be collected by the Centre by means of deduction at source. The proceeds of the tax shall be entered as revenue in the budget of the Centre.

3. The persons referred to in paragraph 1 shall be exempt from national taxes on remuneration paid by the Centre.

## CHAPTER III

### APPEALS PROVISIONS

#### *Article 67*

1. Staff members, the Deputy Director and the Director may submit to the competent authority a request that it take a decision relating to them. The competent authority shall notify the person concerned of his reasoned decision within two months from the date on which the request was made. If at the end of that period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it, against which a complaint may be lodged in accordance with the following paragraph.

2. Staff members, the Deputy Director and the Director may submit to the competent authority a complaint against an act adversely affecting them, either where the competent authority has taken a decision, or where it has failed to adopt a measure prescribed by the Regulations. The complaint must be lodged within a period of one month. The period shall begin:

- on the date of notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification, if the measure affects a specified person; if, however, an act affecting a specified person also involves another person, the period shall start to run in respect of that other person on the date on which he receives notification thereof,
- on the date of expiry of the deadline prescribed for a reply, where the complaint concerns an implied decision rejecting a request as provided for in paragraph 1.

The competent authority shall notify the person concerned of its reasoned decision within two months from the date on which the complaint was lodged. If at the end of that period no reply to the complaint has been received, this shall be deemed to constitute an implied decision rejecting it, against which an appeal may be lodged pursuant to Article 68.

3. The competent authority within the meaning of this Article shall be:

- the Director for staff members,
- the Board for the Director and Deputy Director and for cases of appeal against a disciplinary measure taken by the Director,
- the Committee for cases of appeal against a disciplinary measure taken by the Board regarding the Director or Deputy Director.

#### *Article 68*

1. Disputes between staff members and the Centre, as well as disputes between the Director or Deputy Director and the Centre, must be resolved by conciliation or arbitration in accordance with the conciliation and arbitration procedure set out in Annex IV to these Regulations, of which it forms an integral part.

2. The decisions taken by the Arbitration Board pursuant to the conciliation and arbitration procedure shall be binding on the parties and, to the extent necessary, shall be rendered enforceable for the relevant authorities of the Member States of the Community or of the ACP States and for the institutions and bodies set up under the Convention.

3. The disputes referred to in paragraph 1 may not be subject to any other method of settlement.

TITLE V  
LOCAL STAFF

*Article 69*

1. Local staff shall be engaged by the Director on employment contracts for a specified period expiring not later than 31 August 1996.

2. With the exception of Articles 6 to 11, 30, 32 to 38, 41 to 44, 47 to 51 and Chapter VI, Title II shall apply *mutatis mutandis* to local staff.

*Article 70*

The conditions of employment of local staff and in particular:

- (a) the manner of their engagement and termination of their contracts;
- (b) leave; and
- (c) grading and remuneration

shall be determined by the Director in accordance with current rules and practices in the place where they are to perform their duties.

*Article 71*

The Centre shall cover the employer's share of the social-security contributions required under current regulations in the place where a local staff member is to perform his duties.

*Article 72*

Any member of the local staff may submit to the Director a request that he take a decision relating to him. The Director shall notify the person concerned of his decision, giving the grounds therefor, within one month of the date on which the request was made. If at the end of that period no reply to the request has been received, this shall be deemed to constitute an implied rejection against which an appeal may be lodged in accordance with Article 73.

*Article 73*

Disputes between the Centre and local staff shall be referred to the competent court in accordance with the legislation in force at the place where the local staff member performs his duties.

TITLE VI  
FINAL PROVISIONS

*Article 74*

These Regulations shall enter into force at the same time as the Decision of the ACP-EEC Council of Ministers adopting them.

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ANNEX I TO THE STAFF REGULATION

CENTRE FOR THE DEVELOPMENT OF INDUSTRY (CDI)

LETTER OF APPOINTMENT <sup>(1)</sup> to:

Mr(Mrs) ..... born on .. / .. / .... in ..... of ..... nationality holder of passport No ..... issued on .. / .. / .... in .....
---

In view of the information you supplied in your application and following the competitive recruitment procedure, the Centre for the Development of Industry (CDI), represented by its Director ....., acting as appointing authority in accordance with Article 6 of the Annex to Decision No 1/92 of the ACP—EEC Council of Ministers laying down the Staff Regulations of the CDI under the Fourth ACP—EEC Convention, has decided to appoint you to the staff of the CDI.

The conditions of your appointment are as follows:

1. DURATION

The appointment shall be valid for a period of ....., from .. / .. / .... to .. / .. / ....

2. PROBATION PERIOD

The first six months of employment shall be regarded as a trial period. During this period, either party may terminate this appointment by registered letter without prior notice.

This trial period shall apply only in the case of a first appointment.

3. PLACE

The place of employment is currently .....

4. CLASSIFICATION

Category: .....

Level: .....

Step: .....

You agree to be assigned by the Director, whenever he considers it to suit the requirements of the CDI, to a post requiring your category and level which may involve changes in your duties.

<sup>(1)</sup> This specimen letter of appointment will have to be adapted for the short-term appointments referred to in Article 11 of the Regulations to take account of those provisions of the Regulations applicable to that type of appointment and to allow for individual conditions established when the appointment is made.

5. WORKING WEEK

The working week consists of ..... hours.

6. TERMINATION OF SERVICE FOLLOWING A PERIOD OF NOTICE

In accordance with Article 35 (1) (b) of the Staff Regulations of the Centre for the Development of Industry under the Fourth ACP—EEC Convention, either party may terminate this appointment following a period of notice corresponding to one month per completed year of service notified by registered letter.

7. STAFF REGULATIONS

The two parties hereto acknowledge that they are bound by the following:

- (a) the Statute and the Rules of Procedure of the CDI and the Staff Regulations of the CDI under the Fourth ACP—EEC Convention;
- (b) the various internal rules issued by the CDI in accordance with the aforementioned Staff Regulations, of which you state you have cognizance; no amendments to those rules may be invoked against you unless they are notified;
- (c) any individual conditions which the CDI may lay down for you, in accordance with Article 1 (5) of the aforementioned Staff Regulations.

You hereby expressly waive those benefits, provided for in those Staff Regulations upon entry into service, which you already received on the occasion of any previous appointment.

Your years of service in any previous appointment shall be taken into account in this appointment.

8. ARBITRATION

Any disputes between you and the CDI shall be resolved by conciliation or arbitration in accordance with the Rules on Conciliation and Arbitration set out in Annex IV to the Staff Regulations of the CDI under the Fourth ACP—EEC Convention.

Disputes may not be resolved in any other manner.

Both parties hereby expressly and mutually renounce any form of settling disputes other than that set out in the said Rules on Conciliation and Arbitration and recourse to any other judicial body.

9. STATEMENTS

Annex A (administrative statement) and Annex B (family statement) form an integral part of this letter of appointment.

To the Director of the CDI

I duly accept the above appointment as well as the conditions laid down therein.

I am acquainted with the Statute and Rules of Procedure of the CDI, the Staff Regulations of the CDI under the Fourth ACP—EEC Convention and the internal rules of the CDI.

I agree to abide by the Rules on Conciliation and Arbitration to settle any dispute with the CDI and I expressly renounce any other form of settlement, including recourse to any other judicial body.

.....  
(date)

.....  
(Signature of person appointed)

\_\_\_\_\_

Annex A to ANNEX I

**ADMINISTRATIVE STATEMENT**

Name: .....

Forename(s): .....

Date of birth: .....

Family situation: .....

Date of appointment: .....

Date on which this appointment takes effect: .....

Term of the appointment: .....

Place of origin: .....

Place of residence for employment purposes: .....

Category, level and step: .....

Basic monthly salary: .....

Special clauses: .....

*Signature of person appointed*

( ..... )

Annex B to ANNEX I

FAMILY STATEMENT

Name: .....

Forename(s): .....

Place and date of birth: .....

DEPENDENTS

Name and forename(s)	Place and date of birth	Relationship	Civil status	Nationality
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

The undersigned hereby certifies that the above information is correct.

Brussels, .....

*Signature of the person appointed*

(.....)



ANNEX II to the Staff Regulations

BASIC GROSS MONTHLY SALARY TABLE (Bfrs)

(Applicable as from 1 July 1989)

Category	Level	Duties	Step				
			1	2	3	4	5
1. Directors	1.A	Director	350 000				
	1.B	Deputy Director	310 000				
2. Administrative	2.A	Main expert	250 000	265 000	280 000	—	—
	2.B		200 000	212 000	225 000	238 000	252 000
	2.C	Expert	175 000	186 000	197 000	208 000	220 000
	2.D		140 000	148 500	157 500	167 000	177 000
3. Clerical	3.A	Principal assistant	117 000	124 000	131 000	139 500	148 000
	3.B	Clerical assistant	90 000	95 500	101 000	107 000	113 000
	3.C	Secretary	65 000	69 000	73 000	77 000	82 000
4. Supporting staff	4.A	Technical staff	53 000	56 000	59 000	62 000	66 000

ANNEX III to the Staff Regulations

CONDITIONS AND PROCEDURE FOR APPLYING THE TAX FOR THE BENEFIT OF THE CENTRE

1. The following shall be liable to the tax for the benefit of the Centre referred to in Article 66 of the Staff Regulations: the Director, the Deputy Director and the staff of the Centre, excluding local staff.

The tax shall be payable each month on salaries, wages and emoluments paid by the Centre to each person liable.

However, monies and allowances, whether lump sums or not, which represent compensation for expenses incurred in the performance of official duties, shall be excluded from the basic taxable amount.

2. Family allowances and social benefits shall be deducted from the basic taxable amount.

3. An abatement of 10 % for occupational and personal expenses shall be made from the amount obtained by applying paragraphs 1 and 2 of this Annex.

An additional abatement equivalent to twice the amount of the allowance received by the person liable for a dependent child shall be made for each dependent child or person.

To calculate the basic taxable amount, an additional abatement of 13 % shall be applied to the gross remuneration of each expatriate member of staff. The minimum abatement under this provision shall not be less than Bfrs 7 500.

Amounts paid by the person liable under the social security legislation to which he is subject shall be deducted from the basic taxable amount.

4. The tax shall be calculated on the taxable amount obtained by applying paragraph 3 disregarding any amount not exceeding Bfrs 2 476 and by applying the rate of:

— 0 %	to amounts of less than Bfrs	2 476
— 8 %	to amounts between Bfrs	2 476 and 43 747
— 10 %	to amounts between Bfrs	43 748 and 60 255
— 12,5 %	to amounts between Bfrs	60 256 and 69 055
— 15 %	to amounts between Bfrs	69 056 and 78 413
— 17,5 %	to amounts between Bfrs	78 414 and 87 214
— 20 %	to amounts between Bfrs	87 215 and 95 745
— 22,5 %	to amounts between Bfrs	95 746 and 104 548
— 25 %	to amounts between Bfrs	104 549 and 113 080
— 27,5 %	to amounts between Bfrs	113 081 and 121 880
— 30 %	to amounts between Bfrs	121 881 and 130 411
— 32,5 %	to amounts between Bfrs	130 412 and 139 215
— 35 %	to amounts between Bfrs	139 216 and 147 746
— 40 %	to amounts between Bfrs	147 747 and 156 546
— 45 %	to amounts above Bfrs	156 546

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

The taxable amounts set out above shall be those applicable on 1 July 1989.

5. By way of derogation from paragraphs 3 and 4, the sums paid as compensation for overtime shall be assessed for purposes of the tax at the rate which, in the month preceding that of payment, was applied to the highest taxable amount of the remuneration of the staff member.

Payments made on account of termination of service shall be taxed, after applying the abatements laid down in the first three subparagraphs of paragraph 3, at a rate equal to two-thirds of the ratio existing at the time of last salary payment, between:

- the amount of tax payable, and
- the basic taxable amount as defined in paragraphs 1, 2 and 3.

6. When the taxable payment covers a period of less than one month, the rate of the tax shall be that which is applicable to the corresponding monthly payment.

When the taxable payment covers a period of more than one month the tax shall be calculated as if this payment had been spread evenly over the months to which it relates.

Corrective payments not related to the month during which they are paid shall be subject to the tax to which they would have been subject had they been made at the proper time.

7. The Committee shall adopt any provisions necessary for implementing the provisions of this Annex.

The Director of the Centre shall ensure that these provisions are implemented.

Where necessary, he shall refer by analogy to the relevant regulations applicable to officials of the European Communities, in particular Council Regulation (EEC, Euratom, ECSC) No 260/68 of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities (1), as last amended.

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(1) OJ No L 56, 4. 3. 1968, p. 8.

ANNEX IV TO THE STAFF REGULATIONS  
RULES ON CONCILIATION AND ARBITRATION

I. INTRODUCTORY RULES

Article 1

Scope

Disputes between the staff of the Centre, the Director or the Deputy Director on the one hand and the Centre on the other shall be settled by conciliation or by arbitration in accordance with these procedural rules.

Article 2

Definitions

In these rules, unless the context requires otherwise, the following words and expressions shall have the meaning here assigned to them:

- *ACP State*: a State belonging to the African, Caribbean and Pacific group of States which are signatories to the Convention,
- *Member State*: a Member State of the European Economic Community (EEC),
- *the tribunal*: the arbitral tribunal,
- *appointing authority*: the authority agreed by the parties to an arbitration or, in the absence of such agreement, identified by these rules, as the authority to appoint an arbitrator,
- *the Convention*: the Fourth ACP-EEC Convention,
- *the Council of Ministers*: the ACP-EEC Council of Ministers referred to in the Convention,
- *the Committee*: the Committee on Industrial Cooperation,
- *the Board*: the Joint Executive Board of the Centre for the Development of Industry,
- *the Centre*: the Centre for the Development of Industry (CDI),
- *Staff Regulations*: the Staff Regulations for the Centre under the Fourth ACP-EEC Convention,
- *claimant*: the party which commences arbitration proceedings by giving notice to the other party requesting the arbitration and submitting claims,
- *respondent*: the party to the arbitration against whom claims are made,
- *party*: when used in connection with an arbitration, the claimant or respondent in the arbitration

Article 3

Notice and calculation of time

1. Any notice provided by these rules shall be served by registered letter or physically delivered with a request for a dated acknowledgement of receipt in either case. A notice shall be deemed to have been received on the day it is so delivered. Any failure to serve notice ascribable to the recipient or any refusal to sign an acknowledgement of receipt shall constitute notice.
2. For the purposes of calculating a period of time under these rules, such period shall begin to run on the day following the day when a notice, communication or proposal is received. If the last day of such period is an official holiday or a non-working day at the address mentioned in the notice, communication or proposal, the period shall be extended until the first working day which follows. However, official holidays or non-working days occurring while the period of time is running shall be included.

Article 4

Conciliation

1. At any time before a request for arbitration, a person with the right to request the arbitration may request the settlement of the dispute by conciliation in accordance with these rules.
2. If the dispute is between the Director or the Deputy Director and the Centre, the claimant shall send the Committee a request for the appointment of a conciliator.

The appointment shall be made by the Committee within 60 days at most following receipt of the request.

3. If the dispute is between a member of staff and the Centre, the claimant shall send the Board a request for the appointment of a conciliator. The appointment shall be made within 45 days at most.
4. To qualify for appointment as conciliator, the person must have the nationality of one of the signatory States of the Convention.
5. Within 30 days of receiving notice of the appointment of the conciliator, the party making a request for conciliation shall notify the other party and the conciliator of the request.

The request shall consist of a statement of the case of the claimant and shall be accompanied by copies of relevant papers and documents.

6. Within 30 days of receiving notice of the request, the other party shall submit to the conciliator and to the claimant a reply to the claimant's case.

7. The proceedings of the conciliator shall be as informal and expeditious as is compatible with a just and objective settlement of the dispute and shall be based on a fair hearing of each party. Each of the parties may be represented or assisted by an agent of his choice.

8. After examining the case, the conciliator shall submit terms of settlement to the parties.

9. Should a settlement result, the conciliator shall draw up and sign a record of the settlement. The record shall be signed by the parties to signify their acceptance thereof. The record of the settlement so signed by the parties shall be binding upon them.

10. Copies of the record of settlement so signed shall be given to the parties.

11. Should a settlement not result within four months of the appointment of the conciliator, the parties shall be at liberty to refer their dispute to arbitration under these rules, in which case nothing that has transpired in connection with the proceedings before the conciliator shall in any way affect the legal rights of any of the parties to the arbitration.

12. No person having sat as conciliator for the settlement of a dispute may be appointed arbitrator for the same matter.

## II. THE TRIBUNAL

### *Article 5*

#### Nationality of arbitrators

To qualify for appointment as an arbitrator, a person must have the nationality of one of the signatory States of the Convention.

### *Article 6*

#### Number of arbitrators

For the tribunal to be constituted by one arbitrator only, agreement on the latter's appointment must be reached by the parties within 30 days of the receipt by the respondent of the notice commencing the arbitration proceedings as provided for in Article 16. If the parties fail to agree to the choice of a single arbitrator within the time specified, the tribunal shall be constituted by three arbitrators.

### *Article 7*

#### Appointment of three arbitrators

1. If three arbitrators are to be appointed, each party shall appoint one arbitrator. The two arbitrators thus appointed shall choose the third arbitrator who shall be the presiding arbitrator of the tribunal.

2. The appointment by each party of an arbitrator shall be made within 30 days from the date of the agreement between the parties that the tribunal be constituted by three arbitrators, or the date when it was ruled out under the terms of Article 6 that the tribunal be composed of a sole arbitrator.

3. If:

(a) within 30 days of the appointment by each party of his arbitrator, the two appointed arbitrators have not chosen the third arbitrator,

or

(b) within 30 days after receipt of notification of the appointment by one party of an arbitrator, the other party has not notified the first party of the arbitrator he has appointed,

the required arbitrator shall, upon request by either party, be appointed by the appointing authority.

4. The appointing authority shall be agreed by the parties not later than 60 days after the particular failure which gives rise to the need to invoke that authority. If upon expiry of that period an appointing authority has not been agreed by the parties, either party may request the most senior in rank from amongst the judges of the International Court of Justice at The Hague who are nationals of the ACP States and the Member States to exercise the powers of the appointing authority.

### *Article 8*

#### Appointments by the appointing authority

1. When an appointing authority is requested to appoint an arbitrator, the party which makes the request shall send to the appointing authority a copy of the notice of arbitration referred to in Article 16. The appointing authority may require from either party such information as he deems necessary for the discharge of his function.

2. Either party may propose to the appointing authority the names of persons suitable for appointment as arbitrators. Where such proposal is made, the full name, address and nationality of the persons proposed shall be given, together with a description of their qualifications.

3. The appointing authority shall appoint the arbitrator or arbitrators as promptly as possible, having due regard to the interests of the parties and the nature of the dispute.

### *Article 9*

#### Challenge of arbitrators

1. A prospective arbitrator shall disclose to those who approach him in connection with his possible appointment any facts or circumstances likely to give rise to justifiable doubts or suspicion as to his impartiality or independence. A person appointed arbitrator shall disclose such facts or circumstances to the parties unless they have already been informed by him of these circumstances.

2. Any arbitrator may be challenged by a party if facts or circumstances exist which give rise to justifiable doubts or suspicion as to his impartiality or competence. However, a party

may challenge an arbitrator appointed by him, or in whose appointment he has participated, only for reasons of which he becomes aware after the appointment has been made.

### III. ARBITRATION PROCEEDINGS

#### Article 11

##### General provisions

3. A party who intends to challenge an arbitrator shall send a notice of his challenge in writing, stating the reasons therefor to the tribunal, the challenged arbitrator and the other party. The notice shall be sent within 15 days of the constitution of the tribunal or of the appointment of the challenged arbitrator, whichever is later, or within 15 days after the circumstances justifying the challenge become known to the party making the challenge.

Where a challenge made by one party is agreed by the other party, or where the challenged arbitrator withdraws from office, the authority of that arbitrator in the arbitration proceedings shall forthwith terminate. Neither the agreement of the parties to the challenge, nor the withdrawal from office of the challenged arbitrator, implies acceptance of the validity of the challenge.

4. If the other party does not agree to the challenge, or if the challenged arbitrator does not withdraw, a decision on the challenge shall be made as follows:

- (a) where the appointment of the arbitrator was made by an appointing authority, by that authority;
- (b) where the appointment of the arbitrator was not made by an appointing authority, by the other members of the tribunal, if there are such others;
- (c) in all other cases, or in case of disagreement between the other members of the tribunal, by an appointing authority designated or to be designated in accordance with the procedure provided in Article 7 (4). The decision of that appointing authority shall be final.

#### Article 10

##### Replacement of arbitrator

1. In the following cases, a substitute arbitrator shall be appointed in accordance with the procedure laid down in Articles 8, 9 and in this Article, which is applicable to the appointment of the particular arbitrator being replaced:

- (a) a challenge to an arbitrator has been agreed to by the other party; or
- (b) a challenged arbitrator has withdrawn; or
- (c) notwithstanding the absence of agreement of the other party, or a refusal by the challenged arbitrator to withdraw, the challenge is sustained; or
- (d) an arbitrator dies during the course of the arbitration proceedings; or
- (e) for any other reason, an arbitrator fails to act or it becomes impossible *de iure* or *de facto* for him to perform his functions.

2. If an arbitrator is replaced, any hearing held previously may, at the discretion of the tribunal, be repeated and any decision or order made in the course of the proceedings may be set aside by the tribunal.

1. Subject to these rules, the tribunal may conduct the arbitration in such manner as it considers appropriate.

2. The tribunal shall conduct the arbitration as expeditiously and with such due regard for the saving of costs as is consistent with doing justice between the parties. The parties shall be treated equally, and at any stage of the proceedings each of them shall have every opportunity of exercising his rights and presenting his case.

3. If either party so requests at any stage of the proceedings, the tribunal shall hold hearings for presentation of evidence by witnesses, including expert witnesses, or for oral argument. In the absence of such a request, the tribunal shall decide whether to hold such hearings or whether the proceedings shall be conducted on the basis of documents and other materials.

4. All documents or information supplied to the tribunal by one party shall at the same time be communicated by that party to the other party. No such document or information may be used in support of a party's case unless there is proof that it has been communicated to the other party.

#### Article 12

##### Applicable law and procedural rules

1. The tribunal shall apply to the questions in dispute, whether of a general or an individual nature, the rules and legal principles arising from the Convention, the headquarters agreement between the Centre and Belgium, the Statute and Rules of Procedure of the Centre, the Staff and Financial Regulations of the Centre, any kind of rules under these Staff Regulations which are adopted by the Board on a proposal from the Director and confirmed by the Committee, with or after the entry into force of the Staff Regulations, internal implementing rules laid down by the Director, and any individual conditions laid down in writing at the time of the appointment or laid down in writing after the event, all with the approval of the Board.

2. If the parties expressly so authorize the tribunal in the course of the arbitration proceedings, it shall decide as amicable compounder or *ex aequo et bono*.

3. The entire arbitration proceedings shall be conducted in accordance with these rules. In the absence of agreement between the parties, any procedural matter which is not provided for in these rules shall be decided by the tribunal, which shall ensure in particular, in such a case, that the principle of equality between the parties is observed.

#### Article 13

##### Language of the proceedings

1. Arbitration proceedings shall be conducted and the arbitration award made in the language proposed by the parties. In the event

of disagreement on this matter, the tribunal shall determine the language of the proceedings.

2. The tribunal may order that any document annexed to the statement of claim or statement of defence or any other document or exhibit submitted in the course of the proceedings in a language other than the language of the proceedings shall be accompanied by a certified translation into the language of the proceedings.

*Article 14*

Venue of the proceedings

Arbitration proceedings shall be conducted in a State signatory to the Convention. In the event of disagreement on this matter, the tribunal shall determine the venue.

*Article 15*

Representation and assistance

The parties may be represented and/or assisted by persons of their choice. The name and address of such persons must be communicated in writing to the other party and to the tribunal. Such communication must specify whether the person named is appointed for the purpose of representation or assistance.

*Article 16*

Commencement of arbitration proceedings

1. The claimant in an arbitration shall give to the respondent a notice of arbitration. The claim shall imply recognition of the necessity of the arbitration and of these proceedings, the definitive and non-appealable nature of the final award, and renunciation of any other mode of settling the dispute, including application to any court.

2. Arbitration proceedings shall be deemed to commence on the date on which the notice of arbitration is received by the respondent.

3. The notice of arbitration shall include the following:

- (a) a demand that the dispute be referred to arbitration;
- (b) the name and address of the parties;
- (c) the general nature of the claim and the amount involved, if any;
- (d) the relief or remedy sought and a summary of the grounds therefor.

4. The notice of arbitration may also include:

- (a) the name of the person for appointment as a sole arbitrator;
- (b) the notification of the appointment by the claimant of an arbitrator referred to in Article 7 (1);
- (c) the statement of claim referred to in Article 17.

*Article 17*

Statement of claim

1. Unless the statement of claim was contained in the notice of arbitration, the claimant shall, within a time limit to be determined by the tribunal, communicate his statement of claim in writing to the respondent and to each of the arbitrators.

2. The statement of claim, signed and dated by the claimant and/or his duly authorized representative, shall include the following particulars:

- (a) the name and address of the parties;
- (b) a statement of the facts supporting the claim;
- (c) the points at issue;
- (d) the relief or remedy sought.

The claimant shall either annex to his statement of claim all documents he deems relevant or add a reference to the documents or other evidence he will submit.

*Article 18*

Statement of defence

1. The respondent shall, within the time limit set for this purpose by the tribunal, communicate his statement of defence in writing to the claimant and to each of the arbitrators.

2. The statement of defence shall reply to the particulars of the statement of claim given in accordance with Article 17 (2) (b), (c) and (d). The respondent shall either annex to his statement the documents on which he relies for his defence or add a reference to the documents or other evidence he will submit.

3. In his statement of defence, or at a later stage in the arbitration proceedings if the tribunal decides that the delay is justified by the circumstances, the respondent may make a counter-claim or invoice a claim, both based on the same facts or on the legal relationship resulting from the appointment.

4. The provisions of Article 17 (2) shall apply to a counter-claim and a claim relied on for the purpose of a set-off.

*Article 19*

Amendments to the claim or defence

During the course of the arbitration proceedings either party may amend or supplement his claim or defence unless the tribunal considers it inappropriate to allow such amendment having regard to the delay in making it or the undue harm that it would cause to the other party.

*Article 20*

Pleas to the jurisdiction of the tribunal

1. The tribunal shall have the power to rule on objections to its jurisdiction.

2. The tribunal shall have the power to determine the existence or the validity of the instrument of appointment or of legal relationship binding claimant and respondent. A decision by the tribunal that they are null and void shall not affect the application of these procedural rules.

3. Objections to jurisdiction shall be made not later than in the statement of defence or, in the event of a counter-claim, in the reply to the counter-claim. This provision shall also apply to new claims and counter-claims admitted in the course of the proceedings.

4. In general, the tribunal should rule on an objection its jurisdiction as a preliminary question. However, it may proceed with the arbitration and rule on such objection in its final award.

#### *Article 21*

##### *Further written statements*

The tribunal shall decide which further written statements, in addition to the statement of claim and the statement of defence, the parties shall or may present and, if any, the manner in which they shall be presented and the time limits for communicating them.

#### *Article 22*

##### *Time limits*

The time limits fixed by the tribunal for the communication of written statements (including the statement of claim and statement of defence) shall not, in each case, exceed 45 days. However, the tribunal may extend the time limits if it considers that an extension is justified.

#### *Article 23*

##### *Evidence*

1. Each party shall bear the burden of proving the facts adduced in support of its claim of defence.

2. The tribunal may, if it considers it appropriate, require each party to deliver to the tribunal and to the other party, within such time limit as the tribunal shall decide, a summary of the documents and other evidence which that party intends to present in support of the facts at issue set out in its claim or its defence.

3. At any time during the proceedings, the tribunal may require the parties to produce documents, exhibits or other evidence within such time limit as it shall determine.

#### *Article 24*

##### *Oral proceedings*

1. In the event of an oral hearing, the tribunal shall give the parties adequate advance notice of the date, time and place thereof.

2. If witnesses are to be heard, each party shall communicate to the tribunal and to the other party, at least 15 days before the hearing, the name and address of the witnesses it intends to call, the subjects upon and the languages in which such witnesses will give their testimony.

3. The tribunal shall make arrangements for the translation of oral statements made at a hearing and for a record of the hearing if either is deemed necessary by the tribunal under the circumstances of the case, or if the parties have agreed thereto and have communicated such agreement to the tribunal at least 15 days before the hearing.

4. Hearings shall be held in camera unless the parties agree otherwise. The tribunal may require witnesses to withdraw during the testimony of other witnesses. The tribunal is free to determine the manner in which witnesses are examined, without prejudice to the right of each party, at its request, to question witnesses presented by the other party.

5. Evidence of witnesses may also be presented in the form of sworn written statements signed by them. However, at the request of either party and with the leave of the tribunal, such witnesses may be heard at a hearing where the parties shall have the opportunity to be present and to question the witnesses.

6. The tribunal shall determine the admissibility, relevance, materiality and weight of the evidence offered.

#### *Article 25*

##### *Interim measures*

1. At the request of either party, the tribunal may take any interim measures it deems necessary in respect of the subject matter of the dispute. The tribunal may also order the deposit of a sum of money or the provision of a security to guarantee the whole or part of the amounts in dispute. In the event of non-compliance, the tribunal shall be entitled to draw such conclusions as may logically result.

2. Such interim measures may be established in the form of an interim award. The tribunal shall be entitled to require security for the costs of such measures.

#### *Article 26*

##### *Experts*

1. The tribunal may appoint one or more independent experts to examine and report to it, in writing, on specific issues to be determined by the tribunal. A party shall have the right to object to an expert on the ground of competence and partiality and if such objection is sustained by the tribunal that expert shall withdraw. A copy of the expert's terms of reference, established by the tribunal, shall be communicated to the parties.

2. The parties shall give the expert any relevant information or produce for his inspection any relevant documents or goods that he



may require of them. Any dispute between a party and such expert as to the relevance of the required information or production shall be referred to the tribunal for decision.

3. Upon receipt of the expert's report, the tribunal shall communicate a copy of the report to the parties who shall be given the opportunity to express, in writing, their opinion on the report. A party shall be entitled to examine any document on which the expert has relied in his report.

4. At the request of either party, the expert, after delivery of the report, may be heard at a hearing where the parties shall have the opportunity to be present and to question him. At this hearing either party may call expert witnesses in order to testify on the points at issue. The provisions of Article 24 shall apply to such proceedings.

#### Article 27

##### Default

1. If, within the time limit fixed by the tribunal, the claimant has failed to communicate his statement of claim without showing sufficient cause for such failure, the tribunal shall issue an order for the termination of the proceedings. If, within the time limit fixed by the tribunal, the respondent has failed to communicate his statement of defence without showing sufficient cause for such failure, the tribunal shall, after allowing for the particular constraints applying to the respondent, order that the proceedings continue and may make an award even if a defence has by then not been submitted.

2. If one of the parties, duly notified under these rules, fails to appear at a hearing without showing sufficient cause for such failure, the tribunal may proceed with the arbitration.

3. If one of the parties, duly invited to produce documentary evidence, fails to do so within the established time limit without showing sufficient cause for such failure, the tribunal may make the award on the evidence before it, taking due account of the failure and the bearing it has on the case.

#### Article 28

##### Closure of hearings

1. The tribunal may inquire of the parties if they have any further evidence to offer or witnesses to be heard or submissions to make and, if there are none, it may declare the hearing closed.

2. The tribunal may, if it considers it necessary owing to exceptional circumstances, decide on its own motion or upon application of a party to re-open the hearings at any time before the award is made.

#### Article 29

##### Waiver of rules

A party who refrains from promptly raising an objection to any non-compliance with the provisions of or requirements under these rules shall be deemed to have waived his right to object.

#### Article 30

##### Decisions

1. Unless the tribunal is constituted by one arbitrator only, any award or other decision of the tribunal shall be made by a majority of the arbitrators. However, if there is no majority, the presiding arbitrator shall have a casting vote, but shall give reasons for exercising that vote.

2. In the case of questions of procedure, when there is no majority or when the tribunal so authorizes, the presiding arbitrator may decide on his own, subject to review, if any, by the tribunal.

#### Article 31

##### Time, scope, form and effect of the award

1. The arbitration award shall be made as soon as possible after the hearing or receipt of evidence on the material which the parties wish to put before the tribunal.

2. In addition to making a final award, the tribunal shall be entitled to make interim, interlocutory, or partial awards.

3. The award shall be made in writing; it shall be final and binding on the parties and not subject to appeal. The parties shall carry out the award without delay. Each ACP State or Member State shall recognize as binding every award made pursuant to these rules and shall ensure that it is enforced in its territory, as if it were a final judgment of one of its own courts or tribunals.

4. The tribunal shall state the reasons upon which the award is based, unless the parties have agreed that no reasons are to be given.

5. An award shall be signed and duly certified by the arbitrators and it shall contain the date on which and the place where the award was made. Where there are three arbitrators and one of them fails to sign, the award shall state the reason for the absence of the signature.

6. The award may be made public only with the consent of both parties.

7. Copies of the award signed and certified by the arbitrators shall be communicated to the parties by the tribunal.

#### Article 32

##### Enforcement of the award

1. In order to obtain the recognition and enforcement of the award in the territory of a signatory State of the Convention, the party concerned must present a certified copy of the award to the authority which that State has designated for the purpose. The order for enforcement shall be appended to the presented copy without any verification other than that of the authenticity of the copy.

2. Each signatory State shall, within 180 days from the entry into force of these rules, inform the President of the Council of

Ministers of the authority which it has designated for this purpose and shall keep him informed of any changes. The President of the Council of Ministers will transmit such information to the Secretary-General of the ACP General Secretariat and to the President of the Commission of the European Communities without delay.

3. The enforcement of the award shall be regulated by the law relating to the enforcement of judgments which is in force in the State in whose territory the enforcement is to be carried out. For that purpose, the parties are deemed *'juris et de jure'* to have expressly waived the privilege of immunity from jurisdiction and of immunity from enforcement.

#### Article 33

##### Settlement or other grounds for termination

1. If, before the award is made, the parties agree on a settlement of the dispute by other means, the tribunal shall either issue an order for the termination of the proceedings or, if requested by both parties and accepted by the tribunal, record the settlement in the form of an award on the agreed terms. The tribunal is not obliged to give reasons for such an award.

2. If, before the award is made, the continuation of the proceedings becomes unnecessary or impossible for any reason other than settlement under paragraph 1, the tribunal shall inform the parties that unless any objection is received within 30 days, it will issue an order terminating the proceedings. Should either party object within the said 30 days, the tribunal shall not issue such an order until it has heard the parties and determined that there are no justifiable grounds for objection.

3. Copies of the order for termination of the proceedings or of the award on the agreed terms, signed by the arbitrators, shall be communicated by the tribunal to the parties. Where an award on the agreed terms is made, the provisions of Article 31 (3), (5), (6) and (7) shall apply.

#### Article 34

##### Interpretation of the award

1. Within 30 days after the receipt of the award, either party, with notice to the other party, may request that the tribunal give an interpretation of the award. Where a new fact is discovered after expiry of the time limit, the 30 days shall run from the date the new fact is discovered, provided that the maximum time limit for a request based on the discovery of a new issue does not exceed 120 days from the date of the award. The 120-day limit shall not apply if the new fact results from inconsistent interpretations by the two parties as to enforcement of the award.

2. The interpretation shall be given in writing as soon as possible after the receipt of the request. The interpretation shall form part of the award and the provisions of Article 31 (2) to (6) shall apply.

#### Article 35

##### Correction of the award

1. Within 30 days after receipt of the award, either party, with notice to the other party, may request the tribunal to correct in the award any errors in computation, any clerical or typographical errors or any errors of a similar nature. The tribunal may within 30 days after communication of the award make such corrections on its own initiative.

2. Such corrections shall be in writing, and the provisions of Article 31 (2) to (6) shall apply.

#### Article 36

##### Additional award

1. Within 60 days after receipt of the award, either party, with notice to the other party, may request the tribunal to make an additional award as to claims presented in the proceedings but omitted from the awards.

2. If the tribunal considers the request for an additional award to be justified and considers that the omission can be rectified without any further hearings or evidence, it shall complete its award within 60 days after receipt of the request.

3. The provisions of Article 31 (2) to (6) shall apply to the additional award.

#### Article 37

##### Fees

The fees of the tribunal shall be reasonable in amount, taking into account the complexity of the case, the time spent by the arbitrators and any other relevant circumstances.

#### Article 38

##### Costs

1. The tribunal shall fix the costs of arbitration in its award. The term 'costs' includes only:

(a) the fees of the tribunal to be stated separately as to each arbitrator and set by the tribunal itself in accordance with Article 37;

(b) the travel and other expenses incurred by the arbitrators;

(c) the costs of expert advice and of other assistance required by the tribunal;

(d) the travel and other expenses of witnesses to the extent such expenses are approved by the tribunal;

- (e) the costs for legal representation and assistance of the successful party if such costs were claimed during the proceedings, and only to the extent that the tribunal determines that the amount of such costs is reasonable;
- (f) any fees and expenses of the appointing authority;
- (g) the administrative costs for the installation and functioning of the tribunal.

2. Except as provided in paragraph 3, the costs of arbitration shall in principle be borne by the unsuccessful party. However, the tribunal may apportion them between the parties if it determines that apportionment is reasonable, taking into account the circumstances of the case.

3. With respect to the costs of legal representation and assistance referred to in paragraph 1 (e), the tribunal, taking into account the circumstances of the case, shall be free to determine which party shall bear such costs or may apportion such costs between the parties if it determines that apportionment is reasonable.

4. When the tribunal issues an order for the termination of the proceedings or makes an award on the agreed terms, it shall fix the costs of arbitration referred to in paragraph 1 in the text of that order of award.

5. No additional fees may be charged by a tribunal for interpretation or correction or completion of its award pursuant to Articles 34, 35 and 36.

#### Article 39

##### Deposit of costs

1. The tribunal, on its establishment, may request each party to deposit an equal amount as an advance for the costs referred to in Article 38 (1) (a), (b) and (c).

2. During the course of the arbitration proceedings, the tribunal may request supplementary deposits from the parties for valid reasons.

3. If the required deposits are not paid in full within 30 days after receipt of the request, the tribunal shall inform the parties in order that one or other of them may make the required payment. If such payment is not made, the tribunal may nevertheless decide to continue with, or order the suspension or termination of, the proceedings.

4. After the award has been made, the tribunal shall render an account to the parties of the deposits received and return any unexpended balance to the parties.

Conclusions of the ACP-EEC Council of Ministers  
on the application of flexible criteria for  
aid allocations to Somalia

As a result of the lack of government or any other internationally recognized authority in Somalia and in the absence of a National Authorizing Officer, the ACP-EEC Council of Ministers, in the light of these exceptional circumstances which make it impossible to achieve the objectives of co-operation with Somalia, agrees on the following:

1. The Chief Authorizing Officer of the European Development Fund (EDF) will take the place of the Somalia National Authorizing Officer as long as circumstances justify this.
  2. Unexpended balances of the national indicative programmes under the Second and Third ACP-EEC Conventions may be used for Somalia, on the initiative of the EDF Chief Authorizing Officer, by adapting these programmes, if necessary, to make it possible to finance priority actions of the kind defined in the United Nations "100 days Programme".
-

## **I — ACP-EEC Acts**

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



**DECISION No 1/92**  
**OF THE ACP-CEE COMMITTEE OF AMBASSADORS**  
**of 26 March 1992**

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

THE ACP-EEC 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, on the one hand, the Member States of the Community and, on the other, the ACP States concerned have chosen agricultural and rural development experts on the basis of their personal qualities with a view to their appointment as members of the Advisory Committee,

HAS DECIDED AS FOLLOWS:

Article 1

The following shall be appointed, for a maximum period of five years, as members of the Advisory Committee of the ACP-EEC Technical Centre for Agricultural and Rural Co-operation:

to be nominated on a proposal from the Commission:

Mr J. HORTELMANS	(Belgium)
Mr K. BRUHN	(Denmark)
Mr W. SUDEN	(Germany)
Mrs M. TZEIRANI	(Greece)
Mr J. PIERNAVIEJA	(Spain)
Mr M. LEVY	(France)
Mr F. O'DONNELL	(Ireland)
Mr A. D'AMBROSIO	(Italy)
Mr R. SADELER	(Luxembourg)
Mr D. DE ZEEUW	(Netherlands)
Mr V.F. MARQUES	(Portugal)
Mr J. PERFECT	(United Kingdom)



2) nominated on a proposal from the ACP States:

Mr C. BULLY	(Dominica)
Dr R. BARROW	(Trinidad and Tobago)
Mr S. AVEAU	(Western Samoa)
Mr FA'ANUNU	(Tonga)
Mr J.J. N'GA	(Cameroun)
Mr J. ANGUILE	(Gabon)
Mr A. RUKOVA	(Zimbabwe)
Mr G.A. THYANGA THYANGA	(Malawi)
Professor S.N. MBILINYI	(Tanzania)
Professor J.K. MUKIIBI	(Uganda)
Mr S. PALE	(Burkina Faso)
Mr D. SENE	(Senegal)

Article 2

Appointment shall be effective from the date on which the fourth Convention of Lomé enters into force.

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

26-03-1982

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

F.K. MUTHAURA

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Οι Γραμματείς  
The Secretaries  
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I Segretari  
De Secretarissen  
Os Secretários

DECISION No 2/92 OF THE ACP-EEC COMMITTEE OF AMBASSADORS

of 22 December 1992

laying down the Staff Regulations of the Technical Centre for Agricultural and Rural Cooperation under the Fourth ACP-EEC Convention

(93/132/EEC)

THE ACP-EEC COMMITTEE OF AMBASSADORS,

HAS DECIDED AS FOLLOWS:

*Article 1*

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

The Staff Regulations applicable to the staff of the Centre is hereby definitively adopted as set out in the Annex.

*Article 2*

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 called the 'Centre'), and in particular Article 5 thereof,

The rules adopted by the Director and notified to the Subcommittee for Cooperation on Agricultural and Rural Development before the entry into force of the Staff Regulations referred to in Article 1 shall be confirmed or amended by the Subcommittee within two months of the date of their notification. However, the rules may not enter into force before the implementation of the said Staff Regulations.

Whereas the Staff Regulations of the Centre should be laid down;

*Article 3*

Whereas these Staff Regulations should also apply to the Director of the Centre, who is appointed by the ACP-EEC Committee of Ambassadors, pursuant to Article 4 (1) of its Decision No 1/91;

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

Whereas steps should be taken to ensure the proper functioning of the Centre and to determine the conditions under which Protocol 3 on privileges and immunities, annexed to the Convention, can be applied to the staff of the Centre;

*Article 4*

This Decision shall enter into force on 1 January 1993.

Whereas, as provided for in the said Protocol 3, the staff of the Centre shall enjoy the customary privileges, immunities and facilities in the territory of the Member States and of the ACP States, in particular, whilst carrying out their duties; whereas these privileges, immunities and facilities must be treated as comparable to those of similar institutions operating under like conditions,

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·Εγινε στις Βρυξέλλες, στις  
Done at Brussels,  
Fait à Bruxelles, le  
Fatto a Bruxelles, addi'  
Gedaan te Brussel,  
Feito em Bruxelas, em

22 -12- 1992

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  
The President  
Le président  
Il Presidente  
De Voorzitter  
O Presidente

J. KERR

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

ANNEX

STAFF REGULATIONS APPLICABLE TO THE STAFF OF THE TECHNICAL CENTRE FOR  
AGRICULTURAL AND RURAL COOPERATION (TCA) UNDER THE FOURTH ACP-EEC  
CONVENTION

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*Annexes to the Staff Regulations*

Annex I:	Letter of appointment
Annex II:	Remuneration table
Annex III:	Conditions and procedure for applying the tax for the benefit of the Centre
Annex IV:	Rules on conciliation and arbitration

TITLE I

GENERAL PROVISIONS

Article 1

1. These Staff Regulations, hereinafter referred to as 'the Regulations', are hereby established taking into account the international and public nature of the activity of the Centre. In particular, they regulate the rights and obligations of the staff; conditions relating to appointment, grading of posts and termination of service; working conditions; remuneration and social advantages; disciplinary arrangements and appeals procedures.

2. The Director of the Centre, hereinafter referred to as 'the Director', may adopt the rules or amendments to the rules, aimed at setting out in greater detail the principles embodied in these Staff Regulations; this option will apply in particular to aspects expressly provided for therein.

3. The Director shall notify the Subcommittee on Agricultural and Rural Development, hereinafter referred to as 'the Subcommittee', of rules or amendments to rules adopted as soon as possible and not later than 30 working days from the date of their adoption.

The Director may, if he considers it necessary, provisionally apply the rules adopted.

Not later than three months from the date of notification, the Subcommittee shall either approve the rules notified or make amendments thereto. The rules thus adopted by the Subcommittee shall apply from the date which they set. However, that date may not be earlier than the date of their adoption.

4. The ACP-EEC Committee of Ambassadors may at any time adopt amendments to these Regulations by introducing any adjustments it considers appropriate.

5. The Convention, The Headquarters Agreement between the Centre and the Netherlands, the Statute and Rules of Procedure of the Centre, the Regulations, the Financial Regulation of the Centre, the rules of operation approved in accordance with paragraphs 2 and 3 of this Article after the entry into force of the Regulations, the internal implementing rules established by the Director and any individual conditions laid down in writing at the time of appointment or subsequently, together make up the legal rules applicable to the Director, and the staff of the Centre within the meaning of Article 2, and are the only ones which they may invoke.

Article 2

1. These Regulations lay down the conditions applicable to:

- the Director,
- the staff of the Centre,
- the local staff of the Centre.

2. Within the meaning of these Regulations, a member of staff of the Centre is any person appointed by an instrument issued by the Director for a specified period and in the manner and within the limitations laid down herein.

3. For the purpose of these Regulations, a member of local staff is any person engaged under a contract of employment for a specified period by the Centre to perform manual or service duties in a post not specified in Article 7 and in accordance with local custom.

Article 3

The Director shall inform the Subcommittee of all major matters relating to recruitment of staff and the renewal, extension and termination of staff appointments. Such matters shall include, *inter alia*, vacancies, mode of advertisement of vacancies, applications received and the method and basis of selection of the candidates.

Article 4

1. The Staff may elect a Staff Committee to represent their interest *vis-à-vis* the Centre and maintain continuous contact between the Centre and the staff. It shall contribute to the smooth running of the service by providing a channel for the expression of opinion by the staff.

The Staff Committee may bring to the notice of the Directorship of the Centre any difficulty having general implication concerning the interpretation and application of these Regulations. It may be consulted on any difficulty of any kind in this area.

2. The Director must be informed of the election of the Staff Committee, the candidates put forward and the result of votes cast.

3. The Director may grant facilities for the performance of their duties on the Staff Committee to four members of the Committee at most.

*Article 5*

The Centre may draw upon the services of seconded experts.

Any national or international civil servant or private-sector executive with qualifications and experience equivalent to

that required by a member of staff of the Centre who is temporarily transferred there or temporarily exchanged with another member of staff under rules adopted by the Director shall be considered a seconded expert.

TITLE II

STAFF

CHAPTER I

APPOINTMENT — GRADING OF POSTS —  
ESTABLISHMENT PLAN

*Article 6*

1. The sole object of any appointment of a member of staff shall be to fill, in accordance with the conditions laid down in these Regulations, a vacancy for a post contained on the list of posts annexed to the budget in accordance with the provisions of Article 10.

2. Staff shall be appointed by the Director for a specified period which may expire no later than 31 August 1996. The duration specified in each letter of appointment may possibly be extended in the manner and within the limitations established in these Regulations, but may not extend beyond the above date, without prejudice to the provisions of Article 11 in the case of short-term appointments.

3. Any appointment or extension of appointment after 31 August 1996 shall be subject to authorization by and to conditions to be drawn up by the Subcommittee and the period of the appointment or extension may not extend beyond the date of expiry of the Convention.

4. The letter appointing a member of staff, drawn up in accordance with the specimen in Annex I, shall state the date on which the appointment takes effect and its duration, the category, level and step to which the individual is appointed and the obligation on the member of staff to comply with these Regulations.

*Article 7*

1. Posts covered by these Regulations shall be graded, according to the nature and level of duties to which they correspond, into three categories designated, in descending

hierarchical order: 'administrative', 'clerical' and 'supporting staff'.

2. Each category shall comprise levels and each level steps.

The categories, levels (with typical duties corresponding thereto) and steps are contained, along with other information, in the table referred to in Article 50.

On the basis of that table, the Director shall define the duties and powers attaching to each post at the Centre.

3. The 'administrative' category shall be for staff carrying out management and advisory duties in the sphere of agricultural and rural development and/or in that of information, requiring university-level education. This category shall comprise four levels:

(a) a level 2.A and a level 2.B for staff carrying out the duties of 'main expert', requiring specific professional experience of at least 20 and 15 years respectively;

(b) a level 2.C and a level 2.D for staff carrying out the duties of 'expert', requiring specific professional experience of at least 10 and five years respectively.

The number of 2.A posts may not exceed 20 % of the 'administrative' category posts.

4. The 'clerical' category shall comprise three levels:

(a) two levels for staff carrying out the duties of 'principal assistant' and 'clerical assistant' respectively, entailing executive duties requiring higher education:

— a level 3.A requiring professional experience of at least 10 years,

— a level 3.B requiring professional experience of at least five years;

(b) a level 3.C for staff carrying out the duties of 'secretary', entailing clerical duties requiring secondary education and professional experience of at least three years.

5. The category 'supporting staff' shall comprise a level 4.A for staff carrying out the duties of 'technical staff', entailing manual or service duties requiring primary education, possibly supplemented by technical knowledge, and professional experience of at least two years.

#### Article 8

1. The grading of the member of staff at the time of appointment, specifying category, level and step, shall be established by the Director in accordance with rules adopted by the Director.

2. When recruited, the member of staff shall be graded at the first step of his level.

However, in order to take account of the training and specific professional experience of the person concerned, the Director may allow him to pass over one step by recruiting him at step 2.

3. Assignment of a member of staff to a post corresponding to a level higher than that at which he was appointed shall necessitate amendment of the instrument of appointment.

#### Article 9

1. The Director shall assign each member of staff by nomination or transfer to posts requiring duties of his category and level, purely in the interests of the Centre and without taking nationality into account.

2. Assignment of a member of staff to a post of head or deputy head of an administrative unit at any level shall be for functional reasons only.

3. Assignment of members of staff shall reflect as far as possible the joint ACP-EEC nature of the Centre.

#### Article 10

A table attached to the annual budget of the Centre shall fix the number of posts in each category and level and specify any vacancies. It shall also indicate the names of all staff members, mentioning their administrative level, their date of birth and their career development within the Centre.

#### Article 11

1. The Director may, exceptionally and in the manner and within the limits laid down in these Regulations, employ staff on short-term appointments for the performance of specific and properly defined tasks.

2. Such short-term appointments may be concluded with all the categories and levels of staff specified in the table referred to in Article 50. The normal duration of such appointments shall be six months.

These appointments shall not be subject to the rules on the age limit or the trial period on taking up one's duties.

3. This type of short-term appointment shall be used for:

(a) duties created during a budgetary year which are likely to be part of the general structure of the departments in the following budgetary year;

(b) short-term duties to supplement the capacity of staff on the spot in a specific sector of activity or in a specialized field;

(c) short-term duties as back-up when recurrent activities are being launched or completed;

(d) other short-term duties, in particular the provisional replacement of staff absent from the Centre for exceptional reasons.

4. Short-term appointments may be extended on one occasion by the Director for a maximum period of six months. At the end of that period, under exceptional circumstances, a second extension for a maximum period of six months shall be possible, but only with the prior approval of the Subcommittee.

5. On expiry of a short-term appointment, the duties of the member of staff must come to an end, and the person concerned may be appointed a staff member only on the basis of a competitive examination under the conditions laid down in Articles 27 to 30.

### CHAPTER II

#### RIGHTS AND OBLIGATIONS

#### Article 12

1. Staff shall carry out their duties and conduct themselves solely with the interests of the Centre in mind; they shall neither seek nor take instructions from any government, authority, organization or person outside the Centre.



2. They shall not, without the permission of the Director, accept from any government or from any source outside the Centre any favour, gift or payment of any kind whatever, except for services rendered either before appointment or during special leave, and in respect of such services.

*Article 13*

1. Staff shall abstain from any action and, in particular, any public expression of opinion which may reflect adversely on their position or on the reputation of the Centre.

2. They may not engage in activities, whether gainful or not, likely to detract from their independence or be detrimental to the activity of the Centre.

*Article 14*

If the legal spouse of a staff member or the person with whom the staff member lives in a marital state is in gainful employment, the staff member shall inform the Centre thereof.

Should the nature of the employment prove to be incompatible with that of the staff member or with the interests of the Centre and if the staff member is unable to give an undertaking that it will cease within a specified and reasonable period, the Director shall decide whether the staff member is to continue in his post, have his appointment terminated, or be suspended.

*Article 15*

A staff member who, in the performance of his duties, is called upon to decide on a matter in the handling or outcome of which he has a personal interest such as to impair his independence shall inform the Director thereof.

*Article 16*

After leaving the service of the Centre, staff must continue to observe the rules of professional ethics and refrain from making statements likely to prejudice the interests of the Centre.

*Article 17*

1. Staff shall exercise the greatest discretion with regard to all facts and information coming to their knowledge in the course of or in connection with the performance of their duties; they shall not in any manner whatsoever

disclose to any unauthorized natural or legal person any document or information not already made public. They shall continue to be bound by this obligation after leaving the service.

2. Staff shall not, whether alone or together with others, publish or cause to be published, without the permission of the Director, any matter dealing with the work of the Centre. Permission shall be refused only where the proposed publication is liable to prejudice the interests of the Centre.

*Article 18*

All rights, including copyright and other intellectual property rights, in any writings or other work done by staff in the performance of their duties shall be the property of the Centre.

*Article 19*

Staff shall reside either in the place where they are employed or at no greater distance therefrom than is compatible with the proper performance of their duties.

*Article 20*

1. Whatever his rank, a staff member shall assist and tender advice to his superiors; he shall be responsible for the performance of the duties assigned to him.

2. A staff member in charge of any branch of the service shall be responsible to his superiors in respect of the authority conferred on him and for the carrying out of instructions given by him. The responsibility of his subordinates shall in no way release him from his own responsibilities.

3. A staff member who receives instructions which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior thereof, if necessary, in writing. If he then receives written confirmation of the instructions from his superior, he shall carry them out unless they constitute a breach of criminal law or would give rise to inordinate risk to personal security.

*Article 21*

1. A staff member shall be required to make good, in whole or in part, any damage suffered by the Centre as a result of serious misconduct on his part in the course of, or in connection with, the performance of his duties.

2. A reasoned decision shall be given by the Director, in accordance with the procedure laid down in regard to disciplinary matters.

*Article 22*

1. The privileges and immunities enjoyed by staff members of the Centre are accorded solely in the interests of the latter. Subject to the provisions of the Protocol on Privileges and Immunities to the Convention applicable to the Centre and its staff, staff members concerned shall not be exempt from fulfilling their private obligations or from complying with the laws and police regulations in force.

2. When such privileges and immunities are in dispute, the staff member concerned shall immediately inform the Director.

3. It is understood that, in accordance with the Convention, staff shall enjoy in the territory of the Member States and that of the ACP States, in particular during the performance of their duties, the customary advantages, immunities and facilities, which shall be determined by comparison with similar institutions operating under like conditions.

*Article 23*

1. The Centre shall assist any staff member in any legal proceedings against the perpetrators of threats, insulting or defamatory acts or utterances, or any attack to person or property to which the staff member or a member of his family is subjected by reason of his position or duties. It shall jointly and severally compensate for damage suffered thereby by any staff member in so far as the latter did not either intentionally or through grave negligence cause the damage and has been unable to obtain compensation from the person who did cause it.

2. The Centre shall facilitate the training of any staff member in so far as it is compatible with the requirements of the proper functioning of the service and is of benefit to the Centre.

*Article 24*

A staff member shall be entitled to exercise the right of association; he may in particular be a member of trade unions or staff associations.

*Article 25*

1. Staff may address a petition to the Director on questions concerning their duties.

2. Any decision relating to a specific individual which is taken under these Regulations shall at once be communicated in writing to the staff member.

3. Any decision adversely affecting a staff member shall state the grounds on which it is based.

*Article 26*

1. The Centre shall keep a personal file for each staff member containing:

(a) all documents sent to the staff member concerning his administrative status and all reports relating to his ability, efficiency and conduct;

(b) any comments by the staff member on such documents.

2. Any document contained in the staff member's personal file concerning a disciplinary measure for first degree of seriousness in accordance with Article 56 (2) shall be cancelled after a period of three years if no further disciplinary measure has been imposed on the staff member during that period.

3. The staff member's personal file shall be confidential and may be consulted only in the offices of the Centre's administration department. It shall, however, be forwarded or communicated, if need be, when a dispute between the Centre and the staff member is being settled.

CHAPTER III

RECRUITMENT — PERIODIC ASSESSMENT —  
PROFESSIONAL ADVANCEMENT — TERMINATION OF  
SERVICE — REMOVAL FROM POST

Section 1

Recruitment

*Article 27*

1. Recruitment of staff shall be directed at securing for the Centre the services of persons of the highest standard of ability, efficiency and integrity.

2. The staff member shall be selected on the basis of a competition in accordance with rules adopted by the Director.

3. The recruitment procedure established by the rules referred to in paragraph 2 shall be open and transparent, offering the same participation and appointment opportunities to all nationals of signatory States of the Convention.

Staff members shall be selected without reference to race, creed or sex.

No post shall be reserved for nationals of any specific Member State.

Given equivalent levels of professional qualifications and experience required for appointment to a post, recruitment shall be on as wide a geographical basis as possible from among nationals of States signatory to the Convention.

The appointments of staff members must reflect as far as possible the joint ACP-EEC nature of the Centre.

#### Article 28

1. A staff member may be appointed only on condition that:
  - (a) he is a national of one of the States signatory to the Convention;
  - (b) he has fulfilled any obligations imposed on him by the laws concerning military service applicable to him;
  - (c) he produces the appropriate character references as to his suitability for the performance of his duties;
  - (d) he was recruited in accordance with the competition-based procedure as referred to in Article 27 (2);
  - (e) he is physically fit to perform his duties, as determined by a medical examination by a medical practitioner appointed by the Centre;
  - (f) he produces evidence of a thorough knowledge of one of the Centre's principal working languages and a satisfactory knowledge of another working language of the Centre to the extent necessary for the performance of his duties.
2. Before taking up his duties, every staff member shall provide the Centre with the following documents:
  - (a) a medical certificate attesting to his capacity to carry out the duties for which he has been appointed;
  - (b) documentary evidence that he has fulfilled his military service obligations, if such obligations exist in his country;
  - (c) documentary evidence that he is a national of one of the States signatory to the Convention and that he enjoys his full rights as a citizen;
  - (d) documents relating to his civil status, and to that of his wife and dependent children.

3. At the request of the Centre, staff members must agree to undergo a medical examination by the Centre's medical officer before the end of the trial period.

#### Article 29

1. In order to fill vacant posts, the Director, after considering the possibilities of assigning members of staff from the Centre to those posts by transfer or advancement in level or category under the terms of Articles 33 and 34, shall initiate a recruitment procedure on the basis of a competition in accordance with the rules referred to in Article 27 (2).
2. The recruitment procedure may also be initiated in order to constitute a reserve list for future recruitment.

#### Article 30

1. On appointment, a staff member shall serve a trial period which may not exceed six months' duration. During that period his work will be periodically assessed by his superiors.
2. During that trial period, the Director may, without notice, terminate the appointment of a staff member who has failed to exhibit sufficient competence. Termination of the appointment shall take effect at the time the person concerned receives notification of the Director's decision.

#### Section 2

##### Periodic assessment — Professional advancement

#### Article 31

1. Every 12 months from the date of appointment and subject to rules laid down by the Director, the ability, efficiency and conduct in the service of a staff member shall be the subject of an assessment report by his superiors.
2. The assessment report shall be communicated to the staff member. He shall be entitled to make any comments thereon which he considers relevant.

#### Article 32

1. A member of staff, after satisfactory continuous service of not less than two years at the same level and step and whose appointment will continue for at least one month after that period, may have his step increased by one unit at the level at which he is graded, provided that he has not already reached the highest step at that level.

2. During the period between the date of signing of the Convention and 31 August 1996 this increase in step may take place only once.

3. The increase in step 1 during the period 1 September 1996 to the expiry of the Convention shall be subject to the authorization of, and conditions laid down by, the Subcommittee in accordance with Article 6 (3).

4. Staff members shall accede to the highest step in each level only on an exceptional basis and as a result of outstanding performance.

5. The abovementioned increases in step shall not be automatic and shall be decided on by the Director on the basis of the ability, efficiency and conduct of the staff member as assessed by his superiors and of changes in the complexity of his duties.

#### Article 33

1. Any advancement in level or category of a staff member shall occur only in order to fill vacancies and by means of appointment by the Director to the level or category immediately above, in accordance with rules adopted by the Director.

2. The appointment of a staff member to the level immediately above the category to which he belongs shall take place from among staff members who have completed a minimum length of service at their level, after consideration of their comparative merits and the reports of their hierarchical superiors.

3. A staff member may be appointed to the category immediately above only after a competitive examination among staff members applying, who have the requisite training and experience and have completed a minimum length of service at their level. The staff member shall be appointed to the lowest level of the new category.

4. The minimum length of service necessary for entitlement to advancement in level or category shall be laid down in the rules referred to in paragraph 1.

#### Article 34

1. The staff member shall be classified at the step for which the salary is closest to that which he was receiving at his previous level.

2. In no case shall a staff member receive at his new level a basic salary lower than that which he received at his former level.

### Section 3

#### Termination of service — Termination of appointment

##### Article 35

1. Apart from cessation on death, employment shall cease:

(a) on the date stated in the instrument of fixed-term appointment;

(b) at the end of a period of notice corresponding to one month per year of service completed as from the date of appointment, this period being established on the initiative of the Centre or of the staff member, without prejudice to the provisions of paragraph 3 in the case of short-term appointments;

(c) at the end of the month during which the staff member reaches the age of 65 years, without prejudice to the provisions of Article 11 (2) in the case of short-term appointments.

2. In the event of termination of appointment on the initiative of the Centre before the end of the period laid down in the letter of appointment, the staff member shall be entitled, at the end of the period of notice provided for in paragraph 1 (b), to compensation equal to one-third of his basic salary for the period between his last day of work and the date on which the appointment was due to expire, without prejudice to the provisions of paragraph 3.

Where the Director causes the staff member's service to be terminated before the end of the abovementioned period of notice, the staff member shall nonetheless be paid the basic salary corresponding to the period of notice still to run.

3. Where the termination of duties takes place on the initiative of the Centre before the end of the period laid down in the letter of appointment for short-term appointments concluded pursuant to the terms of Article 11, it must be preceded by a period of notice of one month, the staff member being entitled in this case to compensation equal to half his basic salary for the period between his last day of work and the date on which the appointment was due to expire.

##### Article 36

The appointment of a staff member may be terminated without notice on the initiative of the Director:

(a) during or at the end of the probationary period, under the conditions set out in Article 30 (2);

(b) if the staff member ceased to fulfil the conditions set out in Article 28 (1);

(c) in the case provided for in Article 37;

(d) in the case provided for in Article 38.

*Article 37*

1. After completion of the disciplinary procedure laid down in Chapter VI of this Title, the appointment of a staff member may be terminated without notice on disciplinary grounds in serious cases of failure to comply with his obligations, whether intentionally or through negligence on his part. The decision to terminate an appointment shall be taken by the Director, after the person concerned has had an opportunity to submit his defence.

2. Prior to the termination of his appointment, the staff member may be suspended pursuant to the conditions set out in Article 58.

3. In the event of termination of duties pursuant to paragraph 1 of this Article, the Director may decide to withhold from the person concerned all or part of his entitlement to the compensation and reimbursement of costs provided for in the rules referred to in Articles 47 and 53.

*Article 38*

1. The appointment of a staff member must be terminated without notice by the Centre when the Director finds that, at the time of his appointment, the person concerned intentionally provided false information concerning his professional skills or the conditions set out in Article 28 (1).

2. In the case referred to in paragraph 1, the termination of the appointment shall be declared by the Director, after the person concerned has been heard and after completion of the disciplinary procedure laid down in Chapter VI of this Title.

3. Prior to the termination of his appointment, the staff member may be suspended under the conditions set out in Article 58.

The provisions of Article 37 (3) shall apply.

CHAPTER IV

WORKING CONDITIONS

Section 1

Duration of work

*Article 39*

1. Staff in active employment shall at all times be at the disposal of the Centre.

However, the normal working week shall not exceed 42 hours, the hours of the normal working day being

determined in accordance with rules laid down by the Director.

2. Exceptionally, and on duly justified grounds, the Director may authorize the staff member to work half-time if he considers that this would be fully in the interests of the Centre.

The arrangements for granting this authorization shall be set out in rules laid down by the Director.

3. A staff member authorized to work half-time shall, in each month, in the manner provided for by the Director, work one half of the normal working time.

*Article 40*

1. Staff may not be required to work overtime except in cases of urgency or exceptional pressure of work; night work and all work on Sundays or public holidays may be authorized only in accordance with rules laid down by the Director.

2. The total amount of overtime required of a staff member may not exceed 150 hours worked in a six-month period.

3. Overtime worked by staff in the 'administrative' and 'clerical staff' categories shall not create entitlement to compensation or to remuneration.

Under the conditions laid down in the rules referred to in paragraph 1, overtime worked by staff in the 'supporting staff' category shall create entitlement to a compensatory rest period or, if the needs of the service do not allow compensation in the six months following that during which the overtime was worked, to the automatic grant of a payment per hour of overtime fixed by those rules.

Section 2

Leave

*Article 41*

1. Staff shall be entitled to annual leave of not fewer than 24 working days nor more than 30 working days per calendar year, in accordance with rules laid down by the Director. Those rules shall specify the conditions for carrying over leave from one calendar year to the next.

Apart from this annual leave, staff may exceptionally, request, be granted special leave by the Director in accordance with rules laid down by the Director.

*Article 42*

Female members of staff shall be entitled, in addition to the leave provided for in Article 41, and on production of a medical certificate, to maternity leave with full pay normally starting six weeks before the expected date of confinement shown in the certificate and normally ending 10 weeks after the date of confinement; such leave shall not be for less than 16 weeks.

However, at the request of the person concerned and with medical authorization, the Director may allow the maternity leave to start less than six weeks before the expected date of confinement shown in the certificate, ending in this case at the end of a period of 10 weeks after the date of confinement plus the time which the person concerned has continued to work as from the sixth week preceding the actual date of confinement.

*Article 43*

A staff member who provides evidence of incapacity to perform his duties because of sickness or accident shall automatically be entitled to sick leave, in accordance with rules adopted by the Director.

*Article 44*

The annual leave of a staff member authorized to work half-time shall, for the duration of such work, be reduced by half. Fractions of deductible days shall be disregarded.

*Article 45*

1. Except in case of sickness or accident, a staff member may not be absent without prior permission from his immediate superior. Without prejudice to any disciplinary measures that may apply, any unauthorized absence which is duly established shall be deducted from the annual leave of the staff member concerned. If he has used up his annual leave, he shall automatically forfeit his remuneration for an equivalent period.

2. Where a staff member wishes to spend his sick leave in a place other than his place of employment, he shall be required to obtain prior authorization from the Director.

Section 3

Public holidays

*Article 46*

The list of public holidays shall be drawn up by the Director.

CHAPTER V

REMUNERATION AND VARIOUS BENEFITS

*Article 47*

1. Under the conditions set out in rules adopted by the Director, and save as otherwise provided, a staff member shall be entitled to the remuneration relating to his category, level and his step by the sole fact of his appointment.

He may not waive this entitlement.

2. This remuneration shall comprise a basic salary and family and other allowances.

*Article 48*

The remuneration shall normally be expressed and paid in Dutch guilders, unless a duly substantiated exception is made.

*Article 49*

The Subcommittee may decide, on a proposal from the Director, to adjust remuneration in order to take account of trends in the cost of living in the place of employment and in purchasing power in the Community.

*Article 50*

The basic monthly salaries shall be fixed for each category, level and each step in accordance with the table in Annex II to the Regulations, of which it forms an integral part.

*Article 51*

1. The family allowances to which a staff member is entitled shall be laid down in the rules mentioned in Article 47 and comprise:

(a) the household allowance;

(b) the dependent child allowance;

(c) the education allowance.

2. A staff member in receipt of the family allowances referred to in this Article shall be required to declare allowances of the same type paid elsewhere, these allowances being deducted from those paid under the Regulations.

3. The dependent child allowance may be doubled by a special and duly justified decision of the Director taken on the basis of substantiating medical documents drawn up by a doctor designated by the Centre certifying that the child in question imposes on the official heavy burdens resulting from a mental or physical handicap suffered by the child.

#### *Article 52*

If a staff member dies during his term of employment, the surviving legal spouse or the dependent children shall receive the overall remuneration of the deceased until the end of the sixth month following that of the death.

#### *Article 53*

Under the conditions set out in the rules indicated in Article 47, a staff member shall be entitled to reimbursement of the expenses which he incurred on taking up his duties, on being transferred, or at the end of his appointment, as well as the expenses he incurred in the pursuit, or in connection with the pursuit, of his duties, without prejudice to the provisions of Article 37 (3).

#### *Article 54*

1. In the event of the death of a staff member, of his legal spouse, of his dependent children or of the other persons dependent upon him within the meaning of the rules referred to in Article 47 and living under his roof, the costs incurred in respect of the transporting of the body from the staff member's place of employment to his place of origin shall be reimbursed by the Centre. An advance may be granted for that purpose by the Centre.

The Centre shall also reimburse travel expenses and the costs relating to the transporting of the personal effects and luggage of the surviving persons mentioned in the preceding paragraph returning to the place of origin of the deceased staff member.

2. If a staff member dies during a mission, the costs incurred in respect of the transporting of the body from the place of death to the staff member's place of origin shall be reimbursed by the Centre.

#### *Article 55*

Any sum overpaid shall be recovered if the recipient had knowledge of the irregularity of the payment or if such irregularity was so obvious that he could not fail to have knowledge of it. The arrangements for recovery shall be laid down by the Director.

### CHAPTER VI

#### DISCIPLINARY MEASURES

#### *Article 56*

1. Any failure by a staff member to comply with his obligations under these Regulations, whether intentionally or through negligence on his part, shall make him liable to disciplinary action.

2. Disciplinary measures shall take one of the following forms:

— measures for first degree of seriousness:

(a) written warning;

(b) reprimand,

— measures for second degree of seriousness:

(c) relegation in step;

(d) downgrading in level or category;

(e) removal from post.

3. A single offence shall not give rise to more than one disciplinary measure.

#### *Article 57*

1. The Director may issue the warning and the reprimand, without consulting the Subcommittee, on a proposal from the staff member's immediate superior or on his own initiative. The person concerned shall be heard beforehand.

2. The other measures shall be imposed by the Subcommittee after completion of the disciplinary procedure laid down in Article 59. This procedure shall be initiated by the Director after hearing the person concerned.

#### *Article 58*

1. Where an allegation of serious misconduct is made against a staff member, whether this amounts to failure to carry out his official duties or to a breach of law, the Director may order that he be suspended. The decision that a staff member be suspended shall be taken as a

cautionary step within four working days of the day following discovery of the acts with which he is charged.

The decision that a staff member be suspended shall specify whether he is to continue to receive his remuneration during the period of suspension or what part thereof is to be withheld: the part withheld shall not be more than half the staff member's basic salary.

Where no decision has been taken on the staff member by the end of two months, from the date when the decision that the staff member be suspended came into force, the maintenance of that suspension must be confirmed by the Subcommittee.

Where no decision has been taken on the staff member by the end of four months, from the date when the decision that the staff member be suspended came into force, the staff member shall again receive his full remuneration.

Where, at the end of the disciplinary procedure, no disciplinary action has been taken in respect of a staff member, or no other measure than a written warning or reprimand, the staff member concerned shall be entitled to reimbursement of the amount of remuneration withheld.

Where, however, the staff member is prosecuted for those same acts, a final decision shall be taken only after a final verdict has been reached by the court hearing the case.

#### Article 59

1. The subcommittee shall be provided with a report from the Director which must clearly state the facts complained of and, if appropriate, the circumstances in which they occurred.

This report shall be sent to the Secretary of the Subcommittee, who shall bring it to the attention of the members of the Subcommittee and notify the staff member charged thereof by registered letter.

Any frustration of delivery ascribable to the staff member and any refusal by the staff member to sign an acknowledgement of receipt shall count as notification.

2. The Director may appoint a rapporteur, preferably with legal training and independent of the Centre.

3. On receipt of the report, the staff member charged shall have the right to see his complete personal file and to take copies of all documents relevant to the proceedings.

4. The staff member charged shall have one month from the date of receipt of the registered letter with the report initiating disciplinary proceedings to submit comments in writing and call witnesses.

5. The Director of the Centre shall likewise have the right to call witnesses.

6. After consideration of the documents submitted and having regard to any statements made in writing by the staff member concerned and also to the results of any enquiry undertaken, the Director or, where appropriate, the rapporteur shall issue a final report containing a reasoned opinion on the disciplinary measure appropriate to the facts complained of and shall forward this opinion to the Subcommittee and the staff member concerned.

7. The Subcommittee shall take its decision within a maximum of two months.

### TITLE III

#### THE DIRECTOR

#### Article 60

1. The provisions of these Regulations laying down rights and obligations for staff shall apply *mutatis mutandis* to the Director.

2. Where, in the context of these Regulations, it is provided that the Director shall take decisions with respect to the staff and local staff, the Subcommittee shall take such decisions with respect to the Director.

Similarly, where it is provided that the staff and local staff shall give information to the Director and the Director shall give such information to the Subcommittee.



TITLE IV

PROVISIONS CONCERNING SOCIAL SECURITY, TAXATION AND APPEALS

CHAPTER I

Article 63

SOCIAL PROVISIONS

Section 1

Social security

Article 61

1. As regards social-security schemes, the staff member, the Director and, to the extent necessary, members of their family, may choose between the scheme of the State in whose territory the Centre has its headquarters, the scheme of the State where they last resided or that of the State of which they are nationals.

However, this choice may be exercised only once and must be made within three months of the date of appointment; it shall take effect on the date on which duties are taken up.

2. The staff member, the Director and their legal spouses, where these are not eligible for benefits of the same type and level under all other legal provisions or regulations, their children and other dependent persons under the rules referred to in Article 47, shall be covered against illness. The degree of cover shall be defined in rules adopted by the Director.

3. One-third of the contributions necessary to provide such cover against illness shall be borne by the insured person in accordance with the rules referred to at the end of paragraph 2, second sentence.

Article 62

1. The staff member and the Director shall be insured from the date of their entering the service against the risk of occupational disease and of accident, subject to the rules laid down in Article 61 (2), second sentence. They shall contribute to the cost of insuring against these risks.

2. Risks not covered, benefits payable and expenses covered shall be specified in the rules mentioned in paragraph 1.

1. On the birth of a child to a staff member or the Director, a single, flat-rate grant shall be paid to the person who has actual care of the child in accordance with the rules referred to in Article 61 (2), second sentence.

2. The recipient of the grant on the birth of a child must declare any grants of the same nature received from other sources for the same child; such grants shall then be deducted from the grant referred to in paragraph 1. This grant shall be paid once only, where both parents as staff members of the Centre are potentially eligible.

Section 2

Provident fund

Article 64

1. The Centre shall set up a provident fund for the staff members and the Director in accordance with rules adopted by the Director. The methods of compulsory contribution to the fund by these staff members and by the Centre, together with the methods of payment by the fund to staff members leaving the service of the Centre shall be established by these rules.

2. One-third of the contributions necessary to set up the provident fund shall be borne by the insured person in accordance with the rules referred to in paragraph 1.

CHAPTER II

TAX PROVISIONS

Article 65

1. The Director and the staff of the Centre shall be liable to a tax for the benefit of the Centre on remuneration paid by the Centre.

The conditions and the procedure for applying this tax are laid down in Annex III to these Regulations. The Subcommittee shall be empowered to amend that Annex if necessary.

2. Tax shall be collected by the Centre by means of deduction at source. The proceeds of the tax shall be entered as revenue in the budget of the Centre.

3. The persons referred to in paragraph 1 shall be exempt from national taxes on remuneration paid by the Centre.

### CHAPTER III

#### APPEALS PROVISIONS

##### Article 66

1. Staff members and the Director may submit to the competent authority a request that it take a decision relating to them. The competent authority shall notify the person concerned of his reasoned decision within two months from the date on which the request was made. If at the end of that period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it, against which a complaint may be lodged in accordance with the following paragraph.

2. Staff members and the Director may submit to the competent authority a complaint against an act adversely affecting them, either where the competent authority has taken a decision, or where it has failed to adopt a measure prescribed by the Regulations. The complaint must be lodged within a period of one month. The period shall begin:

- on the date of notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification, if the measure affects a specified person; if, however, an act affecting a specified person also involves another person, the period shall start to run in respect of that other person on the date on which he receives notification thereof,

- on the date of expiry of the deadline prescribed for a reply, where the complaint concerns an implied decision rejecting a request as provided for in paragraph 1.

The competent authority shall notify the person concerned of its reasoned decision within two months from the date on which the complaint was lodged. If at the end of that period no reply to the complaint has been received, this shall be deemed to constitute an implied decision rejecting it, against which an appeal may be lodged pursuant to Article 67.

3. The competent authority within the meaning of this Article shall be:

- the Director for staff members,
- the Subcommittee for the Director,
- the Subcommittee for cases of appeal against a disciplinary measure taken by the Director.

##### Article 67

1. Disputes between staff members and the Centre, as well as disputes between the Director and the Centre, must be resolved by conciliation or arbitration in accordance with the conciliation and arbitration procedure set out in Annex IV to these Regulations, of which it forms an integral part.

2. The decisions taken by the Arbitration Board pursuant to the conciliation and arbitration procedure shall be binding on the parties and, to the extent necessary, shall be rendered enforceable for the relevant authorities of the Member States of the Community or of the ACP States and for the institutions and bodies set up under the Convention.

3. The disputes referred to in paragraph 1 may not be subject to any other method of settlement.

### TITLE V

#### LOCAL STAFF

##### Article 68

1. Local staff shall be engaged by the Director on employment contracts for a specified period expiring not later than 31 August 1996.

2. With the exception of Articles 6 to 11, 30, 32 to 38, 41 to 44, 47 to 51 and Chapter VI, Title II shall apply *mutatis mutandis* to local staff.

##### Article 69

The conditions of employment of local staff and in particular:

- (a) the manner of their engagement and termination of their contracts;
- (b) leave; and
- (c) grading and remuneration

shall be determined by the Director in accordance with current rules and practices in the place where they are to perform their duties.

*Article 70*

The Centre shall cover the employer's share of the social-security contributions required under current regulations in the place where a local staff member is to perform his duties.

*Article 71*

Any member of the local staff may submit to the Director a request that he take a decision relating to him. The

Director shall notify the person concerned of his decision, giving the grounds therefor, within one month of the date on which the request was made. If at the end of that period no reply to the request has been received, this shall be deemed to constitute an implied rejection against which an appeal may be lodged in accordance with Article 72.

*Article 72*

Disputes between the Centre and local staff shall be referred to the competent court in accordance with the legislation in force at the place where the local staff member performs his duties.

TITLE VI

FINAL PROVISIONS

*Article 73*

These Regulations shall enter into force at the same time as the Decision of the ACP-EEC Committee of Ambassadors adopting them.

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ANNEX I TO THE STAFF REGULATIONS

TECHNICAL CENTRE FOR AGRICULTURAL AND RURAL COOPERATION (TCA)

LETTER OF APPOINTMENT <sup>(1)</sup> to:

Mr(Mrs)
.....
born on .. / .. / .... in .....
of ..... nationality
holder of passport No .....
issued on .. / .. / .... in .....

In view of the information you supplied in your application and following the competitive recruitment procedure, the Technical Centre for Agricultural and Rural Cooperation (TCA), represented by its Director ....., acting as appointing authority in accordance with Article 6 of the Annex to Decision No 2/92 of the ACP—EEC Committee of Ambassadors laying down the Staff Regulations of the TCA under the Fourth ACP—EEC Convention, has decided to appoint you to the staff of the TCA.

The conditions of your appointment are as follows:

1. DURATION

The appointment shall be valid for a period of ....., from .. / .. / .... to .. / .. / .....

2. PROBATION PERIOD

The first six months of employment shall be regarded as a trial period. During this period, either party may terminate this appointment by registered letter without prior notice.

This trial period shall apply only in the case of a first appointment.

3. PLACE

The place of employment is currently .....

4. CLASSIFICATION

Category: .....

Level: .....

Step: .....

You agree to be assigned by the Director, whenever he considers it to suit the requirements of the TCA, to a post requiring your category and level which may involve changes in your duties.

<sup>(1)</sup> This specimen letter of appointment will have to be adapted for the short-term appointments referred to in Article 11 of the Regulations to take account of those provisions of the Regulations applicable to that type of appointment and to allow for individual conditions established when the appointment is made.

5. WORKING WEEK

The working week consists of ..... hours.

6. TERMINATION OF SERVICE FOLLOWING A PERIOD OF NOTICE

In accordance with Article 35 (1) (b) of the Staff Regulations of the TCA under the Fourth ACP—EEC Convention, either party may terminate this appointment following a period of notice corresponding to one month per completed year of service notified by registered letter.

7. STAFF REGULATIONS

The two parties hereto acknowledge that they are bound by the following:

- (a) the rules of operation of TCA and the Staff Regulations of the TCA under the Fourth ACP—EEC Convention;
- (b) the various internal rules issued by the TCA in accordance with the aforementioned Staff Regulations, of which you state you have cognizance; no amendments to those rules may be invoked against you unless they are notified;
- (c) any individual conditions which the TCA may lay down for you, in accordance with Article 1 (5) of the aforementioned Staff Regulations.

You hereby expressly waive those benefits, provided for in those Staff Regulations upon entry into service, which you already received on the occasion of any previous appointment.

Your years of service in any previous appointment shall be taken into account in this appointment.

8. ARBITRATION

Any disputes between you and the TCA shall be resolved by conciliation or arbitration in accordance with the Rules on Conciliation and Arbitration set out in Annex IV to the Staff Regulations of the TCA under the Fourth ACP—EEC Convention.

Disputes may not be resolved in any other manner.

Both parties hereby expressly and mutually renounce any form of settling disputes other than that set out in the said Rules on Conciliation and Arbitration and recourse to any other judicial body.

9. STATEMENTS

Annex A (administrative statement) and Annex B (family statement) form an integral part of this letter of appointment.

To the Director of the TCA

I duly accept the above appointment as well as the conditions laid down therein.

I am acquainted with the rules of operation of the TCA , the Staff Regulations of the TCA under the Fourth ACP—EEC Convention and the internal rules of the TCA.

I agree to abide by the Rules on Conciliation and Arbitration to settle any dispute with the TCA and I expressly renounce any other form of settlement, including recourse to any other judicial body.

.....  
(date)

.....  
(Signature of person appointed)

\_\_\_\_\_

*Annex A-to ANNEX I*

**ADMINISTRATIVE STATEMENT**

Name: .....

Forename(s): .....

Date of birth: .....

Family situation: .....

Date of appointment: .....

Date on which this appointment takes effect: .....

Term of the appointment: .....

Place of origin: .....

Place of residence for employment purposes: .....

Category, level and step: .....

Basic monthly salary: .....

Special clauses: .....

*Signature of person appointed*

( ..... )

\_\_\_\_\_

Annex B to ANNEX I

FAMILY STATEMENT

Name: .....

Forename(s): .....

Place and date of birth: .....

DEPENDENTS

Name and forename(s)	Place and date of birth	Relationship	Civil status	Nationality
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

The undersigned hereby certifies that the above information is correct.

Wageningen, .....

*Signature of the person appointed*

(.....)

ANNEX II to the staff regulations

GROSS BASIC MONTHLY SALARY TABLE (FI)

(Applicable as from 1 July 1989)

Category	Level	Duties	Step				
			1	2	3	4	5
1. Director	1.A	Director	18 845				
2. Administrative	2.A	Main expert	13 460	14 270	15 075		
	2.B		10 770	11 415	12 115	12 815	13 570
	2.C	Expert	9 420	10 015	10 605	11 200	11 845
	2.D		7 540	7 995	8 480	8 990	9 530
3. Clerical	3.A	Principal assistant	6 300	6 675	7 055	7 510	7 970
	3.B	Clerical assistant	4 845	5 140	5 440	5 760	6 085
	3.C	Secretary	3 500	3 715	3 930	4 145	4 415
4. Supporting staff	4.A	Technical staff	2 855	3 015	3 175	3 340	3 555



ANNEX III to the Staff Regulations

CONDITIONS AND PROCEDURE FOR APPLYING THE TAX FOR THE BENEFIT OF THE CENTRE

1. The following shall be liable to the tax for the benefit of the Centre referred to in Article 65 of the Staff Regulations: the Director and the staff of the Centre, excluding local staff.

The tax shall be payable each month on salaries, wages and emoluments paid by the Centre to each person liable.

However, monies and allowances, whether lump sums or not, which represent compensation for expenses incurred in the performance of official duties, shall be excluded from the basic taxable amount.

2. Family allowances and social benefits shall be deducted from the basic taxable amount.
3. An abatement of 10 % for occupational and personal expenses shall be made from the amount obtained by applying paragraphs 1 and 2 of this Annex.

An additional abatement equivalent to twice the amount of the allowance received by the person liable for a dependent child shall be made for each dependent child or person.

To calculate the basic taxable amount, an additional abatement of 13 % shall be applied to the gross remuneration of each expatriate member of staff. The minimum abatement under this provision shall not be less than Fl 404.

Amounts paid by the person liable under the social security legislation to which he is subject shall be deducted from the basic taxable amount.

4. The tax shall be calculated on the taxable amount obtained by applying paragraph 3 disregarding any amount not exceeding Fl 148 and by applying the rate of:

— 0 %	to amounts of less than Fl 148
— 8 %	to amounts between Fl 148 and 2 355
— 10 %	to amounts between Fl 2 356 and 3 244
— 12,5 %	to amounts between Fl 3 245 and 3 718
— 15 %	to amounts between Fl 3 719 and 4 222
— 17,5 %	to amounts between Fl 4 223 and 4 696
— 20 %	to amounts between Fl 4 697 and 5 155
— 22,5 %	to amounts between Fl 5 156 and 5 629
— 25 %	to amounts between Fl 5 630 and 6 088
— 27,5 %	to amounts between Fl 6 089 and 6 562
— 30 %	to amounts between Fl 6 563 and 7 022
— 32,5 %	to amounts between Fl 7 023 and 7 496
— 35 %	to amounts between Fl 7 497 and 7 955
— 40 %	to amounts between Fl 7 956 and 8 428
— 45 %	to amounts above Fl 8 428

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

The taxable amounts set out above shall be those applicable on 1 July 1989.

5. By way of derogation from paragraphs 3 and 4, the sums paid as compensation for overtime shall be assessed for purposes of the tax at the rate which, in the month preceding that of payment, was applied to the highest taxable amount of the remuneration of the staff member.

Payments made on account of termination of service shall be taxed, after applying the abatements laid down in the first three subparagraphs of paragraph 3, at a rate equal to two-thirds of the ratio existing at the time of last salary payment, between:

- the amount of tax payable, and
- the basic taxable amount as defined in paragraphs 1, 2 and 3.

6. When the taxable payment covers a period of less than one month, the rate of the tax shall be that which is applicable to the corresponding monthly payment.

When the taxable payment covers a period of more than one month the tax shall be calculated as if this payment had been spread evenly over the months to which it relates.

Corrective payments not related to the month during which they are paid shall be subject to the tax to which they would have been subject had they been made at the proper time.

7. The Subcommittee shall adopt any provisions necessary for implementing the provisions of this Annex.

The Director of the Centre shall ensure that these provisions are implemented.

Where necessary, he shall refer by analogy to the relevant regulations applicable to officials of the European Communities, in particular Council Regulation (EEC, Euratom, ECSC) No 260/68 of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities <sup>(1)</sup>, as last amended.

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<sup>(1)</sup> OJ No L 56, 4. 3. 1968, p. 8.

ANNEX IV TO THE STAFF REGULATIONS  
RULES ON CONCILIATION AND ARBITRATION

I. INTRODUCTORY RULES

Article 1

Scope

Disputes between the staff of the Centre and the Director on the one hand and the Centre on the other shall be settled by conciliation or by arbitration in accordance with these procedural rules.

Article 2

Definitions

In these rules, unless the context requires otherwise, the following words and expressions shall have the meaning here assigned to them:

- *ACP State*: a State belonging to the African, Caribbean and Pacific group of States which are signatories to the Convention,
- *Member State*: a Member State of the European Economic Community (EEC),
- *the tribunal*: the arbitral tribunal,
- *appointing authority*: the authority agreed by the parties to an arbitration or, in the absence of such agreement, identified by these rules, as the authority to appoint an arbitrator,
- *the Convention*: the Fourth ACP-EEC Convention,
- *the Council of Ministers*: the ACP-EEC Council of Ministers referred to in the Convention,
- *the Subcommittee*: the Subcommittee for Cooperation on Agricultural and Rural Development,
- *the Centre*: the Technical Centre for Agricultural and Rural Cooperation (TCA),
- *Staff Regulations*: the Staff Regulations for the Centre under the Fourth ACP-EEC Convention,
- *claimant*: the party which commences arbitration proceedings by giving notice to the other party requesting the arbitration and submitting claims,
- *respondent*: the party to the arbitration against whom claims are made,
- *party*: when used in connection with an arbitration, the claimant or respondent in the arbitration.

Article 3

Notice and calculation of time

1. Any notice provided by these rules shall be served by registered letter or physically delivered with a request for a dated acknowledgement of receipt in either case. A notice shall be deemed to have been received on the day it is so delivered. Any failure to serve notice ascribable to the recipient or any refusal to sign an acknowledgement of receipt shall constitute notice.

2. For the purposes of calculating a period of time under these rules, such period shall begin to run on the day following the day when a notice, communication or proposal is received. If the last day of such period is an official holiday or a non-working day at the address mentioned in the notice, communication or proposal, the period shall be extended until the first working day which follows. However, official holidays or non-working days occurring while the period of time is running shall be included.

Article 4

Conciliation

1. At any time before a request for arbitration, a person with the right to request the arbitration may request the settlement of the dispute by conciliation in accordance with these rules.

2. If the dispute is between the Director and the Centre, the claimant shall send the Subcommittee a request for the appointment of a conciliator.

The appointment shall be made by the Subcommittee within 60 days at most following receipt of the request.

3. If the dispute is between a member of staff and the Centre, the claimant shall send the Subcommittee a request for the appointment of a conciliator. The appointment shall be made within 45 days at most.

4. To qualify for appointment as conciliator, the person must have the nationality of one of the signatory States of the Convention.

5. Within 30 days of receiving notice of the appointment of the conciliator, the party making a request for conciliation shall notify the other party and the conciliator of the request.

The request shall consist of a statement of the case of the claimant and shall be accompanied by copies of relevant papers and documents.

Within 30 days of receiving notice of the request, the other party shall submit to the conciliator and to the claimant a reply to the claimant's case.

The proceedings of the conciliator shall be as informal and expeditious as is compatible with a just and objective settlement of the dispute and shall be based on a fair hearing of each party. Each of the parties may be represented or assisted by an agent of his choice.

After examining the case, the conciliator shall submit terms of settlement to the parties.

Should a settlement result, the conciliator shall draw up and sign a record of the settlement. The record shall be signed by the parties to signify their acceptance thereof. The record of the settlement so signed by the parties shall be binding upon them.

Copies of the record of settlement so signed shall be given to the parties.

Should a settlement not result within four months of the appointment of the conciliator, the parties shall be at liberty to refer their dispute to arbitration under these rules, in which case anything that has transpired in connection with the proceedings before the conciliator shall in any way affect the legal rights of any of the parties to the arbitration.

No person having sat as conciliator for the settlement of a dispute may be appointed arbitrator for the same matter.

## II. THE TRIBUNAL

### Article 5

#### Nationality of arbitrators

To qualify for appointment as an arbitrator, a person must have the nationality of one of the signatory States of the Convention.

### Article 6

#### Number of arbitrators

The tribunal to be constituted by one arbitrator only, or agreement on the latter's appointment must be reached by the parties within 30 days of the receipt by the respondent of the notice commencing the arbitration proceedings as provided for in Article 16. If the parties fail to agree to the choice of a single arbitrator within the time specified, the tribunal shall be constituted by three arbitrators.

### Article 7

#### Appointment of three arbitrators

If three arbitrators are to be appointed, each party shall appoint one arbitrator. The two arbitrators thus appointed shall choose the third arbitrator who shall be the presiding arbitrator of the tribunal.

The appointment by each party of an arbitrator shall be made within 30 days from the date of the agreement between the parties that the tribunal be constituted by three arbitrators, or the date when it was ruled out under the terms of Article 6 that the tribunal be composed of a sole arbitrator.

3. If:

(a) within 30 days of the appointment by each party of his arbitrator, the two appointed arbitrators have not chosen the third arbitrator,

or

(b) within 30 days after receipt of notification of the appointment by one party of an arbitrator, the other party has not notified the first party of the arbitrator he has appointed,

the required arbitrator shall, upon request by either party, be appointed by the appointing authority.

The appointing authority shall be agreed by the parties not later than 60 days after the particular failure which gives rise to the need to invoke that authority. If upon expiry of that period an appointing authority has not been agreed by the parties, either party may request the most senior in rank from amongst the judges of the International Court of Justice at The Hague who are nationals of the ACP States and the Member States to exercise the powers of the appointing authority.

### Article 8

#### Appointments by the appointing authority

1. When an appointing authority is requested to appoint an arbitrator, the party which makes the request shall send to the appointing authority a copy of the notice of arbitration referred to in Article 16. The appointing authority may require from either party such information as he deems necessary for the discharge of his function.

2. Either party may propose to the appointing authority the names of persons suitable for appointment as arbitrators. Where such proposal is made, the full name, address and nationality of the persons proposed shall be given, together with a description of their qualifications.

3. The appointing authority shall appoint the arbitrator or arbitrators as promptly as possible, having due regard to the interests of the parties and the nature of the dispute.

### Article 9

#### Challenge of arbitrators

1. A prospective arbitrator shall disclose to those who approach him in connection with his possible appointment any facts or circumstances likely to give rise to justifiable doubts or suspicion as to his impartiality or independence. A person appointed arbitrator shall disclose such facts or circumstances to the parties unless they have already been informed by him of these circumstances.

2. Any arbitrator may be challenged by a party if facts or circumstances exist which give rise to justifiable doubts or suspicion as to his impartiality or competence. However, a party

may challenge an arbitrator appointed by him, or in whose appointment he has participated, only for reasons of which he becomes aware after the appointment has been made.

3. A party who intends to challenge an arbitrator shall send a notice of his challenge in writing, stating the reasons therefor to the tribunal, the challenged arbitrator and the other party. The notice shall be sent within 15 days of the constitution of the tribunal or of the appointment of the challenged arbitrator, whichever is later, or within 15 days after the circumstances justifying the challenge become known to the party making the challenge.

Where a challenge made by one party is agreed by the other party, or where the challenged arbitrator withdraws from office, the authority of that arbitrator in the arbitration proceedings shall forthwith terminate. Neither the agreement of the parties to the challenge, nor the withdrawal from office of the challenged arbitrator, implies acceptance of the validity of the challenge.

4. If the other party does not agree to the challenge, or if the challenged arbitrator does not withdraw, a decision on the challenge shall be made as follows:

- (a) where the appointment of the arbitrator was made by an appointing authority, by that authority;
- (b) where the appointment of the arbitrator was not made by an appointing authority, by the other members of the tribunal, if there are such others;
- (c) in all other cases, or in case of disagreement between the other members of the tribunal, by an appointing authority designated or to be designated in accordance with the procedure provided in Article 7 (4). The decision of that appointing authority shall be final.

#### Article 10

##### Replacement of arbitrator

1. In the following cases, a substitute arbitrator shall be appointed in accordance with the procedure laid down in Articles 8, 9 and in this Article, which is applicable to the appointment of the particular arbitrator being replaced:

- (a) a challenge to an arbitrator has been agreed to by the other party; or
- (b) a challenged arbitrator has withdrawn; or
- (c) notwithstanding the absence of agreement of the other party, or a refusal by the challenged arbitrator to withdraw, the challenge is sustained; or
- (d) an arbitrator dies during the course of the arbitration proceedings; or
- (e) for any other reason, an arbitrator fails to act or it becomes impossible *de jure* or *de facto* for him to perform his functions.

2. If an arbitrator is replaced, any hearing held previously may, at the discretion of the tribunal, be repeated and any decision or order made in the course of the proceedings may be set aside by the tribunal.

### III. ARBITRATION PROCEEDINGS

#### Article 11

##### General provisions

1. Subject to these rules, the tribunal may conduct the arbitration in such manner as it considers appropriate.
2. The tribunal shall conduct the arbitration as expeditiously and with such due regard for the saving of costs as is consistent with doing justice between the parties. The parties shall be treated equally, and at any stage of the proceedings each of them shall have every opportunity of exercising his rights and presenting his case.
3. If either party so requests at any stage of the proceedings, the tribunal shall hold hearings for presentation of evidence by witnesses, including expert witnesses, or for oral argument. In the absence of such a request, the tribunal shall decide whether to hold such hearings or whether the proceedings shall be conducted on the basis of documents and other materials.
4. All documents or information supplied to the tribunal by one party shall at the same time be communicated by that party to the other party. No such document or information may be used in support of a party's case unless there is proof that it has been communicated to the other party.

#### Article 12

##### Applicable law and procedural rules

1. The tribunal shall apply to the questions in dispute, whether of a general or an individual nature, the rules and legal principles arising from the Convention, the headquarters agreement between the Centre and the Netherlands, the rules of operation of the Centre, the Staff and Financial Regulations of the Centre, any kind of rules under these Staff Regulations which are adopted by the Director and confirmed by the Subcommittee, with or after the entry into force of the Staff Regulations, internal implementing rules laid down by the Director, and any individual conditions laid down in writing at the time of the appointment or laid down in writing after the event.
2. If the parties expressly so authorize the tribunal in the course of the arbitration proceedings, it shall decide as amicable compounder or *ex aequo et bono*.
3. The entire arbitration proceedings shall be conducted in accordance with these rules. In the absence of agreement between the parties, any procedural matter which is not provided for in these rules shall be decided by the tribunal, which shall ensure in particular, in such a case, that the principle of equality between the parties is observed.

#### Article 13

##### Language of the proceedings

1. Arbitration proceedings shall be conducted and the arbitration award made in the language proposed by the parties. In the event

of disagreement on this matter, the tribunal shall determine the language of the proceedings.

2. The tribunal may order that any document annexed to the statement of claim or statement of defence or any other document or exhibit submitted in the course of the proceedings in a language other than the language of the proceedings shall be accompanied by a certified translation into the language of the proceedings.

#### Article 14

##### Venue of the proceedings

Arbitration proceedings shall be conducted in a State signatory to the Convention. In the event of disagreement on this matter, the tribunal shall determine the venue.

#### Article 15

##### Representation and assistance

The parties may be represented and/or assisted by persons of their choice. The name and address of such persons must be communicated in writing to the other party and to the tribunal. Such communication must specify whether the person named is appointed for the purpose of representation or assistance.

#### Article 16

##### Commencement of arbitration proceedings

1. The claimant in an arbitration shall give to the respondent a notice of arbitration. The claim shall imply recognition of the necessity of the arbitration and of these proceedings, the definitive and non-appealable nature of the final award, and renunciation of any other mode of settling the dispute, including application to any court.

2. Arbitration proceedings shall be deemed to commence on the date on which the notice of arbitration is received by the respondent.

3. The notice of arbitration shall include the following:

- a) a demand that the dispute be referred to arbitration;
- b) the name and address of the parties;
- c) the general nature of the claim and the amount involved, if any;
- d) the relief or remedy sought and a summary of the grounds therefor.

4. The notice of arbitration may also include:

- a) the name of the person for appointment as a sole arbitrator;
- b) the notification of the appointment by the claimant of an arbitrator referred to in Article 7 (1);
- c) the statement of claim referred to in Article 17.

#### Article 17

##### Statement of claim

1. Unless the statement of claim was contained in the notice of arbitration, the claimant shall, within a time limit to be determined by the tribunal, communicate his statement of claim in writing to the respondent and to each of the arbitrators.

2. The statement of claim, signed and dated by the claimant and/or his duly authorized representative, shall include the following particulars:

- (a) the name and address of the parties;
- (b) a statement of the facts supporting the claim;
- (c) the points at issue;
- (d) the relief or remedy sought.

The claimant shall either annex to his statement of claim all documents he deems relevant or add a reference to the documents or other evidence he will submit.

#### Article 18

##### Statement of defence

1. The respondent shall, within the time limit set for this purpose by the tribunal, communicate his statement of defence in writing to the claimant and to each of the arbitrators.

2. The statement of defence shall reply to the particulars of the statement of claim given in accordance with Article 17 (2) (b), (c) and (d). The respondent shall either annex to his statement the documents on which he relies for his defence or add a reference to the documents or other evidence he will submit.

3. In his statement of defence, or at a later stage in the arbitration proceedings if the tribunal decides that the delay is justified by the circumstances, the respondent may make a counter-claim or invoice a claim, both based on the same facts or on the legal relationship resulting from the appointment.

4. The provisions of Article 17 (2) shall apply to a counter-claim and a claim relied on for the purpose of a set-off.

#### Article 19

##### Amendments to the claim or defence

During the course of the arbitration proceedings either party may amend or supplement his claim or defence unless the tribunal considers it inappropriate to allow such amendment having regard to the delay in making it or the undue harm that it would cause to the other party.

#### Article 20

##### Pleas to the jurisdiction of the tribunal

1. The tribunal shall have the power to rule on objections to its jurisdiction.

2. The tribunal shall have the power to determine the existence or the validity of the instrument of appointment or of legal relationship binding claimant and respondent. A decision by the tribunal that they are null and void shall not affect the application of these procedural rules.

3. Objections to jurisdiction shall be made not later than in the statement of defence or, in the event of a counter-claim, in the reply to the counter-claim. This provision shall also apply to new claims and counter-claims admitted in the course of the proceedings.

4. In general, the tribunal should rule on an objection its jurisdiction as a preliminary question. However, it may proceed with the arbitration and rule on such objection in its final award.

#### Article 21

##### Further written statements

The tribunal shall decide which further written statements, in addition to the statement of claim and the statement of defence, the parties shall or may present and, if any, the manner in which they shall be presented and the time limits for communicating them.

#### Article 22

##### Time limits

The time limits fixed by the tribunal for the communication of written statements (including the statement of claim and statement of defence) shall not, in each case, exceed 45 days. However, the tribunal may extend the time limits if it considers that an extension is justified.

#### Article 23

##### Evidence

1. Each party shall bear the burden of proving the facts adduced in support of its claim of defence.

2. The tribunal may, if it considers it appropriate, require each party to deliver to the tribunal and to the other party, within such time limit as the tribunal shall decide, a summary of the documents and other evidence which that party intends to present in support of the facts at issue set out in its claim or its defence.

3. At any time during the proceedings, the tribunal may require the parties to produce documents, exhibits or other evidence within such time limit as it shall determine.

#### Article 24

##### Oral proceedings

1. In the event of an oral hearing, the tribunal shall give the parties adequate advance notice of the date, time and place thereof.

2. If witnesses are to be heard, each party shall communicate to the tribunal and to the other party, at least 15 days before the hearing, the name and address of the witnesses it intends to call, the subjects upon and the languages in which such witnesses will give their testimony.

3. The tribunal shall make arrangements for the translation of oral statements made at a hearing and for a record of the hearing if either is deemed necessary by the tribunal under the circumstances of the case, or if the parties have agreed thereto and have communicated such agreement to the tribunal at least 15 days before the hearing.

4. Hearings shall be held in camera unless the parties agree otherwise. The tribunal may require witnesses to withdraw during the testimony of other witnesses. The tribunal is free to determine the manner in which witnesses are examined, without prejudice to the right of each party, at its request, to question witnesses presented by the other party.

5. Evidence of witnesses may also be presented in the form of sworn written statements signed by them. However, at the request of either party and with the leave of the tribunal, such witnesses may be heard at a hearing where the parties shall have the opportunity to be present and to question the witnesses.

6. The tribunal shall determine the admissibility, relevance, materiality and weight of the evidence offered.

#### Article 25

##### Interim measures

1. At the request of either party, the tribunal may take any interim measures it deems necessary in respect of the subject matter of the dispute. The tribunal may also order the deposit of a sum of money or the provision of a security to guarantee the whole or part of the amounts in dispute. In the event of non-compliance, the tribunal shall be entitled to draw such conclusions as may logically result.

2. Such interim measures may be established in the form of an interim award. The tribunal shall be entitled to require security for the costs of such measures.

#### Article 26

##### Experts

1. The tribunal may appoint one or more independent experts to examine and report to it, in writing, on specific issues to be determined by the tribunal. A party shall have the right to object to an expert on the ground of competence and partiality and if such objection is sustained by the tribunal that expert shall withdraw. A copy of the expert's terms of reference, established by the tribunal, shall be communicated to the parties.

2. The parties shall give the expert any relevant information or produce for his inspection any relevant documents or goods that he

may require of them. Any dispute between a party and such expert as to the relevance of the required information or production shall be referred to the tribunal for decision.

3. Upon receipt of the expert's report, the tribunal shall communicate a copy of the report to the parties who shall be given the opportunity to express, in writing, their opinion on the report. A party shall be entitled to examine any document on which the expert has relied in his report.

4. At the request of either party, the expert, after delivery of the report, may be heard at a hearing where the parties shall have the opportunity to be present and to question him. At this hearing either party may call expert witnesses in order to testify on the points at issue. The provisions of Article 24 shall apply to such proceedings.

#### Article 27

##### Default

1. If, within the time limit fixed by the tribunal, the claimant has failed to communicate his statement of claim without showing sufficient cause for such failure, the tribunal shall issue an order for the termination of the proceedings. If, within the time limit fixed by the tribunal, the respondent has failed to communicate his statement of defence without showing sufficient cause for such failure, the tribunal shall, after allowing for the particular constraints applying to the respondent, order that the proceedings continue and may make an award even if a defence has by then not been submitted.

2. If one of the parties, duly notified under these rules, fails to appear at a hearing without showing sufficient cause for such failure, the tribunal may proceed with the arbitration.

3. If one of the parties, duly invited to produce documentary evidence, fails to do so within the established time limit without showing sufficient cause for such failure, the tribunal may make the award on the evidence before it, taking due account of the failure and the bearing it has on the case.

#### Article 28

##### Closure of hearings

1. The tribunal may inquire of the parties if they have any further evidence to offer or witnesses to be heard or submissions to make and, if there are none, it may declare the hearing closed.

2. The tribunal may, if it considers it necessary owing to exceptional circumstances, decide on its own motion or upon application of a party to re-open the hearings at any time before the award is made.

#### Article 29

##### Waiver of rules

A party who refrains from promptly raising an objection to any non-compliance with the provisions of or requirements under these rules shall be deemed to have waived his right to object.

#### Article 30

##### Decisions

1. Unless the tribunal is constituted by one arbitrator only, any award or other decision of the tribunal shall be made by a majority of the arbitrators. However, if there is no majority, the presiding arbitrator shall have a casting vote, but shall give reasons for exercising that vote.

2. In the case of questions of procedure, when there is no majority or when the tribunal so authorizes, the presiding arbitrator may decide on his own, subject to review, if any, by the tribunal.

#### Article 31

##### Time, scope, form and effect of the award

1. The arbitration award shall be made as soon as possible after the hearing or receipt of evidence on the material which the parties wish to put before the tribunal.

2. In addition to making a final award, the tribunal shall be entitled to make interim, interlocutory, or partial awards.

3. The award shall be made in writing; it shall be final and binding on the parties and not subject to appeal. The parties shall carry out the award without delay. Each ACP State or Member State shall recognize as binding every award made pursuant to these rules and shall ensure that it is enforced in its territory, as if it were a final judgment of one of its own courts or tribunals.

4. The tribunal shall state the reasons upon which the award is based, unless the parties have agreed that no reasons are to be given.

5. An award shall be signed and duly certified by the arbitrators and it shall contain the date on which and the place where the award was made. Where there are three arbitrators and one of them fails to sign, the award shall state the reason for the absence of the signature.

6. The award may be made public only with the consent of both parties.

7. Copies of the award signed and certified by the arbitrators shall be communicated to the parties by the tribunal.

#### Article 32

##### Enforcement of the award

1. In order to obtain the recognition and enforcement of the award in the territory of a signatory State of the Convention, the party concerned must present a certified copy of the award to the authority which that State has designated for the purpose. The order for enforcement shall be appended to the presented copy without any verification other than that of the authenticity of the copy.

2. Each signatory State shall, within 180 days from the entry into force of these rules, inform the President of the Council of



Ministers of the authority which it has designated for this purpose and shall keep him informed of any changes. The President of the Council of Ministers will transmit such information to the Secretary-General of the ACP General Secretariat and to the President of the Commission of the European Communities without delay.

3. The enforcement of the award shall be regulated by the law relating to the enforcement of judgments which is in force in the State in whose territory the enforcement is to be carried out. For that purpose, the parties are deemed *'juris et de jure'* to have expressly waived the privilege of immunity from jurisdiction and of immunity from enforcement.

#### Article 33

##### Settlement or other grounds for termination

1. If, before the award is made, the parties agree on a settlement of the dispute by other means, the tribunal shall either issue an order for the termination of the proceedings or, if requested by both parties and accepted by the tribunal, record the settlement in the form of an award on the agreed terms. The tribunal is not obliged to give reasons for such an award.

2. If, before the award is made, the continuation of the proceedings becomes unnecessary or impossible for any reason other than settlement under paragraph 1, the tribunal shall inform the parties that unless any objection is received within 30 days, it will issue an order terminating the proceedings. Should either party object within the said 30 days, the tribunal shall not issue such an order until it has heard the parties and determined that there are no justifiable grounds for objection.

3. Copies of the order for termination of the proceedings or of the award on the agreed terms, signed by the arbitrators, shall be communicated by the tribunal to the parties. Where an award on the agreed terms is made, the provisions of Article 31 (3), (5), (6) and (7) shall apply.

#### Article 34

##### Interpretation of the award

1. Within 30 days after the receipt of the award, either party, with notice to the other party, may request that the tribunal give an interpretation of the award. Where a new fact is discovered after expiry of the time limit, the 30 days shall run from the date the new fact is discovered, provided that the maximum time limit for a request based on the discovery of a new issue does not exceed 120 days from the date of the award. The 120-day limit shall not apply if the new fact results from inconsistent interpretations by the two parties as to enforcement of the award.

2. The interpretation shall be given in writing as soon as possible after the receipt of the request. The interpretation shall form part of the award and the provisions of Article 31 (2) to (6) shall apply.

#### Article 35

##### Correction of the award

1. Within 30 days after receipt of the award, either party, with notice to the other party, may request the tribunal to correct in the award any errors in computation, any clerical or typographical errors or any errors of a similar nature. The tribunal may within 30 days after communication of the award make such corrections on its own initiative.

2. Such corrections shall be in writing, and the provisions of Article 31 (2) to (6) shall apply.

#### Article 36

##### Additional award

1. Within 60 days after receipt of the award, either party, with notice to the other party, may request the tribunal to make an additional award as to claims presented in the proceedings but omitted from the awards.

2. If the tribunal considers the request for an additional award to be justified and considers that the omission can be rectified without any further hearings or evidence, it shall complete its award within 60 days after receipt of the request.

3. The provisions of Article 31 (2) to (6) shall apply to the additional award.

#### Article 37

##### Fees

The fees of the tribunal shall be reasonable in amount, taking into account the complexity of the case, the time spent by the arbitrators and any other relevant circumstances.

#### Article 38

##### Costs

1. The tribunal shall fix the costs of arbitration in its award. The term 'costs' includes only:

(a) the fees of the tribunal to be stated separately as to each arbitrator and set by the tribunal itself in accordance with Article 37;

(b) the travel and other expenses incurred by the arbitrators;

(c) the costs of expert advice and of other assistance required by the tribunal;

(d) the travel and other expenses of witnesses to the extent such expenses are approved by the tribunal;

e) the costs for legal representation and assistance of the successful party if such costs were claimed during the proceedings, and only to the extent that the tribunal determines that the amount of such costs is reasonable;

f) any fees and expenses of the appointing authority;

g) the administrative costs for the installation and functioning of the tribunal.

2. Except as provided in paragraph 3, the costs of arbitration shall in principle be borne by the unsuccessful party. However, the tribunal may apportion them between the parties if it determines that apportionment is reasonable, taking into account the circumstances of the case.

3. With respect to the costs of legal representation and assistance referred to in paragraph 1 (e), the tribunal, taking into account the circumstances of the case, shall be free to determine which party shall bear such costs or may apportion such costs between the parties if it determines that apportionment is reasonable.

4. When the tribunal issues an order for the termination of the proceedings or makes an award on the agreed terms, it shall fix the costs of arbitration referred to in paragraph 1 in the text of that order of award.

5. No additional fees may be charged by a tribunal for interpretation or correction or completion of its award pursuant to Articles 34, 35 and 36.

*Article 39*

*Deposit of costs*

1. The tribunal, on its establishment, may request each party to deposit an equal amount as an advance for the costs referred to in Article 38 (1) (a), (b) and (c).

2. During the course of the arbitration proceedings, the tribunal may request supplementary deposits from the parties for valid reasons.

3. If the required deposits are not paid in full within 30 days after receipt of the request, the tribunal shall inform the parties in order that one or other of them may make the required payment. If such payment is not made, the tribunal may nevertheless decide to continue with, or order the suspension or termination of, the proceedings.

4. After the award has been made, the tribunal shall render an account to the parties of the deposits received and return any unexpended balance to the parties.

DECISION No 3/92  
OF THE ACP-EEC COMMITTEE OF AMBASSADORS  
of 22 December 1992  
on the appointment of a member of the  
Advisory Committee of  
the Technical Centre for Agricultural and Rural Co-operation

THE ACP-EEC 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 Mrs M. TZEIRANI was appointed member of the Advisory Committee for a period of five years;

Whereas Mr C. PAPARGIROPOULOS has, on a proposal from the European Community, been nominated to replace Mrs M. TZEIRANI as member of the Advisory Committee for the rest of the latter's term of office,

HAS DECIDED AS FOLLOWS:

Article 1

On a proposal from the European Community  
Mr Christos PAPARGIROPOULOS (Greece) is hereby appointed a member of the Advisory Committee of the ACP-EEC Technical Centre for Agricultural and Rural Co-operation in place of Mrs M. TZEIRANI.

Article 2

The appointment shall be effective from the date of adoption of this Decision and shall last until 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, addi'  
Gedaan te Brussel,  
Feito em Bruxelas, em

22 -12- 1992

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  
Pelo Comité dos Embaixadores ACP-CEE

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

J. KERR

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DECISION No 4/92  
OF THE ACP-EEC COMMITTEE OF AMBASSADORS  
of 22 December 1992

adopting the budget  
of the Technical Centre for  
Agricultural and Rural Co-operation (1993)

The ACP-EEC 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-EEC 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 1993) and the annual work programme of the Centre for 1993;

Whereas the draft budget has been forwarded to the Commission which, with regard to the contribution requested from the European Development Fund, has implemented the current Community procedures;

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 1993 is hereby definitively adopted as it appears in the Annex hereto.

.....

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

22-12-1992

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  
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ANNEX

1993 BUDGET - (ECU)

	Budget 1993	Budget 1992
TITLE I - STAFF EXPENDITURE		
<u>Chapter 11 - Staff</u>		
Article 111 - Salaries and wages (40 staff members)	1.713.000	1.515.000
Article 112 - Provision for adjustments of salaries	70.000	105.000
Article 113 - Welfare contributions	659.000	579.000
Article 114 - Allowances	316.000	253.000
Article 115 - Training	<u>14.000</u>	<u>14.000</u>
TOTAL TITLE I	<u>2.772.000</u>	<u>2.466.000</u>
TITLE II - BUILDING, EQUIPMENT AND MISCELLANEOUS OPERATING EXPENDITURE		
<u>Chapter 21 - Rental of buildings and associated costs</u>		
Article 211 - Rent	179.000	146.000
Article 212 - Associated costs	<u>42.000</u>	<u>34.000</u>
Total Chapter 21	<u>221.000</u>	<u>180.000</u>
<u>Chapter 22 - Movable property and associated costs</u>		
Article 221 - Purchase of office machines and movable furniture and equipment	73.000	55.000
Article 222 - Rental of furniture and equipment	29.000	24.000
Article 223 - Maintenance of furniture and equipment	6.000	4.000
Article 224 - Maintenance, repair and use of vehicles	<u>31.000</u>	<u>31.000</u>
Total Chapter 22	<u>139.000</u>	<u>114.000</u>
<u>Chapter 23 - Current administrative expenditure</u>		
Article 231 - Stationery and office supplies	28.000	27.000
Article 232 - Postage and telecommunications	85.000	82.000
Article 234 - Subscriptions to periodicals, etc.	36.000	32.000
Article 235 - Other operating expenditure	<u>153.000</u>	<u>143.000</u>
Total Chapter 23	<u>302.000</u>	<u>284.000</u>

	Budget 1993	Budget 1992
<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	<u>19.000</u>	<u>16.000</u>
Total Chapter 24	<u>22.000</u>	<u>19.000</u>
<u>Chapter 25 - Brussels Branch Office</u> (excluding staff expenditure)	<u>50.000</u>	<u>49.000</u>
TOTAL TITLE II	<u>734.000</u>	<u>646.000</u>
TITLE III - ACTIVITIES		
<u>Chapter 31 - Studies, expert reports</u>	750.000	750.000
<u>Chapter 32 - Technical meetings</u>		
Article 321 - Seminars and technical meetings (1984: 3; 1985-1992: 6 per year)	775.000	750.000
Article 322 - Attendance at seminars and meetings	<u>375.000</u>	<u>350.000</u>
Total Chapter 32	<u>1.150.000</u>	<u>1.100.000</u>
<u>Chapter 33 - Publications and documents</u>	1.200.000	1.300.000
<u>Chapter 34 - Programmed missions</u>	390.000	350.000
<u>Chapter 35 - Information and Documentation Centres in ACP States</u>		
Article 351 - Projects to assist and strengthen agricultural information systems in ACP States	1.100.000	1.000.000
Article 352 - Regional branch offices	<u>550.000</u>	<u>550.000</u>
Total Chapter 35	<u>1.650.000</u>	<u>1.550.000</u>
<u>Chapter 36 - Question and Answer Service</u>	250.000	300.000
<u>Chapter 37 - Dissemination of publications</u>	<u>600.000</u>	-
TOTAL TITLE III	<u>5.990.000</u>	<u>5.350.000</u>
TOTAL EXPENDITURE	<u>9.496.000</u>	<u>8.462.000</u>

	<u>REVENUE</u>	
	1993	1992
1. Contribution of the European Development Fund	9.346.000	8.330.000
2. Income taxes and other revenue <sup>(+)</sup>	<u>150.000</u>	<u>132.000</u>
<u>TOTAL REVENUE</u>	<u>9.496.000</u>	<u>8.462.000</u>

(+) Explanatory note (1993)

1. Income taxes = 8% of Article 111 (A,B) = ECU 137.040	
2. Other revenue = ECU 12.960	
<u>TOTAL REVENUE</u>	<u>ECU 150.000</u>

PATTERN OF THE CENTRE'S BUDGET  
OVER TEN YEARS

	1993	1992	1991	1990	1989	1988	1987	1986	1985	1984
Amounts 100% (1.000 ECU)	9.469	8.462	7.574	6.237	5.560	5.300	4.512	3.447	2.301	1.281
Title I = %	(29,19)	(29,04)	(29,0)	(30,54)	(31,0)	(32,0)	(29,2)	(30,0)	(39,0)	(37)
Title II = %	(7,73)	(7,61)	(7,95)	(9,98)	(9,1)	(9,4)	(10,8)	(13,0)	(14,0)	(28)
Title III = %	(63,08)	(63,35)	(63,05)	(59,48)	(59,09)	(58,6)	(60,0)	(57,0)	(47,0)	(35)



## **I — ACP-EEC Acts**

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

p.m. Sugar<sup>1</sup>

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<sup>1</sup> See footnote on page V. This agreement will appear in the 1994 *Compilation of Texts*.



## **I — ACP-EEC Acts**

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





DECISION No 1/92  
OF THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION  
of 22 -12- 1992

on the adjustment of the remuneration and  
the tax brackets laid down respectively  
in Article 3 of Decision No 4/86  
of the ACP-EEC Council of Ministers  
laying down the conditions of employment of the staff  
of the Centre for the Development of Industry and in the Annex thereto

THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION,

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,

Whereas, under the third paragraph of Article 27 of Decision No 4/86, the Committee may decide, on the recommendation of the Centre's Executive Board, to adjust the remuneration laid down in Article 3 of the said Decision to take account of trends in the cost of living and in purchasing power;

Whereas the Centre's Executive Board has proposed adjustments to take account of trends in the cost of living in Brussels during the periods from 1 July 1989 to 30 June 1990 and from 1 July 1990 to 30 June 1991;

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 13,11% with effect from 1 January 1989, 15,04% with effect from 1 July 1989, 19,45% with effect from 1 January 1990, 22,95% with effect from 1 July 1990, 25,03% with effect from 1 January 1991 and 26,50% with effect from 1 July 1991;

HAS DECIDED AS FOLLOWS:

Article 1

With effect from 1 January 1989, 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 13,11%.

Article 2

With effect from 1 July 1989, 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 15,04%.

Article 3

With effect from 1 January 1990, 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 19,45%.

Article 4

With effect from 1 July 1990, 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 22,95%.

Article 5

With effect from 1 January 1991, 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 25,03%.

Article 6

With effect from 1 July 1991, 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 26,50%.

Article 7

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

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

3 2 10 1953

Por el Comité de cooperacion industrial  
For Udvalget for industrifelt 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

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

R. CALVERT

M.B. EXPANG

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DECISION No 2 /92  
OF THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION  
of 22 -12- 1992

approving the budget  
of the Centre for Industrial Development (1993)

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

Having regard to Decision No 4/91 of the ACP-EEC Council of Ministers of 6 May 1991 laying down the statutes and rules of procedure of the Centre for Industrial Development, and in particular Article 8(1)(b)(iii) and Article 10(1), second indent, 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 Industrial Development, and in particular Articles 6, 7 and 8 thereof,

Whereas, in accordance with 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 1992 financial year;

Whereas the Executive Board, at its meetings on 30 and 31 July 1992 and 6 October 1992, 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 Commission which, as regards the contribution requested from the European Development Fund, implemented the Community procedures in force;

Whereas, accordingly, the Committee is able to proceed with final adoption of the budget,

HAS DECIDED AS FOLLOWS:

#### Sole Article

The budget of the Centre for Industrial Development for the financial year 1993, as contained in the Annex hereto, is hereby finally adopted.

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

22 -12- 1992

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

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**CDI**  
**BUDGET**  
**1993**

TABLE N° 1

BUDGET	SUMMARY				LOME I V			
	1991 (1)	1992 (2)	1993 (3)	ADDITIONAL BUDGET 1994	1994	1995	1996	TOTAL
<b>ADMINISTRATIVE BUDGET</b>								
STAFF ( ADMINISTRATIVE )	1,693,035.00	2,236,000.00	2,130,000.00	0.00				6,059,035.00
OPERATIONAL EXPENSES ( TITLE 2 )	928,292.22	1,190,000.00	1,000,000.00	150,000.00				3,868,292.22
<b>TOTAL</b>	<b>2,621,327.22</b>	<b>3,426,000.00</b>	<b>3,730,000.00</b>	<b>150,000.00</b>				<b>9,927,327.22</b>
<b>OPERATIONAL BUDGET</b>								
STAFF ( INTERVENTION )	2,539,554.12	3,208,000.00	3,320,000.00					9,075,554.12
INTERVENTION PROGRAMMES FROM OWN RESOURCES ( TITLE 3 )	4,337,770.72	4,578,000.00	5,000,000.00	840,000.00				14,753,770.72
MISCELLANEOUS ( TITRE 4 )	0.00	0.00	0.00					0.00
INTERVENTION PROGRAMMES FROM OTHER SOURCE FUNDS	800,000.00	850,000.00	1,100,000.00					2,750,000.00
<b>TOTAL</b>	<b>7,677,324.84</b>	<b>8,634,000.00</b>	<b>9,428,000.00</b>	<b>840,000.00</b>				<b>28,579,324.84</b>
<b>GENERAL TOTAL</b>	<b>10,298,652.06</b>	<b>12,060,000.00</b>	<b>13,158,000.00</b>	<b>990,000.00</b>				<b>36,506,652.06</b>
<b>RATIO OPERATIONAL BUDGET / TOTAL BUDGET</b>	<b>75%</b>	<b>72%</b>	<b>72%</b>	<b>65%</b>				<b>73%</b>

1 = FINANCIAL COMMITMENTS ON 31/12/1991

2 = 1992 APPROVED BUDGET

3 = 1993 BUDGET PROPOSAL

4 = BUDGET FORECAST

5 = 3 MONTHS

6 = PART OF THIS SUM WILL BE RE-USED TO FINANCE THE INDEXATIONS TO BE APPLIED TO SALARIES FOR 1989 AND 1990 FOR WHICH THE COMMITMENTS MADE HAVE BEEN CANCELLED.

TITLE I - SUMMARY - STAFF

	Appropriations (in ecus)		
	1992	1993	1993 <i>add</i>
<b>CHAPTER 11 : STAFF COSTS</b>			
<u>Art. 111 - Salaries</u>	3,330,000	3,522,000	3,550,000
- Temporary staff	220,000		
<u>Art. 112 - Provision for adjustment in salaries</u>		45,000	35,000
<u>Art. 113 - Social charges</u>		1,467,000	1,418,000
<u>Art. 114 - Allowances</u>		355,000	400,000
- education	136,000		
- travelling allowances	2,000		
- expenses for changes in staff (installation, removal, travel)	50,000		
- relocation (P.M.)	192,000		
- periodic home leave	20,000		
- miscellaneous	20,000		
<u>Art. 115 - Training and development of staff</u>		50,000	50,000
<u>Art. 116 - Expenses for staff integration</u>		5,000	5,000
<b>TOTAL TITLE I</b>		<u>5,444,000</u>	<u>5,458,000</u> <u>0</u>

**TITLE II - SUMMARY**  
**BUILDING, EQUIPMENT AND MISCELLANEOUS OPERATING EXPENDITURE**

	Appropriations (in ecus)		
	<u>1992</u>	<u>1993</u>	<u>1993 add</u>
<b>Chapter 21 : RENTAL OF BUILDING AND INCIDENTAL EXPENDITURE</b>			
Art. 211 : Rent	460,000	650,000	
Art. 212 : Incidental expenditure	111,000	200,000	
<b>TOTAL Chapter 21</b>	<b><u>571,000</u></b>	<b><u>850,000</u></b>	
<b>Chapter 22 : MOVEABLE PROPERTY AND INCIDENTAL EXPENDITURE</b>			
Art. 221 : Purchase of office equipment and furniture	20,000	100,000	100,000
Art. 222 : Rental of furniture and equipment	79,000	80,000	
Art. 223 : Maintenance of furniture and equipment	60,000	65,000	
Art. 224 : Vehicles, maintenance, repairs, use	10,000	15,000	
Art. 225 : Data processing	70,000	100,000	50,000
<b>TOTAL Chapter 22</b>	<b><u>239,000</u></b>	<b><u>360,000</u></b>	<b><u>150,000</u></b>
<b>Chapter 23 : CURRENT ADMINISTRATIVE EXPENDITURE</b>			
Art. 231 : Stationery and office supplies	50,000	55,000	
Art. 232 : Postal charges and telecommunications	190,000	193,000	
Art. 233 : Bank charges and exchange losses	28,000	28,000	
Art. 234 : Other operating expenses	70,000	70,000	
<b>TOTAL Chapter 23</b>	<b><u>338,000</u></b>	<b><u>346,000</u></b>	
<b>Chapter 24 : MISSION EXPENSES, REPRESENTATION AND ENTERTAINMENT EXPENSES</b>			
Art. 241 : General representation and entertainment expenses	42,000	44,000	
<b>TOTAL Chapter 24</b>	<b><u>42,000</u></b>	<b><u>44,000</u></b>	
<b>TOTAL TITLE II</b>	<b><u>1,190,000</u></b>	<b><u>1,600,000</u></b>	<b><u>150,000</u></b>

TITLE III - SUMMARY - INTERVENTION PROGRAMME

	Appropriations (in ecus)	
	<u>1993</u>	<u>1993 add</u>
<b>Chapter 31 - ACP/EC NETWORK - PUBLIC RELATIONS</b>		
<u>Art. 311</u> - Creation and strengthening of the ACP network and assistance to ACP institutions	555,000	375,000
<u>Art. 312</u> - Creation and strengthening of the EC network. Mobilization of EC institutional resources	110,000	120,000
<u>Art. 313</u> - Public Relations, External Communication, Publications and Internal Information	240,000	70,000
<b>TOTAL CHAPTER 31</b>	<u>905,000</u>	<u>565,000</u>
<b>Chapter 32 : IDENTIFICATION, EVALUATION, PROMOTION, PREPARATION OF PROJECTS AND STUDIES</b>		
<u>Art. 321</u> - Project Identification and Evaluation	355,000	75,000
<u>Art. 322</u> - Project Promotion and First Contacts between Partners	340,000	
<u>Art. 323</u> - Diagnosis, Expertise, Assistance with Studies, Negotiations and the Mobilization of Financial Resources	980,000	
<b>TOTAL CHAPTER 32</b>	<u>1,675,000</u>	<u>75,000</u>
<b>Chapter 33 : ASSISTANCE TO ENTREPRISES</b>		
<u>Art. 331</u> - Direct Assistance to Enterprises	1,550,000	
<u>Art. 332</u> - Assistance to Pilot and/or Demonstration Projects	100,000	200,000
<b>TOTAL CHAPTER 33</b>	<u>1,650,000</u>	<u>200,000</u>
<b>Chapter 34 : MISSIONS &amp; EXPENSES RELATED TO EXPERTS ON SECONDMENT, THE JOINT EXECUTIVE BOARD &amp; ITS SECRETARIAT</b>		
<u>Art. 341</u> - Missions of the Directorate and Staff	360,000	
<u>Art. 342</u> - Experts on Secondment	60,000	
<u>Art. 343</u> - Joint Executive Board and its secretariat	295,000	
<b>TOTAL CHAPTER 34</b>	<u>715,000</u>	
<b>Chapter 35 : INTERNAL AUDIT BODY</b>		
<u>Art. 351</u> - Internal audit body	55,000	
<b>TOTAL CHAPTER 35</b>	55,000	
<b>TOTAL TITLE III</b>	<u>5,000,000</u>	<u>840,000</u>

**SUMMARY OF APPROPRIATIONS - IN ECUS**

		Appropriations (in ecus)		
		<u>1992</u>	<u>1993</u>	<u>1993 add</u>
<b><u>TITLES I &amp; II</u></b>				
Staff and infrastructure expenditure (administrative and intervention expenses)		6,634,000	7,058,000	150,000
<b>TITLE I</b>	(5,458,000)			
<b>TITLE II</b>	(1,600,000)			
<b><u>TITLE III</u></b>				
Specific intervention expenditure		4,576,000	5,000,000	840,000
<b><u>GRAND TOTAL OF EXPENDITURE</u></b>		<b><u>11,210,000</u></b>	<b><u>12,058,000</u></b>	<b><u>990,000</u></b>

		REVENUE		
		<u>1992</u>	<u>1993</u>	<u>1993 add</u>
a) Contribution from the European Development Fund - Lome IV		11,000,000	11,858,000	
b) Contribution from the European Development Fund - Lome III				990,000
Revenue (estimate) :		210,000	200,000	
- income tax	(150,000)			
- other revenue	(50,000)			
<b><u>GRAND TOTAL OF REVENUE</u></b>		<b><u>11,210,000</u></b>	<b><u>12,058,000</u></b>	<b><u>990,000</u></b>

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

### **A — Safeguard measures**





## COMMISSION

### COMMISSION DECISION

of 2 December 1992

authorizing the French Republic to apply safeguard measures to the importation of bananas originating in the Republic of Cameroon and Côte d'Ivoire

(Only the French text is authentic)

(92/554/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the fourth ACP-EEC Convention signed in Lomé on 15 September 1989, hereinafter referred to as 'the Convention', and in particular Articles 177 and 178 (3) thereof (1),

Whereas Protocol No 4 of the Convention on the implementation of Article 178 and Council Regulation (EEC) No 3705/90 (2) explain how the safeguard measures should be applied;

Whereas on 26 November the French Government applied to the Commission under Article 178 (3) of the Convention for an authorization to limit its imports of bananas originating in Cameroon and Côte d'Ivoire;

Whereas the French authorities pointed to the existence in recent weeks of an imbalance on the French market due to the importation, on top of traditional supplies from Guadeloupe and Martinique, of bananas from Cameroon and Côte d'Ivoire in quantities which the market has been unable to absorb;

Whereas the additional information requested by the Commission confirms that banana prices have indeed fallen sharply in recent weeks not only on the consumer market but also and above all in the areas of production; whereas this has given rise to exceptional difficulties in marketing bananas from Guadeloupe and Martinique which are liable to harm production in the regions concerned;

Whereas the dire financial situation arising for producers in those regions warrants the authorization of emergency measures;

Whereas, in the light of the above, the French Republic should be authorized to take measures to correct the imbalance on the market;

Whereas limiting the importation of bananas from Cameroon and Côte d'Ivoire to the traditional volume of trade should remedy the difficulties which have arisen while limiting the scope of this measure to what is strictly necessary,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

The French Republic shall be authorized to limit on its territory during the month of December 1992, imports of fresh bananas under CN code ex 0803 00 10 originating in Cameroon and Côte d'Ivoire to the quantities imported from those countries during the same month over the last three years.

#### *Article 2*

The French Republic shall notify the Commission of the measures taken to apply this Decision.

#### *Article 3*

This Decision shall apply until 31 December 1992.

#### *Article 4*

This Decision is addressed to the French Republic.

Done at Brussels, 2 December 1992.

*For the Commission*

Manuel MARÍN

*Vice-President*

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

(2) OJ No L 358, 21. 12. 1990, p. 4.



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

**B — Trade**

*(a) Agricultural products*



COUNCIL REGULATION (EEC) No 444/92

of 25 February 1992

extending Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 715/90 (1), and in particular Article 31 thereof,

Having regard to the proposal from the Commission,

Whereas at present the application of Regulation (EEC) No 715/90 is limited to 29 February 1992; whereas, however, the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989, entered into force on 1 September 1991 (2) and applies until 29 February 2000; whereas, as a result, the application of Regulation (EEC) No 715/90 should be extended to the latter date as far as products originating in the ACP States are concerned;

Whereas, moreover, by Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories (OCT) with the European Economic Community (3), the Community adopted special arrangements for products originating in the OCT; whereas these new arrangements which entered into force on 20 September 1991 provide that all products originating in the OCT shall be totally exempt from customs duties and charges having equivalent effect when imported into the Commu-

nity; whereas, as a result, as far as the OCT are concerned, the provisions of Regulation (EEC) No 715/90 have become obsolete; whereas, as a result, Regulation (EEC) No 715/90 should be extended exclusively for products originating in the ACP States,

HAS ADOPTED THIS REGULATION:

*Article 1*

Articles 1 to 25 and 27 to 30 (1) and (2), as well as Article 31 and Annex I to Regulation (EEC) No 715/90, are extended until 29 February 2000, in so far as agricultural products and certain goods resulting from the processing of agricultural products originating in ACP States are concerned.

*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 with effect from 20 September 1991.

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

Done at Brussels, 25 February 1992.

*For the Council*

*The President*

Vitor MARTINS

(1) OJ No L 84, 30. 3. 1990, p. 85. Regulation as last amended by Regulation (EEC) No 523/91 (OJ No L 58, 5. 3. 1991, p. 1).

(2) OJ No L 229, 17. 9. 1991, p. 287.

(3) OJ No L 263, 19. 9. 1991, p. 1.

COUNCIL REGULATION (EEC) No 2322/92  
of 23 July 1992

repealing Regulation (EEC) No 1638/80 on the system for guaranteeing the stabilization of earnings from certain commodities exported by the African, Caribbean and Pacific (ACP) States and the overseas countries and territories associated with the Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 213 thereof,

Having regard to the proposal from the Commission,

Whereas Article 200 (2) of the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989<sup>(1)</sup>, and Article 126 (2) of Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(2)</sup>, provide that the statistics to be used to carry out the calculations required under the system for guaranteeing the stabilization of export earnings from agricultural commodities (Stabex) shall be those calculated and published by the Statistical Office of the European Communities;

Whereas, the management of that system no longer requires the retention of the notification system set up by

Regulation (EEC) No 1638/80<sup>(3)</sup>, whereby the Member States forward to the Commission before the end of each month a statement of all the products imported from the ACP States or overseas countries and territories respectively; whereas that Regulation should therefore be repealed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1638/80 is hereby repealed.

*Article 2*

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

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

Done at Brussels, 23 July 1992.

*For the Council*  
*The President*  
John COPE

<sup>(1)</sup> OJ No L 229, 17. 8. 1991, p. 3.

<sup>(2)</sup> OJ No L 263, 19. 9. 1991, p. 1.

<sup>(3)</sup> OJ No L 163, 28. 6. 1980, p. 3.

COMMISSION REGULATION (EEC) No 3060/92

of 23 October 1992

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States (1993)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Economic 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<sup>(1)</sup>, extended by Regulation (EEC) No 444/92<sup>(2)</sup>, and in particular Article 27 thereof,

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

- 1 000 tonnes of fresh apples falling within CN code 0808 10, for the period 1 January to 31 December, and
- 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,

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, in the present case, it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedures specified in Article 3;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the quotas may be carried out by any of its members;

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	Description	Amount of quota (tonnes)	Quota duty (%)
09.1610	0808 10 10 0808 10 31 0808 10 33 0808 10 39 0808 10 51 0808 10 53 0808 10 59 0808 10 81 0808 10 83 0808 10 89	Fresh apples, from 1 January to 31 December 1993	1 000	4,5
				min 0,2 ECU/100 kg/net
				7
				min 1,2 ECU/100 kg/net
				4
				min 1,1 ECU/100 kg/net
				3
				min 0,7 ECU/100 kg/net
				09.1612
min 0,2 ECU/100 kg/net				
5				
min 0,7 ECU/100 kg/net				
2,5				
min 1 ECU/100 kg/net				
5				
min 0,7 ECU/100 kg/net				
6,5				
min 1 ECU/100 kg/net				

<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 presents 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 date 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

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

Done at Brussels, 23 October 1992.

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.

*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 1 January 1993.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

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COMMISSION REGULATION (EEC) No 3061/92

of 23 October 1992

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States (1992/1993)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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<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 codes 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 within the limits of these tariff quotas, customs duties are phased out progressively ;

- during the same periods and in accordance with the same timetables provided for in Articles 75 and 268 of the Act of Accession of Spain and Portugal, concerning the tariff quotas for chilled tomatoes, fresh figs and, strawberries,
- by 60 % of the said duties concerning the tariff quota in relation to tomatoes other than cherry tomatoes and that these maximal reduction rates shall be applied from the moment of entry into force of the present Regulation ;

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

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

Whereas under Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Community<sup>(3)</sup>, the abovementioned tariff concession will apply in Spain and in Portugal ; whereas within the limits of their tariff quotas Spain and Portugal apply customs duties calculated in accordance with the abovementioned protocol to the third ACP-EEC Convention ;

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, in the present case, it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedures specified in Article 3 ;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the quotas may be carried out by any of its members ;

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. 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 :

<sup>(3)</sup> OJ No L 172, 30. 6. 1987, p. 1.

Order No	CN code (*)	Description	Amount of quota (tonnes)	Quota duty (%)
09.1601	ex 0702 00 10	Tomatoes, fresh or chilled, from 15 November 1992 to April 1993	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 1992 to 30 April 1993	2 000	— from 15 November to 31 December 1992 : 0,2 ECU/100 kg/net (?) — from 1 January to 30 April 1993 : 0
09.1608	ex 0804 20 10	Fresh figs, from 1 November 1992 to 30 April 1993	200	0
09.1603	ex 0810 10 90	Fresh strawberries, from 1 November 1992 to 28 February 1993	1 500	— from 1 November to 31 December 1992 : 2,5 — from 1 January to 28 February 1993 : 0

(\*) Taric codes appear in the Annex.

(?) This specific customs duty is only levied when it exceeds 2% *ad valorem*.

2. From that date and within the limits of the tariff quotas Spain and Portugal shall apply customs duties calculated in accordance with the Protocol to the third ACP-EEC Convention consequent on the Accession of Spain and Portugal to the European Communities.

#### 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.

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 1 November 1992.

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

Done at Brussels, 23 October 1992.

*For the Commission*  
Christiane SCRIVENER  
*Member of the Commission*

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ANNEX

Taric codes<sup>(1)</sup>

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 * 59
		0702 00 10 * 69
		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 * 51
		0702 00 10 * 61
		0702 00 10 * 71
0702 00 10 * 81		
09.1608	ex 0804 20 10	0804 20 10 * 10
		0804 20 10 * 20
		0804 20 10 * 30
09.1603	ex 0810 10 90	0810 10 90 * 31
		0810 10 90 * 35

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<sup>(1)</sup> The Taric codes shown are those applicable on the date of entry into force of the present Regulation.

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COMMISSION REGULATION (EEC) No 3076/92  
of 26 October 1992

on the arrangements applicable to agricultural products subject to reference quantities and originating in the African, Caribbean and Pacific States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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<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, subject to reference quantities and a community surveillance in a set timetable of the customs duties; whereas this Regulation should be applied from 1 July 1992;

Whereas, these duty reductions shall be phased in 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> foresees that the residual customs duties applicable to products from Spain and Portugal for which the dismantling of tariffs continues after 1 January 1993 will be 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;

Whereas by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP/EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention<sup>(4)</sup> consequent on the Acces-

sion of the Kingdom of Spain and the Portuguese Republic to the European Communities, the said reference quantities shall be applied in Spain and Portugal;

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>(5)</sup>, as last amended by Commission Regulation (EEC) No 1039/92<sup>(6)</sup>, and (EEC) No 1736/75<sup>(7)</sup>;

Whereas imports of the products in question are charged against the reference quantities at Community level within pre-established timetables, as and when the products are entered with the customs authorities for free circulation; whereas, therefore, it is appropriate to establish reference quantities for those products listed in the Annex;

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 subject to reference quantities and to a 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

(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 172, 30. 6. 1987, p. 1.

(5) OJ No L 256, 7. 9. 1987, p. 1.

(6) OJ No L 110, 28. 4. 1992, p. 42.

(7) OJ No L 183, 14. 7. 1975, p. 3.

submitted *a posteriori*, the goods shall be charged against the corresponding reference quantity at the moment when the goods are entered for free circulation.

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.

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

Done at Brussels, 26 October 1992.

*Article 2*

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

*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 July 1992.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

ANNEX

(tonnes)					
Order No	CN code	Taric code (*)	Description	Period	Reference quantities
12.0030	ex 0704 90 90	0704 90 90 * 92	Cabbages, fresh or chilled	1. 11. 1992 - 31. 12. 1992	1 000
12.0050	ex 0705 11 10	0705 11 10 * 21 0705 11 10 * 33	'Iceberg' lettuce, ( <i>Lactuca sativa</i> L, var. <i>capitata</i> L.)	1. 7. 1992 - 31. 10. 1992	1 000
12.0060	ex 0709 10 00	0709 10 00 * 10 0709 10 00 * 20	Globe artichokes fresh or chilled	1. 10. 1992 - 31. 12. 1992	1 000
12.0080	ex 0809 10 00	0809 10 00 * 10 0809 10 00 * 20 0809 10 00 * 30 0809 10 00 * 40 0809 10 00 * 80	Apricots, fresh	1. 9. 1992 - 30. 4. 1993	2 000
12.0090 (*)	ex 0809 20 90  ex 0809 20 60 ex 0809 20 80	0809 20 90 * 21 0809 20 90 * 25 0809 20 90 * 29  0809 20 60 * 30 0809 20 80 * 30	Cherries, fresh	1. 11. 1992 - 31. 3. 1993  1. 1. 1993 - 31. 3. 1993	2 000
12.0100 (*)	ex 0809 30 00  ex 0809 30 10 ex 0809 30 90	0809 30 00 * 11 0809 30 00 * 91  0809 30 10 * 10 0809 30 90 * 10	Peaches (including nectarines), fresh	1. 12. 1992 - 31. 12. 1992  1. 1. 1993 - 31. 3. 1993	2 000
12.0110	ex 0809 40 19	0809 40 19 * 30 0809 40 19 * 40 0809 40 19 * 51	Plums, fresh	15. 12. 1992 - 31. 3. 1993	2 000

(\*) The Taric codes shown below are those applicable during the period shown as regards each order number.

COMMISSION REGULATION (EEC) No 3808/92  
of 29 December 1992

amending Regulation (EEC) No 970/90 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 or territories (OCT) (\*), as amended by Regulation (EEC) No 297/91 (\*\*), and in particular Article 27 thereof,

Whereas Commission Regulation (EEC) No 970/90 (\*), as amended by Regulation (EEC) No 815/91 (\*\*), in Article 3 (1) and (2) provides for adjustments to the reduction in the import levies on beef and veal taking account of the monetary compensatory amounts and the monetary coefficients; whereas, since those two factors will cease to apply from 1 January 1993, the abovementioned adjustments should no longer be made;

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

Done at Brussels, 29 December 1992.

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*

Article 3 (1) and (2) of Regulation (EEC) No 970/90 is hereby replaced by the following:

1. The amount referred to in Article 3 of Regulation (EEC) No 715/90 relating to each product to be imported into a Member State shall be equal to 90 % of the levy on imports into the Community applying on the first Monday of each quarter.

2. The reduction shall be deducted from the levy in force on the day on which the declaration of release for free circulation in the Community is accepted.

*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 January 1993.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(\*) OJ No L 84, 30. 3. 1990, p. 85.  
(\*\*) OJ No L 36, 8. 2. 1991, p. 9.  
(\*) OJ No L 99, 19. 4. 1990, p. 8.  
(\*\*) OJ No L 83, 3. 4. 1991, p. 6.





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

### **B — Trade**

#### *(b) Cereals*



COMMISSION REGULATION (EEC) No 338/92

of 12 February 1992

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments<sup>(1)</sup>, and in particular Article 3 (5) thereof,

Whereas Article 3 (4) of Regulation (EEC) No 3763/91 lays down that, within the limit of an annual quantity of 8 000 tonnes, no import levy is to apply to imports into the French overseas department of Réunion of wheat bran falling within CN code 2303 30 from the ACP States;

Whereas in the first instance detailed rules for the administration of this quota should be laid down; whereas, in this context, provision should be made for import licences to be issued after a review period, and, where necessary, for the fixing of a single reduction coefficient for the quantities applied for; whereas, furthermore, in the operators' interests, provision should be made for the possibility of withdrawing licence applications after the reduction coefficient has been fixed;

Whereas, for the sake of facilitating the administration of the quota, provision should be made for France to take the decisions on the application of the single reduction coefficient for the quantities applied for; whereas such a delegation of powers makes it necessary for the Commission to be informed regularly of the decisions taken to this end;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation lays down detailed rules for the application of the annual Community quota for the import into the French department of Réunion, exempt from the levy, of 8 000 tonnes of wheat bran falling within CN code 2302 30 from the ACP States pursuant to Article 3 (4) of Council Regulation (EEC) No 3763/91.

*Article 2*

1. Applications for import licences under the quota referred to in Article 1 shall be submitted to the compe-

tent authority in France designated for this purpose by 1 p.m. Brussels time each Monday and, if this day is not a working day, the first working day thereafter.

2. Import licence applications may not cover quantities greater than the quota quantity available.

3. If import licence applications exceed the quantities available, the Member State shall fix a single reduction coefficient for the quantities applied for three working days following the day on which applications are submitted at the latest. In this case licence applications may be withdrawn, by written request within one working day following the date on which the reduction coefficient is fixed.

4. Licences shall be issued on the fifth working day following the day on which applications are submitted at the latest.

5. Notwithstanding Article 8 (4) of Commission Regulation (EEC) No 3719/88<sup>(2)</sup>, the quantity imported may not be greater than that indicated in boxes 17 and 18 of the import licence. For this purpose the figure 0 shall be entered in box 19 of the said licence.

6. 'Non-application of the levy (Réunion quota) — Regulation (EEC) No 338/92', shall be entered under the heading 'Notes' of import licence applications and in box 24 of the import licence.

7. Licences shall constitute an obligation to import from the ACP States. Licence applications and licences shall indicate the ACP State of origin in box 8.

8. Import licences shall be valid for 45 days from their date of issue.

The rate of the security in respect of licences shall be ECU 16 per tonne.

9. France shall inform the Commission of the decisions taken to implement the provisions of this Article by telex or telefax by 1 p.m. Brussels time each Friday. This information must be communicated separately from that relating to other import licence applications in the cereals sector.

*Article 3*

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

<sup>(1)</sup> OJ No L 356, 24. 12. 1991, p. 1.

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

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

**Done at Brussels, 12 February 1992.**

*For the Commission*  
**Ray MAC SHARRY**  
*Member of the Commission*

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

### **B — Trade**

*(c) Beef and veal*



COMMISSION DECISION

of 18 December 1991

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

(92/16/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), as amended by Regulation (EEC) No 523/91 (2), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (3), as last amended by Regulation (EEC) No 815/91 (4), and in particular Article 15 (6) (b) (i) thereof,

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

Whereas the applications for import licences submitted between 1 and 10 November 1991, 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 remaining quantities, in respect of which licences may be applied for from 1 January 1992, should be fixed within the scope of the total quantity of 49 600 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, swine, fresh meat and meat-based products from

third countries (5), as last amended by Directive 91/497/EEC (6),

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 December 1991 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:*

— 21,90 tonnes originating in Madagascar;

*United Kingdom:*

— 80,00 tonnes originating in Botswana,

— 610,00 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 1992 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:	10 500,00 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 December 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

(2) OJ No L 58, 5. 3. 1991, p. 1.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 83, 3. 4. 1991, p. 6.

(5) OJ No L 302, 31. 12. 1972, p. 28.

(6) OJ No L 268, 24. 9. 1991, p. 69.

COMMISSION DECISION

of 13 November 1991

concerning animal health conditions and veterinary certification of imports of fresh meat from Botswana

(92/22/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(1)</sup>, as last amended by Directive 91/497/EEC<sup>(2)</sup>, and in particular Articles 14, 15 and 16 thereof,

Whereas following a Community veterinary mission it appears that the animal health situation in Botswana is generally satisfactory and completely controlled by well-structured and organized veterinary services, particularly as regards diseases transmissible through meat;

Whereas in order to avoid any disruption of trade between certain Member States and Botswana, the Commission adopted by Decision 84/423/EEC<sup>(3)</sup> health protection measures in respect of imports of fresh meat from this country;

Whereas animal health conditions and veterinary certification for imports of fresh meat from Botswana should be established now at Community level and therefore Decision 84/423/EEC revoked;

Whereas outbreaks of foot-and-mouth disease have occurred from time to time in certain parts of Botswana; whereas, however, other parts of the country have been free of the disease for more than 12 months;

Whereas vaccination against SAT foot-and-mouth disease is carried out in certain areas of Botswana; whereas however such vaccination is not permitted in the regions of Botswana known as veterinary disease control zones 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 18;

Whereas strict measures, in particular the prohibition or control of movements of livestock, are applied; whereas certain regions where vaccination is carried out are clearly demarcated from the disease-free regions;

Whereas measures are applied throughout the country to monitor the movements of livestock and to detect any outbreak of the disease;

Whereas, in addition, the responsible veterinary authorities of Botswana have confirmed that Botswana has for at least 12 months been free from rinderpest, and that no vaccination has been carried out against this disease during that time;

Whereas the responsible veterinary authorities of Botswana have undertaken to notify the Commission of the European Communities and the Member States by telex, telefax or telegram within 24 hours, of confirmation of the occurrence of any of the abovementioned diseases or the adoption or change of vaccination against them;

Whereas animal health conditions and veterinary certification must be adopted according to the animal health situation of the non-member country concerned;

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

HAS ADOPTED THIS DECISION:

*Article 1*

1. Member States shall authorize the importation of the following categories of fresh meat from Botswana:

(a) de-boned fresh meat excluding offal of domestic animals of the bovine, ovine or caprine species, from:

*Veterinary disease control zone 5:*

that area which is bordered:

- to the north-west by the cordon fence running from the Makgadikgadi Salt Pans via Orapa Mining Area to the Central Kalahari Game Reserve,
- to the south by the cordon fence from the Central Kalahari Game Reserve via Makoba Quarantine to Dukwe Quarantine,
- to the north-east by the cordon fence from the Makgadikgadi Salt Pans to join the cordon fence from Dukwe to Makoba Quarantine.

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ No L 268, 24. 9. 1991, p. 69.

<sup>(3)</sup> OJ No L 237, 5. 9. 1984, p. 18.



*Veterinary disease control zone 6:*

that area which is bordered:

- to the north-east by the cordon fence running from Vakaranga through Mosojane Quarantine to join the cordon fence from Maitengwe to Dukwe Quarantine,
- to the west by the cordon fence from Maitengwe Quarantine via Dukwe to Makoba Quarantine,
- to the south by the cordon fence from Thalamabele to Serule,
- to the east by the railway line from Vakaranga to Serule via Francistown.

*Veterinary disease control zone 7:*

that area bordered:

- to the north by the cordon fence along the border between Botswana and Zimbabwe from the Tuli Circle to Vakaranga,
- to the west by the railway line from Vakaranga to Serule,
- to the south by the cordon fence from Serule to Zanzibar,
- to the south-east by the border between Botswana and South Africa to a point around the confluence of the Shashe and Limpopo rivers and to the east by the cordon fence from this point to the Tuli Circle.

*Veterinary disease control zone 8:*

that area bordered:

- to the west by the cordon fence from Thalamabele to Makoba,
- to the south by the Makoba/Markoro cordon fence,
- to the east by the Makoro/Serule railway line,
- to the north by the Serule/Thalamabele cordon fence.

*Veterinary disease control zone 9:*

that area bordered:

- to the north by the Serule/Zanzibar cordon fence,
- to the west by the Marokoro/Serule railway line,
- to the south by the Makoro/Sherwood cordon fence,
- to the east by the border between Botswana and South Africa between Sherwood and Zanzibar.

*Veterinary disease control zone 10:*

that area bordered:

- to the north by the cordon fence from Sherwood through Makoro and Duakome Quarantines to Makoba,
- to the west by the Makoba/Central Kalahari Game Reserve cordon fence,
- to the south by the cordon fence from Buffels Drift via Dibete Quarantine and Lephephe to the Central Kalahari Game Reserve,

— to the east by the border between Botswana and South Africa from Buffels Drift to Sherwood.

*Veterinary disease control zone 11:*

that area including:

- Kweneng District
- Southern District
- Kgatlang District
- South East District

*Veterinary disease control zone 12:*

The area of Ghanzi District

*Veterinary disease control zone 13:*

The area of Kgalagadi District

*Veterinary disease control zone 14:*

Botswana Meat Commission Abattoir Lobatse

*Veterinary disease control zone 18:*

Botswana Meat Commission Abattoir Francistown

which presents the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex A;

(b) fresh meat of domestic solipeds which presents the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex B.

2. Member States shall ensure that the de-boned fresh meat referred to in paragraph 1 (a) shall not enter the territory of the importing Member State for at least 21 days from the date of slaughter.

3. Member States shall prohibit the import of categories of fresh meat from Botswana other than those referred to in paragraph 1.

*Article 2*

Decision 84/423/EEC is hereby revoked.

*Article 3*

This Decision shall apply from 1 January 1992.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 13 November 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

ANNEX A

ANIMAL HEALTH CERTIFICATE

for de-boned fresh meat (\*) of domestic animals of the bovine, ovine and caprine species, excluding offals, intended for consignment to the European Economic Community

Country of destination : .....

Reference number of the public health certificate (†) : .....

Exporting country: Botswana (veterinary control zones 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 18)

Ministry : .....

Department : .....

Reference : .....

(Optional)

I. Identification of meat

Meat of : .....

(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, sheep and goats 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, sheep and goats from which 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**

1, the undersigned, official veterinarian, certify that :

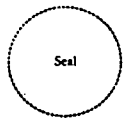
1. the de-boned fresh meat described above is obtained from :

- (a) animals which were born and reared in Botswana and, have remained in one or more of the following veterinary disease control zones 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 18 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 ;
- (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 Economic 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 Economic Community were slaughtered ;
- (g) in the case of fresh meat from sheep and goats, animals which have not come from a holding which for animal health reasons is subject to prohibition as a result of an outbreak of ovine or caprine brucellosis during the previous six weeks ;
- (h) animals which were slaughtered between ..... and ..... (dates of slaughter) ;

2. the de-boned fresh meat described above :

- (a) originates from carcasses which have matured at a room temperature of more than + 2 °C for at least 24 hours after slaughter and before the bones were removed ;
- (b) has had the major lymphatic glands removed ;
- (c) has, during all stages of its production, de-boning, and storage been kept strictly separate from meat not conforming to the requirements laid down in the decisions of the European Economic Community currently in force as regards export of meat to a Member State (with the exception of meat packed in boxes or cartons and kept in special storage areas).

Done at ..... on .....  
(Place) (Date)



.....  
(Signature of official veterinarian)  
(Name in capital letters, title and qualification of signatory)

ANNEX B

ANIMAL HEALTH CERTIFICATE

for fresh meat<sup>(1)</sup> of domestic solipeds intended for consignment to the European Economic Community

Country of destination: .....

Reference number of the public health certificate<sup>(2)</sup>: .....

Exporting country: Botswana

Ministry: .....

Department: .....

Reference: .....

(Optional)

I. Identification of meat

Meat of: Domestic solipeds

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)<sup>(3)</sup>: .....

.....

Address(es) and veterinary approval number(s) of the approved cutting plant(s)<sup>(3)</sup>: .....

.....

.....

Address(es) and veterinary approval number(s) of the approved cold store(s)<sup>(3)</sup>: .....

.....

.....

III. Destination of meat

The meat will be sent from: .....

(Place of loading)

to: .....

(Country and place of destination)

by the following means of transport<sup>(4)</sup>: .....

Name and address of consignor: .....

.....

.....

Name and address of consignee: .....

.....

.....

<sup>(1)</sup> Fresh meat means all parts fit for human consumption from domestic solipeds which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

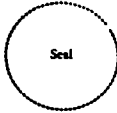
<sup>(2)</sup> Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.

<sup>(3)</sup> For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

**IV. Attestation of health**

I, the undersigned, official veterinarian, certify that the fresh meat described above is obtained from animals which have remained in the territory of Botswana for at least three months before being slaughtered or since birth in the case of animals less than three months old.

Done at ..... on .....  
(Place) (Date)



.....  
(Signature of official veterinarian)

(Name in capital letters, title and qualification of signatory)

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COMMISSION DECISION

of 13 November 1991

concerning animal health conditions and veterinary certification of imports of fresh meat from the Kingdom of Swaziland

(92/23/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(1)</sup>, as last amended by Directive 91/497/EEC<sup>(2)</sup>, and in particular Articles 14, 15 and 16 thereof,

Whereas following a Community veterinary mission it appears that the animal health situation in the Kingdom of Swaziland is generally satisfactory and completely controlled by well-structured and organized veterinary services, particularly as regards diseases transmissible through meat;

Whereas in order to avoid any disruption of trade between certain Member States and Swaziland, the Commission adopted by Decision 82/131/EEC<sup>(3)</sup> health protection measures in respect of imports of fresh meat from this country;

Whereas animal health conditions and veterinary certification for imports of fresh meat from Swaziland should be established now at Community level and therefore Decision 82/131/EEC revoked;

Whereas outbreaks of foot-and-mouth disease have occurred from time to time in certain parts of Swaziland; whereas, however, other parts of the country have been free of the disease for more than 12 months;

Whereas vaccination against SAT foot-and-mouth disease is carried out in certain areas of Swaziland; whereas however such vaccination is limited to the regions of Swaziland known as that foot-and-mouth disease vaccination area east of the red line fences which extend northwards from the river Usutu to the frontier with South Africa west of Nkalashane;

Whereas strict measures, in particular the prohibition or control of movements of livestock, are applied; whereas certain regions where vaccination is carried out are clearly demarcated from the disease-free regions;

Whereas measures are applied throughout the country to monitor the movements of livestock and to detect any outbreak of the disease;

Whereas, in addition, the responsible veterinary authorities of Swaziland have confirmed that Swaziland has for at least 12 months been free from rinderpest, and that no vaccination has been carried out against this disease during that time;

Whereas the responsible veterinary authorities of Swaziland have undertaken to notify the Commission of the European Communities and the Member States by telex, telefax or telegram within 24 hours, of confirmation of the occurrence of any of the abovementioned diseases or the adoption or change of vaccination against them;

Whereas animal health conditions and veterinary certification must be adopted according to the animal health situation of the non-member country concerned;

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

HAS ADOPTED THIS DECISION:

*Article 1*

1. Member States shall authorize the importation of the following categories of fresh meat from Swaziland:

- (a) de-boned fresh meat excluding offal of domestic animals of the bovine species, from Swaziland excluding the foot-and-mouth disease vaccination area east of the red line fences which extend northwards from the river Usutu to the frontier with South Africa west of Nkalashane which presents the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex A;
- (b) fresh meat of domestic solipeds which presents the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex B.

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ No L 268, 24. 9. 1991, p. 69.

<sup>(3)</sup> OJ No L 60, 3. 3. 1982, p. 12.

2. Member States shall ensure that the de-boned fresh meat referred to in paragraph 1 (a) shall not enter the territory of the importing Member State for at least 21 days from the date of slaughter.

3. Member States shall prohibit the import of categories of fresh meat from Swaziland other than those referred to in paragraph 1.

*Article 2*

Decision 82/131/BEC is hereby revoked.

*Article 3*

This Decision shall apply from 1 January 1992.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 13 November 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

ANNEX A

ANIMAL HEALTH CERTIFICATE

for de-boned fresh meat<sup>(1)</sup> of domestic animals of the bovine species, excluding offals, intended for consignment to the European Economic Community

Country of destination : .....

Reference number of the public health certificate<sup>(2)</sup> : .....

Exporting country: The Kingdom of Swaziland (excluding the foot-and-mouth disease vaccination area of the red line fences which extends northwards from the river Usutu to the frontier with South Africa west of Nkalashane)

Ministry : .....

Department : .....

Reference : .....

(Optional)

I. Identification of meat

Meat of domestic animals of the bovine species

Nature of cuts<sup>(3)</sup> : .....

Nature of packaging : .....

Number of cuts or packages : .....

Net weight : .....

II. Origin of meat

Address(es) and veterinary approval number(s) of the approved slaughterhouse(s)<sup>(4)</sup> : .....

Address(es) and veterinary approval number(s) of the approved cutting plant(s)<sup>(5)</sup> : .....

Address(es) and veterinary approval number(s) of the approved cold store(s)<sup>(6)</sup> : .....

III. Destination of meat

The meat will be sent from : .....

(Place of loading)

to : .....

(Country and place of destination)

by the following means of transport<sup>(7)</sup> : .....

Name and address of consignor : .....

Name and address of consignee : .....

<sup>(1)</sup> Fresh meat means all parts fit for human consumption from domestic bovine animals, excluding offals, which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

<sup>(2)</sup> Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.

<sup>(3)</sup> Only de-boned fresh meat from bovine animals, from which all bones and the major accessible lymphatic glands have been removed is authorized for importation.

<sup>(7)</sup> For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

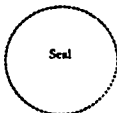


**IV. Attestation of health**

I, the undersigned, official veterinarian, certify that:

1. the de-boned fresh meat described above is obtained from :
  - (a) animals which were born and reared in the Kingdom of Swaziland and, have remained in the non-vaccinated area west of the red line fences which extend northwards from the river Uautu to the frontier with South Africa west of Nkalashane 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;
  - (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 Economic 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 Economic 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 Economic Community currently in force as regards export of meat to a Member State (with the exception of meat packed in boxes or cartons and kept in special storage areas).

Done at ..... ON .....  
(Place) (Date)



.....  
(Signature of official veterinarian)  
(Name in capital letters, title and qualification of signatory)

\_\_\_\_\_

ANNEX B

ANIMAL HEALTH CERTIFICATE

for fresh meat<sup>(1)</sup> of domestic solipeds intended for consignment to the European Economic Community

Country of destination: .....

Reference number of the public health certificate<sup>(2)</sup>: .....

Exporting country: Kingdom of Swaziland

Ministry: .....

Department: .....

Reference: .....

(Optional)

I. Identification of meat

Meat of: Domestic solipeds

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)<sup>(3)</sup>: .....

Address(es) and veterinary approval number(s) of the approved cutting plant(s)<sup>(3)</sup>: .....

Address(es) and veterinary approval number(s) of the approved cold store(s)<sup>(3)</sup>: .....

III. Destination of meat

The meat will be sent from: .....

(Place of loading)

to: .....

(Country and place of destination)

by the following means of transport<sup>(4)</sup>: .....

Name and address of consignor: .....

Name and address of consignee: .....

<sup>(1)</sup> Fresh meat means all parts fit for human consumption from domestic solipeds which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

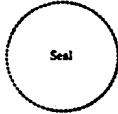
<sup>(2)</sup> Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.

<sup>(3)</sup> For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

**IV. Attestation of health**

I, the undersigned, official veterinarian, certify that the fresh meat described above is obtained from animals which have remained in the territory of Kingdom of Swaziland for at least three months before being slaughtered or since birth in the case of animals less than three months old.

Done at ..... on .....  
(Place) (Date)



.....  
(Signature of official veterinarian)

(Name in capital letters, title and qualification of signatory)

\_\_\_\_\_

COMMISSION DECISION

of 12 November 1991

concerning animal health conditions and veterinary certification of imports of fresh meat from Namibia

(92/24/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(1)</sup>, as last amended by Directive 91/497/EEC<sup>(2)</sup>, and in particular Articles 14, 15 and 16 thereof,

Whereas following a Community veterinary mission it appears that the animal health situation in Namibia is generally satisfactory and completely controlled by well-structured and organized veterinary services, particularly as regards diseases transmissible through meat;

Whereas in order to avoid any disruption of trade between certain Member States and Namibia, the Commission adopted by Decision 90/451/EEC<sup>(3)</sup> health protection measures in respect of imports of fresh meat from this country;

Whereas animal health conditions and veterinary certification for imports of fresh meat from Namibia should be established now at Community level and therefore Decision 90/451/EEC revoked;

Whereas outbreaks of foot-and-mouth disease have occurred from time to time in certain parts of Namibia; whereas, however, other parts of the country have been free of the disease for more than 12 months;

Whereas vaccination against SAT foot-and-mouth disease is carried out in certain areas of Namibia; whereas, however, such vaccination is limited to the regions of Namibia north of the 'cordon fences which extend from Palgrave Point in the west to Gam in the east;

Whereas strict measures, in particular the prohibition or control of movements of livestock, are applied; whereas certain regions where vaccination is carried out are clearly demarcated from the disease-free regions;

Whereas measures are applied throughout the country to monitor the movements of livestock and to detect any outbreak of the disease;

Whereas, in addition, the responsible veterinary authorities of Namibia have confirmed that Namibia has for at least 12 months been free from rinderpest, and that no vaccination has been carried out against this disease during that time;

Whereas the responsible veterinary authorities of Namibia have undertaken to notify the Commission of the European Communities and the Member States by telex, telefax or telegram within 24 hours, of confirmation of the occurrence of any of the abovementioned diseases or the adoption or change of vaccination against them;

Whereas animal health conditions and veterinary certification must be adopted according to the animal health situation of the non-member country concerned;

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

HAS ADOPTED THIS DECISION:

*Article 1*

1. Member States shall authorize the importation of the following categories of fresh meat from Namibia:

- (a) de-boned fresh meat excluding offal of domestic animals of the bovine, ovine or caprine species, from Namibia excluding those areas north of the cordon fences which extend from Palgrave Point in the west to Gam in the east which presents the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex A;
- (b) fresh meat of domestic solipeds which presents the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in Annex B.

2. Member States shall ensure that the de-boned fresh meat referred to in paragraph 1 (a) shall not enter the territory of the importing Member State for at least 21 days from the date of slaughter.

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ No L 268, 24. 9. 1991, p. 69.

<sup>(3)</sup> OJ No L 231, 25. 8. 1990, p. 28.

3. Member States shall prohibit the import of categories of fresh meat from Namibia other than those referred to in paragraph 1.

*Article 2*

Decision 90/451/EBC is hereby revoked.

*Article 3*

This Decision shall apply from 1 January 1992.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 12 November 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

ANNEX A

ANIMAL HEALTH CERTIFICATE

for de-boned fresh meat<sup>(1)</sup> of domestic animals of the bovine, ovine and caprine species, excluding offals, intended for consignment to the European Economic Community

Country of destination : .....

Reference number of the public health certificate<sup>(2)</sup> : .....

Exporting country : Namibia (excluding that part of the foot-and-mouth disease control area in Namibia, north of the cordon fences which extend from Palgrave Point in the west to Gam in the east)

Ministry : .....

Department : .....

Reference : .....  
(Optional)

I. Identification of meat

Meat of : .....  
(Species)

Nature of cuts<sup>(3)</sup> : .....

Nature of packaging : .....

Number of cuts or packages : .....

Net weight : .....

II. Origin of meat

Address(es) and veterinary approval number(s) of the approved slaughterhouse(s)<sup>(4)</sup> : .....

Address(es) and veterinary approval number(s) of the approved cutting plant(s)<sup>(5)</sup> : .....

Address(es) and veterinary approval number(s) of the approved cold store(s)<sup>(6)</sup> : .....

III. Destination of meat

The meat will be sent from : .....  
(Place of loading)

to : .....  
(Country and place of destination)

by the following means of transport<sup>(7)</sup> : .....

Name and address of consignor : .....

Name and address of consignee : .....

<sup>(1)</sup> Fresh meat means all parts fit for human consumption from domestic bovine animals, sheep and goats excluding offals, which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

<sup>(2)</sup> Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (4) of Directive 72/462/EEC.

<sup>(3)</sup> Only de-boned fresh meat from bovine animals, sheep and goats from which all bones and the major accessible lymphatic glands have been removed is authorized for importation.

<sup>(7)</sup> For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

**IV. Attestation of health**

I, the undersigned, official veterinarian, certify that :

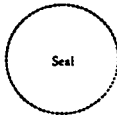
1. the de-boned fresh meat described above is obtained from :

- (a) animals which were born and reared in Namibia and which have remained outside that part of the foot-and-mouth disease control area in Namibia, north of the cordon fences which extend from Palgrave Point in the west to Gam in the east 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 ;
- (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 Economic 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 Economic Community were slaughtered ;
- (g) in the case of fresh meat from sheep and goats, animals which have not come from a holding which for animal health reasons is subject to prohibition as a result of an outbreak of ovine or caprine brucellosis during the previous six weeks ;
- (h) animals which were slaughtered between ..... and ..... (dates of slaughter) ;

2. the de-boned fresh meat described above :

- (a) originates from carcasses which have matured at a room temperature of more than + 2 °C for at least 24 hours after slaughter and before the bones were removed ;
- (b) has had the major lymphatic glands removed ;
- (c) has, during all stages of its production, de-boning, and storage been kept strictly separate from meat not conforming to the requirements laid down in the decisions of the European Economic Community currently in force as regards export of meat to a Member State (with the exception of meat packed in boxes or cartons and kept in special storage areas).

Done at ..... on .....  
(Place) (Date)



.....  
(Signature of official veterinarian)  
(Name in capital letters, title and qualification of signatory)

ANNEX B

ANIMAL HEALTH CERTIFICATE

for fresh meat<sup>(1)</sup> of domestic solipeds intended for consignment to the European Economic Community

Country of destination : .....

Reference number of the public health certificate<sup>(2)</sup> : .....

Exporting country : Namibia

Ministry : .....

Department : .....

Reference : .....

(Optional)

I. Identification of meat

Meat of : Domestic solipeds

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)<sup>(3)</sup> : .....

.....

Address(es) and veterinary approval number(s) of the approved cutting plant(s)<sup>(3)</sup> : .....

.....

Address(es) and veterinary approval number(s) of the approved cold store(s)<sup>(3)</sup> : .....

.....

III. Destination of meat

The meat will be sent from : .....

(Place of loading)

to : .....

(Country and place of destination)

by the following means of transport<sup>(4)</sup> : .....

Name and address of consignor : .....

.....

Name and address of consignee : .....

.....

.....

<sup>(1)</sup> Fresh meat means all parts fit for human consumption from domestic solipeds which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

<sup>(2)</sup> Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.

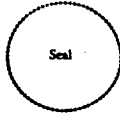
<sup>(3)</sup> For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.



**IV. Attestation of health**

I, the undersigned, official veterinarian, certify that the fresh meat described above is obtained from animals which have remained in the territory of Namibia for at least three months before being slaughtered or since birth in the case of animals less than three months old.

Done at ..... on .....  
(Place) (Date)



.....  
(Signature of official veterinarian)

(Name in capital letters, title and qualification of signatory)

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**COMMISSION DECISION**

of 13 November 1991

concerning animal health conditions and veterinary certification of imports of fresh meat from Zimbabwe

(92/25/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(1)</sup>, as last amended by Directive 91/497/EEC<sup>(2)</sup>, and in particular Articles 14, 15 and 16 thereof,

Whereas following a Community veterinary mission it appears that the animal health situation in Zimbabwe is generally satisfactory and completely controlled by well-structured and organized veterinary services, particularly as regards diseases transmissible through meat;

Whereas in order to avoid any disruption of trade between certain Member States and Zimbabwe, the Commission adopted by Decision 90/610/EEC<sup>(3)</sup> health protection measures in respect of imports of fresh meat from this country;

Whereas animal health conditions and veterinary certification for imports of fresh meat from Zimbabwe should be established now at Community level and therefore Decision 90/610/EEC revoked;

Whereas outbreaks of foot-and-mouth disease have occurred from time to time in certain parts of Zimbabwe; whereas, however, other parts of the country have been free of the disease for more than 12 months;

Whereas vaccination against SAT foot-and-mouth disease is carried out in certain areas of Zimbabwe; whereas, however, routine vaccination is not permitted in the regions of Zimbabwe known as the veterinary region of Mashonaland Central and the veterinary region of Mashonaland West;

Whereas strict measures, in particular the prohibition or control of movements of livestock, are applied; whereas certain regions where vaccination is carried out are clearly demarcated from the disease-free regions;

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ No L 268, 24. 9. 1991, p. 69.

<sup>(3)</sup> OJ No L 324, 23. 11. 1990, p. 35.

Whereas measures are applied throughout the country to monitor the movements of livestock and to detect any outbreak of the disease;

Whereas, in addition, the responsible veterinary authorities of Zimbabwe have confirmed that Zimbabwe has for at least 12 months been free from rinderpest, and that no vaccination has been carried out against this disease during that time;

Whereas the responsible veterinary authorities of Zimbabwe have undertaken to notify the Commission of the European Communities and the Member States by telex, telefax or telegram within 24 hours, of confirmation of the occurrence of any of the abovementioned diseases or the adoption or change of vaccination against them;

Whereas animal health conditions and veterinary certification must be adopted according to the animal health situation of the non-member country concerned;

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

HAS ADOPTED THIS DECISION:

*Article 1*

1. Member States shall authorize the importation of the following categories of fresh meat from Zimbabwe:

— de-boned fresh meat excluding offal of domestic animals of the bovine, ovine or caprine species, from the veterinary region of Mashonaland Central and veterinary region of Mashonaland West, which presents the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in the Annex.

2. Member States shall ensure that the de-boned fresh meat referred to in paragraph 1 shall not enter the territory of the importing Member State for at least 21 days from the date of slaughter.

3. Member States shall prohibit the import of categories of fresh meat from Zimbabwe other than those referred to in paragraph 1.

*Article 2*

Decision 90/610/BEC is hereby revoked.

*Article 3*

This Decision shall apply from 1 January 1992.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 13 November 1991.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

ANNEX

ANIMAL HEALTH CERTIFICATE .

for de-boned fresh meat<sup>(1)</sup> of domestic animals of the bovine species, excluding offals, intended for consignment to the European Economic Community

Country of destination : .....

Reference number of the public health certificate<sup>(2)</sup> : .....

Exporting country: Zimbabwe (veterinary regions of Mashonaland Central and veterinary region of Mashonaland West)

Ministry : .....

Department : .....

Reference : .....

(Optional)

I. Identification of meat

Meat of domestic animals of the bovine species

Nature of cuts<sup>(3)</sup> : .....

Nature of packaging : .....

Number of cuts or packages : .....

Net weight : .....

II. Origin of meat

Address(es) and veterinary approval number(s) of the approved slaughterhouse(s)<sup>(4)</sup> : .....

.....

Address(es) and veterinary approval number(s) of the approved cutting plant(s)<sup>(5)</sup> : .....

.....

Address(es) and veterinary approval number(s) of the approved cold store(s)<sup>(6)</sup> : .....

.....

III. Destination of meat

The meat will be sent from : .....

(Place of loading)

to : .....

(Country and place of destination)

by the following means of transport<sup>(7)</sup> : .....

Name and address of consignor : .....

.....

Name and address of consignee : .....

.....

(1) 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.

(2) 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.

(3) Only de-boned fresh meat from bovine animals, from which all bones and the major accessible lymphatic glands have been removed is authorized for importation.

(7) 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:

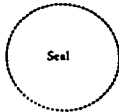
1. the de-boned fresh meat described above is obtained from:

- (a) animals which were born and reared in the Republic of Zimbabwe and have remained in one or more of the following areas:
  - the veterinary region of Mashonaland Central,
  - the veterinary region of Mashonaland West,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 Central brand 'C', and for the veterinary region of Mashonaland West, northern part brand 'L' and for Mashonaland West, southern part, brand 'HL';
- (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 Economic 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 Economic 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 Economic Community currently in force as regards export of meat to a Member State (with the exception of meat packed in boxes or cartons and kept in special storage areas).

Done at ....., on .....,  
(Place) (Date)



.....  
(Signature of official veterinarian)  
(Name in capital letters, title and qualification of signatory)

\_\_\_\_\_

COMMISSION DECISION

of 17 January 1992

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

(92/89/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), as amended by Regulation (EEC) No 523/91 (2), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (3), as last amended by Regulation (EEC) No 815/91 (4), and in particular Article 15 (6) (b) (i) thereof,

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

Whereas the applications for import licences submitted between 1 and 10 January 1992, 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 remaining quantities, in respect of which licences may be applied for from 1 February 1992, should be fixed within the scope of the total quantity of 49 600 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, swine, fresh meat and meat-based products from

third countries (5), as last amended by Directive 91/497/EEC (6),

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 December 1991 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:

*Belgium:*

— 20,48 tonnes originating in Madagascar;

*Greece:*

— 17,00 tonnes originating in Madagascar;

*Germany:*

— 40,00 tonnes originating in Botswana,  
— 2,10 tonnes originating in Swaziland;

*United Kingdom:*

— 100,00 tonnes originating in Botswana.

*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 1992 in respect of the following quantities of boned beef and veal:

— Botswana:	18 776,00 tonnes,
— Kenya:	142,00 tonnes,
— Madagascar:	7 541,52 tonnes,
— Swaziland:	3 360,90 tonnes,
— Zimbabwe:	9 100,00 tonnes,
— Namibia:	10 500,00 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 17 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

(2) OJ No L 58, 5. 3. 1991, p. 1.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 83, 3. 4. 1991, p. 6.

(5) OJ No L 302, 31. 12. 1972, p. 28.

(6) OJ No L 268, 24. 9. 1991, p. 69.

COMMISSION DECISION

of 19 February 1992

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

(92/145/BEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), as amended by Regulation (EEC) No 523/91 (2), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (3), as last amended by Regulation (EEC) No 815/91 (4), and in particular Article 15 (6) (b) (i) thereof,

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

Whereas the applications for import licences submitted between 1 and 10 February 1992, 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 remaining quantities, in respect of which licences may be applied for from 1 March 1992, should be fixed within the scope of the total quantity of 49 600 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

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

(2) OJ No L 58, 5. 3. 1991, p. 1.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 83, 3. 4. 1991, p. 6.

problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat based products from third countries (5), as last amended by Directive 91/688/EEC (6),

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 February 1992 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:

*Belgium:*

— 20,00 tonnes originating in Madagascar;

*Greece:*

— 130,00 tonnes originating in Madagascar;

*Germany:*

— 310,00 tonnes originating in Botswana,

— 50,00 tonnes originating in Namibia;

*United Kingdom:*

— 456,39 tonnes originating in Botswana,

— 318,00 tonnes originating in Namibia,

— 51,00 tonnes originating in Swaziland.

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 1992 in respect of the following quantities of boned beef and veal:

— Botswana:	18 009,61 tonnes,
— Kenya:	142,00 tonnes,
— Madagascar:	7 391,52 tonnes,
— Swaziland:	3 309,90 tonnes,
— Zimbabwe:	9 100,00 tonnes,
— Namibia:	10 132,00 tonnes.

(5) OJ No L 302, 31. 12. 1972, p. 28.

(6) OJ No L 377, 31. 12. 1991, p. 18.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 February 1992.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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**COMMISSION DECISION**

**of 28 February 1992**

**amending Commission Decision 92/25/EEC concerning the animal health conditions and veterinary certification of imports of fresh meat from Zimbabwe**

(92/166/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Economic 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 and fresh meat or meat products from third countries<sup>(1)</sup>, as last amended by Directive 91/688/EEC<sup>(2)</sup>, and in particular Articles 14 and 15 thereof,

Whereas Commission Decision 92/25/EEC<sup>(3)</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 and Central in Zimbabwe;

Whereas an outbreak of foot-and-mouth disease has been reported in Zimbabwe which has been free for some time in the region of Mashonaland Central;

Whereas the Zimbabwean authorities have taken certain veterinary control measures including vaccination of bovine animals in a small part of Mashonaland Central and the suspension of exports of fresh meat to the Community from the hitherto free area of the territory;

Whereas the situation has improved and now it is possible to amend the regionalisation in Zimbabwe thereby suspending temporarily the veterinary region of Mashonaland Central but allowing importation into the

Community of fresh de-boned meat from Mashonaland West;

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*

In Article 1 of Decision 92/25/EEC, the words 'the veterinary region of Mashonaland Central and' are deleted.

*Article 2*

The Annex to Decision 92/25/EEC is replaced by the Annex to this Decision.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 28 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ No L 377, 31. 12. 1991, p. 18.

<sup>(3)</sup> OJ No L 10, 16. 1. 1992, p. 52.

ANNEX

ANIMAL HEALTH CERTIFICATE

for de-boned fresh meat <sup>(1)</sup> of domestic animals of the bovine species, excluding offals, intended for consignment to the European Economic Community

Country of destination : .....

Reference number of the public health certificate <sup>(2)</sup> : .....

Exporting country : Zimbabwe (veterinary region of Mashonaland West)

Ministry : .....

Department : .....

Reference : .....

(Optional)

I. Identification of meat

Meat of domestic animals of the bovine species

Nature of cuts <sup>(3)</sup> : .....

Nature of packaging : .....

Number of cuts or packages : .....

Net weight : .....

II. Origin of meat

Address(es) and veterinary approval number(s) of the approved slaughterhouse(s) <sup>(4)</sup> : .....

.....

Address(es) and veterinary approval number(s) of the approved cutting plant(s) <sup>(5)</sup> : .....

.....

.....

Address(es) and veterinary approval number(s) of the approved cold store(s) <sup>(6)</sup> : .....

.....

.....

III. Destination of meat

The meat will be sent from : .....

(Place of loading)

to : .....

(Country and place of destination)

by the following means of transport <sup>(7)</sup> : .....

Name and address of consignor : .....

.....

Name and address of consignee : .....

.....

.....

<sup>(1)</sup> Fresh meat means all parts fit for human consumption from domestic bovine animals, excluding offals, which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

<sup>(2)</sup> Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.

<sup>(3)</sup> Only de-boned fresh meat from bovine animals, from which all bones and the major accessible lymphatic glands have been removed is authorized for importation.

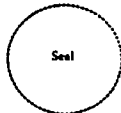
<sup>(4)</sup> For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

**IV. Attestation of health**

- I, the undersigned, official veterinarian, certify that :
1. the de-boned fresh meat described above is obtained from :
    - (a) animals which were born and reared in the Republic of Zimbabwe and have remained in the veterinary region of Mashonaland West, 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, northern part brand 'L' and for Mashonaland West, southern part, brand 'HL' ;
    - (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 Economic 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 Economic 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 Economic Community currently in force as regards export of meat to a Member State (with the exception of meat packed in boxes or cartons and kept in special storage areas).

Done at ....., on .....

(Place) (Date)



.....

(Signature of official veterinarian)

(Name in capital letters, title and qualification of signatory)

COMMISSION REGULATION (EEC) No 691/92  
of 19 March 1992

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 Economic 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 (EEC) No 444/92 <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 amended by Regulation (EEC) No 815/91 <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 second quarter of 1992, be as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 April 1992.

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

Done at Brussels, 19 March 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 99, 19. 4. 1990, p. 8.

<sup>(4)</sup> OJ No L 83, 3. 4. 1991, p. 6.

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

Código NC KN-kode Καθυσός DO CN code Code NC Codice NC GN-code GN-code Código NC	Belgique Luxembourg FB/Flux/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δργ/100 γρ	España Pa/100 kg	France FF/100 kg	Ireland £ tr/100 kg	Italia Lit/100 kg	Nederland Fl./100 kg	Portugal Esc/100 kg	United Kingdom £/100 kg
0102 90 10	5 753,8	1 064,09	278,96	29 710,46	18 314,40	935,60	104,132	208 726	314,32	24 760,96	94,136
0102 90 31	5 753,8	1 064,09	278,96	29 710,46	18 314,40	935,60	104,132	208 726	314,32	24 760,96	94,136
0102 90 33	5 753,8	1 064,09	278,96	29 710,46	18 314,40	935,60	104,132	208 726	314,32	24 760,96	94,136
0102 90 35	5 753,8	1 064,09	278,96	29 710,46	18 314,40	935,60	104,132	208 726	314,32	24 760,96	94,136
0102 90 37	5 753,8	1 064,09	278,96	29 710,46	18 314,40	935,60	104,132	208 726	314,32	24 760,96	94,136
0201 10 10	10 932,1	2 021,77	530,03	56 449,99	34 797,40	1 777,65	197,852	396 580	597,20	47 045,88	178,860
0201 10 90	10 932,1	2 021,77	530,03	56 449,99	34 797,40	1 777,65	197,852	396 580	597,20	47 045,88	178,860
0201 20 21	10 932,1	2 021,77	530,03	56 449,99	34 797,40	1 777,65	197,852	396 580	597,20	47 045,88	178,860
0201 20 29	10 932,1	2 021,77	530,03	56 449,99	34 797,40	1 777,65	197,852	396 580	597,20	47 045,88	178,860
0201 20 31	8 745,8	1 617,42	424,03	45 160,01	27 837,92	1 422,13	158,281	317 264	477,77	37 636,70	143,087
0201 20 39	8 745,8	1 617,42	424,03	45 160,01	27 837,92	1 422,13	158,281	317 264	477,77	37 636,70	143,087
0201 20 51	13 118,6	2 426,12	636,04	67 740,07	41 756,89	2 133,18	237,422	475 896	716,65	56 455,07	214,631
0201 20 59	13 118,6	2 426,12	636,04	67 740,07	41 756,89	2 133,18	237,422	475 896	716,65	56 455,07	214,631
0201 20 90	16 398,3	3 032,65	795,04	87 159,35	51 450,01	2 666,48	296,777	594 869	895,82	70 063,79	270,877
0201 30 00	18 757,3	3 468,92	909,41	98 088,95	59 334,65	3 050,07	339,470	680 446	1 024,68	80 470,04	307,771
0202 10 00	7 540,1	1 394,44	365,57	38 225,48	24 213,19	1 226,07	136,461	273 527	411,90	32 592,36	122,852
0202 20 10	7 540,1	1 394,44	365,57	38 225,48	24 213,19	1 226,07	136,461	273 527	411,90	32 592,36	122,852
0202 20 30	6 032,1	1 115,55	292,46	30 580,33	19 370,52	980,86	109,168	218 822	329,53	25 663,13	98,281
0202 20 50	9 425,1	1 743,06	456,97	47 781,87	30,266,51	1 532,59	170,576	341 909	514,88	40 098,74	153,564
0202 20 90	11 310,1	2 091,67	548,35	59 548,05	35 656,22	1 839,11	204,692	410 291	617,86	48 439,41	185,868
0202 30 10	9 425,1	1 743,06	456,97	47 781,87	30,266,51	1 532,59	170,576	341 909	514,88	40 740,49	153,564
0202 30 50	9 425,1	1 743,06	456,97	47 781,87	30,266,51	1 532,59	170,576	341 909	514,88	40 740,49	153,564
0202 30 90	12 968,9	2 398,45	628,78	67 231,44	41 201,09	2 108,84	234,713	470 466	708,47	55 115,48	212,372
0206 10 95	18 757,3	3 468,92	909,41	98 088,95	59 334,65	3 050,07	339,470	680 446	1 024,68	80 470,04	307,771
0206 29 91	12 968,9	2 398,45	628,78	67 231,44	41 201,09	2 108,84	234,713	470 466	708,47	55 115,48	212,372
0210 20 10	16 398,3	3 032,65	795,04	87 159,35	51 450,01	2 666,48	296,777	594 869	895,82	70 063,79	270,877
0210 20 90	18 757,3	3 468,92	909,41	98 892,20	59 093,43	3 050,07	339,470	680 446	1 024,68	80 306,77	308,349
0210 90 41	18 757,3	3 468,92	909,41	98 892,20	59 093,43	3 050,07	339,470	680 446	1 024,68	80 306,77	308,349
0210 90 90	18 757,3	3 468,92	909,41	98 892,20	59 093,43	3 050,07	339,470	680 446	1 024,68	80 306,77	308,349
1602 50 10	18 757,3	3 468,92	909,41	98 892,20	59 093,43	3 050,07	339,470	680 446	1 024,68	80 306,77	308,349
1602 90 61	18 757,3	3 468,92	909,41	101 320,49	58 364,17	3 050,07	339,470	680 446	1 024,68	79 613,12	310,097

NB: Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) nº 2658/87 modificado.

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

NB: Die KN-Code 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) nº 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 (EG) nr. 2658/87.

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

**Corrigendum to Commission Regulation (EEC) No 691/92 of 19 March 1992 fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced**

*(Official Journal of the European Communities No L 74 of 20 March 1992)*

On page 34 in the Annex in the table, in the column headed 'Portugal':

— against CN code 0202 20 30 :

*for:* '25 663,13',

*read:* '26 073,85' ;

— against CN code 0202 20 50 :

*for:* '40 098,74',

*read:* '40 740,49' ;

— against CN code 0202 30 90 :

*for:* '55 115,48',

*read:* '55 757,22'.

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COMMISSION DECISION

of 19 March 1992

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

(92/196/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), as amended by Regulation (EEC) No 444/92 (2), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (3), as last amended by Regulation (EEC) No 815/91 (4), and in particular Article 15 (6) (b) (i) thereof,

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

Whereas the applications for import licences submitted between 1 and 10 March 1992, 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 remaining quantities, in respect of which licences may be applied for from 1 April 1992, should be fixed within the scope of the total quantity of 49 600 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 based products from third countries (5), as last amended by Directive 91/688/EEC (6),

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 March 1992 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:

*Belgium:*

— 9,28 tonnes originating in Madagascar;

*Germany:*

— 920,00 tonnes originating in Botswana,  
— 146,00 tonnes in Zimbabwe,  
— 310,00 tonnes originating in Namibia.

*Italy:*

— 13,80 tonnes originating in Namibia.

*Portugal:*

— 2,68 tonnes originating in Madagascar.

*United Kingdom:*

— 1 220,00 tonnes originating in Botswana,  
— 9,41 tonnes originating in Swaziland,  
— 410,00 tonnes originating in Namibia,  
— 726,00 tonnes originating in Zimbabwe.

*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 1992 in respect of the following quantities of boned beef and veal:

— Botswana:	15 956,00 tonnes,
— Kenya:	142,00 tonnes,
— Madagascar:	7 379,56 tonnes,
— Swaziland:	3 300,49 tonnes,
— Zimbabwe:	8 228,00 tonnes,
— Namibia:	9 398,20 tonnes.

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

(2) OJ No L 52, 27. 2. 1992, p. 7.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 83, 3. 4. 1991, p. 6.

(5) OJ No L 302, 31. 12. 1972, p. 28.

(6) OJ No L 377, 31. 12. 1991, p. 18.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 March 1992.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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COMMISSION DECISION

of 31 March 1992

amending Decision 92/196/EEC on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(92/226/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 amended by Regulation (EEC) No 444/92 <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 (EEC) No 815/91 <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 not exceed the quantities laid down for each of those 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 March 1992 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 92/196/EEC <sup>(5)</sup> should be amended to take account thereof,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 92/196/EEC is hereby amended as follows:

1. The following is added to Article 1:

'Kingdom of the Netherlands:  
500,00 tonnes originating in Botswana';

2. The figure for Botswana in Article 2 is replaced by '15 456,00 tonnes'.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 31 March 1992.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 83, 3. 4. 1991, p. 6.

<sup>(5)</sup> OJ No L 88, 3. 4. 1992, p. 61.

COMMISSION DECISION

of 15 April 1992

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

(92/256/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 (EEC) No 444/92 <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 (EEC) No 815/91 <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 April 1992, 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 remaining quantities, in respect of which licences may be applied for from 1 May 1992, should be fixed within the scope of the total quantity of 49 600 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 based products from third countries <sup>(5)</sup>, as last amended by Regulation (EEC) No 3763/91 <sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 April 1992 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:*

- 800,00 tonnes originating in Botswana,
- 320,00 tonnes in Zimbabwe,
- 440,00 tonnes originating in Namibia.

*Kingdom of the Netherlands:*

- 320,00 tonnes originating in Botswana,
- 70,80 tonnes originating in Zimbabwe.

*Portugal:*

- 76,00 tonnes originating in Botswana.

*United Kingdom:*

- 670,00 tonnes originating in Botswana,
- 460,00 tonnes originating in Zimbabwe,
- 930,00 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 May 1992 in respect of the following quantities of boned beef and veal:

- |               |                   |
|---------------|-------------------|
| — Botswana:   | 13 590,00 tonnes, |
| — Kenya:      | 142,00 tonnes,    |
| — Madagascar: | 7 379,56 tonnes,  |
| — Swaziland:  | 3 300,49 tonnes,  |
| — Zimbabwe:   | 7 377,20 tonnes,  |
| — Namibia:    | 8 028,20 tonnes.  |

<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 83, 3. 4. 1991, p. 6.

<sup>(5)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(6)</sup> OJ No L 356, 24. 12. 1991, p. 1.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 15 April 1992.

*For the Commission*  
**Ray MAC SHARRY**  
*Member of the Commission*

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COMMISSION DECISION

of 29 April 1992

amending Decision 92/256/EEC on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(92/268/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Economic 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 amended by Regulation (EEC) No 444/92 <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 (EEC) No 815/91 <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 not exceed the quantities laid down for each of those 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 April 1992 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, certain quantities applied for under these arrangements were not able to be taken into account; whereas Commission Decision 92/256/EEC <sup>(5)</sup> should be amended to take account thereof,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 92/256/EEC is hereby amended as follows:

1. The following is added to Article 1:  
'Republic of Greece:  
25,00 tonnes originating in Madagascar,';
2. The figure for Madagascar in Article 2 is replaced by '7 354,56 tonnes'.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 29 April 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 83, 3. 4. 1991, p. 6.

<sup>(5)</sup> OJ No L 128, 14. 5. 1992, p. 28.

COMMISSION DECISION

of 19 May 1992

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

(92/291/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION :

Having regard to the Treaty establishing the European Economic 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) (\*), as last amended by Regulation (EEC) No 444/92 (\*), 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 (\*), as last amended by Regulation (EEC) No 815/91 (\*), and in particular Article 15 (6) (b) (i) thereof,

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

Whereas the applications for import licences submitted between 1 and 10 May 1992, 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 remaining quantities, in respect of which licences may be applied for from 1 June 1992, should be fixed within the scope of the total quantity of 49 600 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 based products from third countries (\*), as last amended by Regulation (EEC) No 3763/91 (\*),

(\*) OJ No L 84, 30. 3. 1990, p. 85.  
(\*) OJ No L 52, 27. 2. 1992, p. 7.  
(\*) OJ No L 241, 13. 9. 1980, p. 5.  
(\*) OJ No L 83, 3. 4. 1991, p. 6.  
(\*) OJ No L 302, 31. 12. 1972, p. 28.  
(\*) OJ No L 356, 24. 12. 1991, p. 1.

*Article 1*

The following Member States shall issue on 21 May 1992 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 :

*Kingdom of Belgium :*

— 13,68 tonnes originating in Madagascar,

*Germany :*

— 60,00 tonnes originating in Madagascar,

— 1 000,00 tonnes originating in Botswana,

— 350,00 tonnes originating in Zimbabwe,

— 700,00 tonnes originating in Namibia,

*Hellenic Republic :*

— 50,00 tonnes originating in Madagascar,

*Kingdom of Spain :*

— 37,27 tonnes originating in Zimbabwe,

*Italian Republic :*

— 9,50 tonnes originating in Madagascar,

*Kingdom of the Netherlands :*

— 260,00 tonnes originating in Botswana,

*United Kingdom :*

— 1 130,00 tonnes originating in Botswana,

— 285,00 tonnes originating in Zimbabwe,

— 615,00 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 June 1992 in respect of the following quantities of boned beef and veal :

— Botswana :	11 200,00 tonnes,
— Kenya :	142,00 tonnes,
— Madagascar :	7 221,38 tonnes,
— Swaziland :	3 300,49 tonnes,
— Zimbabwe :	6 704,93 tonnes,
— Namibia :	6 713,20 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 May 1992.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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COMMISSION REGULATION (EEC) No 1562/92

of 18 June 1992

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 Economic 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 (EEC) No 444/92 (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 amended by Regulation (EEC) No 815/91 (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 third quarter of 1992, be as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 July 1992.

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

Done at Brussels, 18 June 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No L 84, 30. 3. 1990, p. 85.  
(2) OJ No L 52, 27. 2. 1992, p. 7.

(3) OJ No L 99, 19. 4. 1990, p. 8.  
(4) OJ No L 83, 3. 4. 1991, p. 6.

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

Código NC KN-code Καθάρως ΣΟ CN code Code NC Codice NC GN-code Código NC	Belgique Luxembourg PB/Pluz/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δρχ/100 γρ	España Pta/100 kg	France FF/100 kg	Ireland £ Id/100 kg	Italia Lit/100 kg	Nederland Fl/100 kg	Portugal Esc/100 kg	United Kingdom £/100 kg
0102 90 10	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0102 90 31	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0102 90 33	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0102 90 35	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0102 90 37	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0201 10 10	10 932,1	2 021,77	530,03	61 730,76	34 297,14	1 777,65	197,852	396 580	597,20	46 615,31	179,085
0201 10 90	10 932,1	2 021,77	530,03	61 730,76	34 297,14	1 777,65	197,852	396 580	597,20	46 615,31	179,085
0201 20 21	10 932,1	2 021,77	530,03	61 730,76	34 297,14	1 777,65	197,852	396 580	597,20	46 615,31	179,085
0201 20 29	10 932,1	2 021,77	530,03	61 730,76	34 297,14	1 777,65	197,852	396 580	597,20	46 615,31	179,085
0201 20 31	8 745,8	1 617,42	424,03	49 384,58	27 437,72	1 422,13	158,281	317 264	477,77	37 292,25	143,267
0201 20 39	8 745,8	1 617,42	424,03	49 384,58	27 437,72	1 422,13	158,281	317 264	477,77	37 292,25	143,267
0201 20 51	13 118,6	2 426,12	636,04	74 076,83	41 156,57	2 133,18	237,422	475 896	716,65	55 938,38	214,902
0201 20 59	13 118,6	2 426,12	636,04	74 076,83	41 156,57	2 133,18	237,422	475 896	716,65	55 938,38	214,902
0201 20 90	16 398,3	3 032,65	795,04	93 355,64	50 972,52	2 666,48	296,777	594 869	895,82	68 603,37	268,628
0201 30 00	18 757,3	3 468,92	909,41	6 293,64	58 611,74	3 050,07	339,470	680 446	1 024,68	79 327,07	307,271
0202 10 00	7 540,1	1 394,44	365,57	42 359,81	23 790,27	1 226,07	136,461	273 527	411,90	32 527,83	123,517
0202 10 10	7 540,1	1 394,44	365,57	42 359,81	23 790,27	1 226,07	136,461	273 527	411,90	32 527,83	123,517
0202 20 30	6 032,1	1 115,55	292,46	33 887,82	19 032,19	980,86	109,168	218 822	329,53	26 022,23	98,814
0202 20 50	9 425,1	1 743,06	456,97	52 949,83	29 737,87	1 532,59	170,576	341 909	514,88	40 659,84	154,397
0202 20 90	11 310,1	2 091,67	548,35	64 215,47	35 264,58	1 839,11	204,692	410 291	617,86	47 618,10	185,277
0202 30 10	9 425,1	1 743,06	456,97	52 949,83	29 737,87	1 532,59	170,576	341 909	514,88	40 659,84	154,397
0202 30 50	9 425,1	1 743,06	456,97	52 949,83	29 737,87	1 532,59	170,576	341 909	514,88	40 659,84	154,397
0202 30 90	12 968,9	2 398,45	628,78	73 312,48	40 636,66	2 108,84	234,713	470 466	708,47	55 159,78	212,450
0206 10 95	18 757,3	3 468,92	909,41	6 293,64	58 611,74	3 050,07	339,470	680 446	1 024,68	79 327,07	307,271
0206 29 91	12 968,9	2 398,45	628,78	73 312,48	40 636,66	2 108,84	234,713	470 466	708,47	55 159,78	212,450
0210 20 10	16 398,3	3 032,65	795,04	93 355,64	50 972,52	2 666,48	296,777	594 869	895,82	68 603,37	268,628
1602 50 10	18 757,3	3 468,92	909,41	6 539,16	58 458,74	3 050,07	339,470	680 446	1 024,68	78 900,44	307,271
1602 90 61	18 757,3	3 468,92	909,41	7 281,57	57 996,23	3 050,07	339,470	680 446	1 024,68	77 610,60	307,271

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

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

NB: Die KN-Code 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.º 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.º 2658/87 alterado.



COMMISSION REGULATION (EEC) No 1687/92

of 29 June 1992

correcting Regulation (EEC) No 1562/92 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 Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

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 (EEC) No 444/92<sup>(2)</sup>, and in particular Article 3 thereof,

Whereas the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced were fixed by Commission Regulation (EEC) No 1562/92<sup>(3)</sup>;

Whereas a check has shown that an error was made in the Annex to that Regulation, whereas the Regulation should therefore be corrected,

HAS ADOPTED THIS REGULATION :

*Article 1*

The Annex to Regulation (EEC) No 1562/92 is hereby replaced by the Annex to this Regulation.

*Article 2*

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

It shall apply with effect from 1 July 1992.

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

Done at Brussels, 29 June 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 165, 19. 6. 1992, p. 15.

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	Belgique Luxembourg FB/Fluz/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δραχ/100 χυρ	España Pta/100 kg	France FF/100 kg	Ireland £ Ir/100 kg	Italia Lit/100 kg	Nederland Fl/100 kg	Portugal Esc/100 kg	United Kingdom £/100 kg
0102 90 10	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0102 90 31	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0102 90 33	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0102 90 35	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0102 90 37	5 753,8	1 064,09	278,96	32 489,86	18 051,10	935,60	104,132	208 726	314,32	24 534,35	94,255
0201 10 10	10 932,1	2 021,77	530,03	61 730,76	34 297,14	1 777,65	197,852	396 580	597,20	46 615,31	179,085
0201 10 90	10 932,1	2 021,77	530,03	61 730,76	34 297,14	1 777,65	197,852	396 580	597,20	46 615,31	179,085
0201 20 21	10 932,1	2 021,77	530,03	61 730,76	34 297,14	1 777,65	197,852	396 580	597,20	46 615,31	179,085
0201 20 29	10 932,1	2 021,77	530,03	61 730,76	34 297,14	1 777,65	197,852	396 580	597,20	46 615,31	179,085
0201 20 31	8 745,8	1 617,42	424,03	49 384,58	27 437,72	1 422,13	158,281	317 264	477,77	37 292,25	143,267
0201 20 39	8 745,8	1 617,42	424,03	49 384,58	27 437,72	1 422,13	158,281	317 264	477,77	37 292,25	143,267
0201 20 51	13 118,6	2 426,12	636,04	74 076,83	41 156,57	2 133,18	237,422	475 896	716,65	55 938,38	214,902
0201 20 59	13 118,6	2 426,12	636,04	74 076,83	41 156,57	2 133,18	237,422	475 896	716,65	55 938,38	214,902
0201 20 90	16 398,3	3 032,65	795,04	93 355,64	50 972,52	2 666,48	296,777	594 869	895,82	68 603,37	268,628
0201 30 00	18 757,3	3 468,92	909,41	106 293,64	58 611,74	3 050,07	339,470	680 446	1 024,68	79 327,07	307,271
0202 10 00	7 540,1	1 394,44	365,57	42 359,81	23 790,27	1 226,07	136,461	273 527	411,90	32 527,83	123,517
0202 20 10	7 540,1	1 394,44	365,57	42 359,81	23 790,27	1 226,07	136,461	273 527	411,90	32 527,83	123,517
0202 20 30	6 032,1	1 115,55	292,46	33 887,82	19 032,19	980,86	109,168	218 822	329,53	26 022,23	98,814
0202 20 50	9 425,1	1 743,06	456,97	52 949,83	29 737,87	1 532,59	170,576	341 909	514,88	40 659,84	154,397
0202 20 90	11 310,1	2 091,67	548,35	64 215,47	35 264,58	1 839,11	204,692	410 291	617,86	47 618,10	185,277
0202 30 10	9 425,1	1 743,06	456,97	52 949,83	29 737,87	1 532,59	170,576	341 909	514,88	40 659,84	154,397
0202 30 50	9 425,1	1 743,06	456,97	52 949,83	29 737,87	1 532,59	170,576	341 909	514,88	40 659,84	154,397
0202 30 90	12 968,9	2 398,45	628,78	73 312,48	40 636,66	2 108,84	234,713	470 466	708,47	55 159,78	212,450
0206 10 95	18 757,3	3 468,92	909,41	106 293,64	58 611,74	3 050,07	339,470	680 446	1 024,68	79 327,07	307,271
0206 29 91	12 968,9	2 398,45	628,78	73 312,48	40 636,66	2 108,84	234,713	470 466	708,47	55 159,78	212,450
0210 20 10	16 398,3	3 032,65	795,04	93 355,64	50 972,52	2 666,48	296,777	594 869	895,82	68 603,37	268,628
0210 20 90	18 757,3	3 468,92	909,41	106 339,16	58 458,74	3 050,07	339,470	680 446	1 024,68	78 900,44	307,271
0210 90 41	18 757,3	3 468,92	909,41	106 339,16	58 458,74	3 050,07	339,470	680 446	1 024,68	78 900,44	307,271
0210 90 90	18 757,3	3 468,92	909,41	106 339,16	58 458,74	3 050,07	339,470	680 446	1 024,68	78 900,44	307,271
1602 50 10	18 757,3	3 468,92	909,41	106 339,16	58 458,74	3 050,07	339,470	680 446	1 024,68	78 900,44	307,271
1602 90 61	18 757,3	3 468,92	909,41	107 281,57	57 996,23	3 050,07	339,470	680 446	1 024,68	77 610,60	307,271

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 henvisningerne til fodnoter, er fastsat i den ændrede forordning (EØF) nr. 2658/87.

NB: Die KN-Code 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 DECISION**

of 10 June 1992

amending Commission Decision 92/25/EEC concerning the animal health conditions and veterinary certification of imports of fresh meat from Zimbabwe

(92/348/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 and fresh meat or meat products from third countries<sup>(1)</sup>, as last amended by Regulation (EEC) No 3763/91/EEC<sup>(2)</sup>, and in particular Articles 14 and 15 thereof,

Whereas Commission Decision 92/25/EEC<sup>(3)</sup> as last amended by Decision 92/166/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 boned carcass meat of bovine animals from the region of Mashonaland West in Zimbabwe;

Whereas the situation has improved in relation to foot-and-mouth disease and now it is possible to amend further the regionalization in Zimbabwe thereby allowing importation into the Community of fresh boned meat from the regions of Mashonaland East and Makoni;

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*

In Article 1 (1) of Decision 92/25/EEC after the words 'the veterinary region of Mashonaland West' insert 'the veterinary region of Mashonaland East and the veterinary region of Makoni'.

*Article 2*

The Annex to Decision 92/25/EEC is replaced by the Annex to this Decision.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 10 June 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ No L 356, 24. 12. 1991, p. 1.

<sup>(3)</sup> OJ No L 10, 16. 1. 1992, p. 52.

<sup>(4)</sup> OJ No L 73, 19. 3. 1992, p. 26.

ANNEX

ANIMAL HEALTH CERTIFICATE

for boned fresh meat (\*) of domestic animals of the bovine species, excluding offals, intended for consignment to the European Economic Community

Country of destination : .....  
Reference number of the public health certificate (†) : .....  
Exporting country : Zimbabwe (veterinary regions of Mashonaland West, Mashonaland East and Makoni)  
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 boned fresh meat from bovine animals, from which 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 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 region of Mashonaland West, Mashonaland East and Makoni 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, northern part brand 'L' and for Mashonaland West, southern part, brand 'HL' for Mashonaland East brand 'H' and Makoni brand 'UM';
- (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 Economic 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 Economic Community were slaughtered;
- (g) animals which were slaughtered between ..... and ..... (dates of slaughter);

2. the 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, boning, and storage been kept strictly separate from meat not conforming to the requirements laid down in the decisions of the European Economic Community currently in force as regards export of meat to a Member State (with the exception of meat packed in boxes or cartons and kept in special storage areas).

Done at ..... On .....  
(Place) (Date)



.....  
(Signature of official veterinarian)  
(Name in capital letters, title and qualification of signatory)

\_\_\_\_\_

COMMISSION DECISION

of 17 June 1992

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

(92/355/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 States) or in the overseas countries and territories (OCT) (\*), as amended by Regulation (EEC) No 444/92 (\*\*), 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 (\*), as last amended by Regulation (EEC) No 815/91 (\*\*), 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 1992, 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 remaining quantities, in respect of which licences may be applied for from 1 July 1992, should be fixed within the scope of the total quantity of 49 600 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 based products from third countries (\*), as last amended by Regulation (EEC) No 3763/91 (\*\*),

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 June 1992 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:*

- 1 260,00 tonnes originating in Botswana,
- 85,00 tonnes originating in Zimbabwe,
- 806,00 tonnes originating in Namibia,

*Hellenic Republic:*

- 87,00 tonnes originating in Madagascar,

*Kingdom of Spain:*

- 200,00 tonnes originating in Zimbabwe,

*Kingdom of the Netherlands:*

- 600,00 tonnes originating in Botswana,
- 40,00 tonnes originating in Zimbabwe,
- 68,00 tonnes originating in Namibia,

*United Kingdom:*

- 1 401,00 tonnes originating in Botswana,
- 505,00 tonnes originating in Zimbabwe,
- 506,00 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 1992 in respect of the following quantities of boned beef and veal:

- |                |                  |
|----------------|------------------|
| — Botswana :   | 7 938,90 tonnes, |
| — Kenya :      | 142,00 tonnes,   |
| — Madagascar : | 7 134,38 tonnes, |
| — Swaziland :  | 3 300,49 tonnes, |
| — Zimbabwe :   | 5 874,93 tonnes, |
| — Namibia :    | 5 333,20 tonnes. |

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

(\*\*) OJ No L 52, 27. 2. 1992, p. 7.

(\*) OJ No L 241, 13. 9. 1980, p. 5.

(\*\*) OJ No L 83, 3. 4. 1991, p. 6.

(\*) OJ No L 302, 31. 12. 1972, p. 28.

(\*\*) OJ No L 356, 24. 12. 1991, p. 1.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 17 June 1992.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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## II

*(Acts whose publication is not obligatory)*

# COMMISSION

## COMMISSION DECISION

of 17 July 1992

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

(92/403/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 States) or in the overseas countries and territories (OCT)<sup>(1)</sup>, as amended by Regulation (EEC) No 444/92<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 (EEC) No 815/91<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 1992, 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 remaining quantities, in respect of which licences may be applied for from 1 August 1992, should be fixed within the scope of the total quantity of 49 600 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 and fresh meat or meat based products from third countries<sup>(5)</sup>, as last amended by Regulation (EEC) No 3763/91<sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

### *Article 1*

The following Member States shall issue on 21 July 1992 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 52, 27. 2. 1992, p. 7.

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 83, 3. 4. 1991, p. 6.

<sup>(5)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(6)</sup> OJ No L 356, 24. 12. 1991, p. 1.



*Germany:*

- 270,00 tonnes originating in Botswana,
- 250,00 tonnes originating in Zimbabwe,
- 30,00 tonnes originating in Madagascar,

*Hellenic Republic:*

- 75,00 tonnes originating in Madagascar,

*Kingdom of the Netherlands:*

- 690,00 tonnes originating in Botswana,
- 50,00 tonnes originating in Zimbabwe,
- 60,00 tonnes originating in Madagascar,

*United Kingdom:*

- 510,00 tonnes originating in Botswana,
- 420,00 tonnes originating in Zimbabwe,
- 150,00 tonnes originating in Namibia.

*Article 2*

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (BEC) No 2377/80

during the first 10 days of August 1992 in respect of the following quantities of boned beef and veal:

— Botswana:	6 442,90 tonnes,
— Kenya:	142,00 tonnes,
— Madagascar:	6 969,38 tonnes,
— Swaziland:	3 300,49 tonnes,
— Zimbabwe:	5 154,93 tonnes,
— Namibia:	5 183,20 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 17 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

COMMISSION DECISION

of 20 July 1992

amending Decision 92/355/EEC on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(92/404/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 amended by Regulation (EEC) No 444/92 (2), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (3), as last amended by Regulation (EEC) No 815/91 (4), and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must not exceed the quantities laid down for each of those 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 June 1992 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, certain quantities applied for under these arrangements were not able to be taken into account; whereas Commission Decision 92/355/EEC (5) should be amended to take account thereof,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 92/355/EEC is hereby amended as follows:

1. the following is added to Article 1:

'Republic of Portugal:

26,00 tonnes originating in Botswana,';

2. the figure for Botswana in Article 2 is replaced by '7 912,90 tonnes'.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 20 July 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

(2) OJ No L 52, 27. 2. 1992, p. 7.

(3) OJ No L 241, 13. 9. 1980, p. 3.

(4) OJ No L 83, 3. 4. 1991, p. 6.

(5) OJ No L 192, 11. 7. 1992, p. 67.

## II

*(Acts whose publication is not obligatory)*

# COMMISSION

## COMMISSION DECISION

of 19 August 1992

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

(92/459/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 States) or in the overseas countries and territories (OCT) <sup>(1)</sup>, as amended by Regulation (EEC) No 444/92 <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 (EEC) No 815/91 <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 August 1992, 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 quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 September 1992, should be fixed within the scope of the total quantity of 49 600 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 and fresh meat or meat based products from third countries <sup>(5)</sup>, as last amended by Regulation (EEC) No 3763/91 <sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

### *Article 1*

The following Member States shall issue on 21 August 1992 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 52, 27. 2. 1992, p. 7.

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 83, 3. 4. 1991, p. 6.

<sup>(5)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(6)</sup> OJ No L 356, 24. 12. 1991, p. 1.

*Germany:*

- 75,00 tonnes originating in Madagascar,
- 570,00 tonnes originating in Botswana,
- 531,80 tonnes originating in Zimbabwe,
- 210,00 tonnes originating in Namibia,

*Kingdom of the Netherlands:*

- 15,00 tonnes originating in Madagascar,

*United Kingdom:*

- 1 216,80 tonnes originating in Botswana,
- 620,00 tonnes originating in Zimbabwe,
- 750,00 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 September 1992 in respect of the following quantities of boned beef and veal:

- Botswana : 4 656,10 tonnes,
- Kenya : 142,00 tonnes,
- Madagascar : 6 879,38 tonnes,
- Swaziland : 3 300,49 tonnes,
- Zimbabwe : 4 003,13 tonnes,
- Namibia : 4 223,20 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 August 1992.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

COMMISSION REGULATION (EEC) No 2784/92

of 23 September 1992

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 Economic 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 (EEC) No 297/91<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 amended by Regulation (EEC) No 815/91<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 1992, be as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 October 1992.

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

Done at Brussels, 23 September 1992.

*For the Commission*

Ray MAC SHARRY

*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 99, 19. 4. 1990, p. 8.  
<sup>(4)</sup> OJ No L 83, 3. 4. 1991, p. 6.

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

Código NC KN-kode KN-Code Κωδικός ΤΟ GN code Code NC Codice NC GN-code Código NC	Belgique Luxembourg FB/Flux/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δργ/100 χγρ	España Pta/100 kg	France FF/100 kg	Irland £ Ir/100 kg	Italia Lit/100 kg	Nederland Fl/100 kg	Portugal Esc/100 kg	United Kingdom £/100 kg
0102 90 10	5 753,8	1 064,09	278,96	34 440,35	18 293,64	935,60	104,132	212 738	314,32	24 446,70	96,548
0102 90 31	5 753,8	1 064,09	278,96	34 440,35	18 293,64	935,60	104,132	212 738	314,32	24 446,70	96,548
0102 90 33	5 753,8	1 064,09	278,96	34 440,35	18 293,64	935,60	104,132	212 738	314,32	24 446,70	96,548
0102 90 35	5 753,8	1 064,09	278,96	34 440,35	18 293,64	935,60	104,132	212 738	314,32	24 446,70	96,548
0102 90 37	5 753,8	1 064,09	278,96	34 440,35	18 293,64	935,60	104,132	212 738	314,32	24 446,70	96,548
0201 10 10	10 932,1	2 021,77	530,03	65 436,75	34 757,96	1 777,65	197,852	404 202	597,20	46 448,78	183,440
0201 10 90	10 932,1	2 021,77	530,03	65 436,75	34 757,96	1 777,65	197,852	404 202	597,20	46 448,78	183,440
0201 20 21	10 932,1	2 021,77	530,03	65 436,75	34 757,96	1 777,65	197,852	404 202	597,20	46 448,78	183,440
0201 20 29	10 932,1	2 021,77	530,03	65 436,75	34 757,96	1 777,65	197,852	404 202	597,20	46 448,78	183,440
0201 20 31	8 745,8	1 617,42	424,03	52 349,40	27 806,36	1 422,13	158,281	323 362	477,77	37 159,03	146,752
0201 20 39	8 745,8	1 617,42	424,03	52 349,40	27 806,36	1 422,13	158,281	323 362	477,77	37 159,03	146,752
0201 20 51	13 118,6	2 426,12	636,04	78 524,10	41 709,55	2 133,18	237,422	485 042	716,65	55 738,54	220,128
0201 20 59	13 118,6	2 426,12	636,04	78 524,10	41 709,55	2 133,18	237,422	485 042	716,65	55 738,54	220,128
0201 20 90	16 398,3	3 032,65	795,04	98 155,13	52 886,24	2 666,48	296,777	624 406	895,82	69 673,18	282,522
0201 30 00	18 757,3	3 468,92	909,41	112 275,46	60 009,05	3 050,07	339,470	702 507	1 024,68	79 696,17	318,398
0202 10 00	8 556,4	1 582,40	414,85	51 215,98	27 090,01	1 391,33	154,854	313 599	467,42	36 354,49	142,452
0202 20 10	8 556,4	1 582,40	414,85	51 215,98	27 090,01	1 391,33	154,854	313 599	467,42	36 354,49	142,452
0202 20 30	6 845,1	1 265,91	331,88	40 972,78	21 672,01	1 113,07	123,883	250 879	373,94	29 083,59	113,962
0202 20 50	10 695,5	1 977,99	518,55	64 020,04	33 862,55	1 739,17	193,568	391 999	584,28	45 443,16	178,066
0202 20 90	12 834,5	2 373,60	622,27	76 824,10	41 301,57	2 087,00	232,281	486 500	701,14	54 531,83	220,226
0202 30 10	10 695,5	1 977,99	518,55	64 020,04	33 862,55	1 739,17	193,568	391 999	584,28	45 443,16	178,066
0202 30 50	10 695,5	1 977,99	518,55	64 020,04	33 862,55	1 739,17	193,568	391 999	584,28	45 443,16	178,066
0202 30 90	14 717,0	2 721,72	713,53	88 091,38	47 042,25	2 393,09	266,349	550 200	803,96	62 529,65	249,414
0206 10 95	18 757,3	3 468,92	909,41	112 275,46	60 009,05	3 050,07	339,470	702 507	1 024,68	79 696,17	318,398
0206 29 91	14 717,0	2 721,72	713,53	88 091,38	47 042,25	2 393,09	266,349	550 200	803,96	62 529,65	249,414
0210 20 10	16 398,3	3 032,65	795,04	98 155,13	52 886,24	2 666,48	296,777	624 406	895,82	69 673,18	282,522
0210 20 90	18 757,3	3 468,92	909,41	112 275,46	60 251,30	3 050,07	339,470	708 359	1 024,68	79 696,17	320,778
0210 90 41	18 757,3	3 468,92	909,41	112 275,46	60 251,30	3 050,07	339,470	708 359	1 024,68	79 696,17	320,778
0210 90 10	18 757,3	3 468,92	909,41	112 275,46	60 251,30	3 050,07	339,470	708 359	1 024,68	79 696,17	320,778
1602 50 10	18 757,3	3 468,92	909,41	112 275,46	60 251,30	3 050,07	339,470	708 359	1 024,68	79 696,17	320,778
1602 90 61	18 757,3	3 468,92	909,41	112 275,46	60 983,70	3 050,07	339,470	726 053	1 024,68	79 696,17	327,974

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 fodnoten, er fastsat i den ændrede forordning (EØF) nr. 2658/87.

NB: Die KN-Code 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 GN 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 18 September 1992

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

(92/479/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 States) or in the overseas countries and territories (OCT) <sup>(1)</sup>, as amended by Regulation (EEC) No 444/92 <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 (EEC) No 815/91 <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 1992, 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 quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 October 1992, should be fixed within the scope of the total quantity of 49 600 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 and fresh meat or meat based products from third countries <sup>(5)</sup>, as last amended by Regulation (EEC) No 3763/91 <sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 September 1992 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 52, 27. 2. 1992, p. 7.  
<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 3.  
<sup>(4)</sup> OJ No L 83, 3. 4. 1991, p. 6.

<sup>(5)</sup> OJ No L 302, 31. 12. 1972, p. 28.  
<sup>(6)</sup> OJ No L 356, 24. 12. 1991, p. 1.

*Germany:*

- 290,00 tonnes originating in Botswana,
- 15,00 tonnes originating in Swaziland,
- 600,00 tonnes originating in Namibia;

*Greece:*

- 42,00 tonnes originating in Madagascar,

*Kingdom of the Netherlands:*

- 94,00 tonnes originating in Madagascar,
- 260,00 tonnes originating in Botswana;

*United Kingdom:*

- 28,00 tonnes originating in Madagascar,
- 200,00 tonnes originating in Botswana,
- 35,80 tonnes originating in Swaziland,
- 620,00 tonnes originating in Zimbabwe,
- 340,00 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 1992 in respect of the following quantities of boned beef and veal:

— Botswana:	3 906,10 tonnes,
— Kenya:	142,00 tonnes,
— Madagascar:	6 715,38 tonnes,
— Swaziland:	3 249,69 tonnes,
— Zimbabwe:	3 383,13 tonnes,
— Namibia:	3 283,20 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 18 September 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*



## II

*(Acts whose publication is not obligatory)*

# COMMISSION

## COMMISSION DECISION

of 14 October 1992

amending Commission Decision 92/25/EEC concerning the animal health conditions and veterinary certification of imports of fresh meat from Zimbabwe

(92/503/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 and fresh meat or meat products from third countries<sup>(1)</sup>, as last amended by Regulation 3763/91/EEC<sup>(2)</sup>, and in particular Articles 14 and 15 thereof,

Whereas Commission Decision 92/25/EEC<sup>(3)</sup>, as last amended by Decision 92/348/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 boned carcass meat of bovine animals from the regions of Mashonaland West, Mashonaland East and Makoni in Zimbabwe;

Whereas the situation has improved in relation to foot-and-mouth disease and now it is possible to amend further the regionalization in Zimbabwe thereby allowing importation into the Community of fresh boned meat from Midlands Province, excluding the districts of Gokwe, Zvishavane and Mberengwa;

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:

in Article 1 (1) the words 'the veterinary regions of Mashonaland West, Mashonaland East and Makoni' are replaced by 'the veterinary regions of Mashonaland West, Mashonaland East, Makoni and Midlands Province, excluding the districts of Gokwe, Zvishavane and Mberengwa.'

### *Article 2*

The Annex to Decision 92/25/EEC is replaced by the Annex to this Decision.

### *Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 14 October 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.  
<sup>(2)</sup> OJ No L 356, 24. 12. 1991, p. 1.  
<sup>(3)</sup> OJ No L 10, 16. 1. 1992, p. 52.  
<sup>(4)</sup> OJ No L 189, 9. 7. 1992, p. 41.

ANNEX

ANIMAL HEALTH CERTIFICATE

for boned fresh meat <sup>(1)</sup> of domestic animals of the bovine species, excluding offal, intended for consignment to the European Economic Community

Country of destination : .....

Reference number of the public health certificate <sup>(2)</sup> : .....

Exporting country: Zimbabwe (veterinary regions of Mashonaland West, Mashonaland East, Makoni and Midlands Province, excluding the districts Gokwe, Zvishavane and Mberengwa)

Ministry : .....

Department : .....

Reference : .....

(Optional)

I. Identification of meat

Meat of : domestic animals of the bovine species

Nature of cuts <sup>(3)</sup> : .....

Nature of packaging : .....

Number of cuts or packages : .....

Net weight : .....

II. Origin of meat

Address(es) and veterinary approval number(s) of the approved slaughterhouse(s) <sup>(4)</sup> : .....

Address(es) and veterinary approval number(s) of the approved cutting plant(s) <sup>(5)</sup> : .....

Address(es) and veterinary approval number(s) of the approved cold store(s) <sup>(6)</sup> : .....

III. Destination of meat

The meat will be sent from : .....

(Place of loading)

to : .....

(Country and place of destination)

by the following means of transport <sup>(7)</sup> : .....

Name and address of consignor : .....

Name and address of consignee : .....

<sup>(1)</sup> Fresh meat means all parts fit for human consumption from domestic bovine animals, excluding offal, which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

<sup>(2)</sup> Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.

<sup>(3)</sup> Only boned fresh meat from bovine animals, from which all bones and the major accessible lymphatic glands have been removed is authorized for importation.

<sup>(4)</sup> For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

**IV. Attestation of health**

I, the undersigned, official veterinarian, certify that:

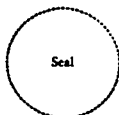
1. the boned fresh meat described above is obtained from:

- (a) animals which were born and reared in the Republic of Zimbabwe and have remained in the veterinary region of Mashonaland West, Mashonaland East, Mankoni and Midlands Province, excluding the districts Gokwe, Zviashavane and Mberengwa 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, northern part brand 'L' and for Mashonaland West, southern part, brand 'HL' for Mashonaland East brand 'H' and Mankoni brand 'UM', for Midlands Province, excluding the districts Gokwe, Zviashavane and Mberengwa the brand 'J' or 'JJ';
- (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 Economic 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 Economic Community were slaughtered;
- (g) animals which were slaughtered between ..... and ..... (dates of slaughter);

2. the 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, boning, and storage been kept strictly separate from meat not conforming to the requirements laid down in the decisions of the European Economic Community currently in force as regards export of meat to a Member State (with the exception of meat packed in boxes or cartons and kept in special storage areas).

Done at ..... on .....  
(Place) (Date)



.....  
(Signature of official veterinarian)

(Name in capital letters, title and qualification of signatory)

## II

*(Acts whose publication is not obligatory)*

# COMMISSION

## COMMISSION DECISION

of 19 October 1992

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

(92/504/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 States) or in the overseas countries and territories (OCT) (\*), as amended by Regulation (EEC) No 444/92 (\*\*), 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 (\*), as last amended by Regulation (EEC) No 815/91 (\*\*), 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 1992, 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 quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 November 1992, should be fixed within the scope of the total quantity of 49 600 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 and fresh meat or meat based products from third countries (\*), as last amended by Regulation (EEC) No 1601/92 (\*\*).

HAS ADOPTED THIS DECISION:

### *Article 1*

The following Member States shall issue on 21 October 1992 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:

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

(\*\*) OJ No L 52, 27. 2. 1992, p. 7.

(\*) OJ No L 241, 13. 9. 1980, p. 5.

(\*\*) OJ No L 83, 3. 4. 1991, p. 6.

(\*) OJ No L 302, 31. 12. 1972, p. 28.

(\*\*) OJ No L 173, 27. 6. 1992, p. 13.

*Germany:*

- 30,00 tonnes originating in Madagascar,
- 310,00 tonnes originating in Botswana,
- 15,00 tonnes originating in Swaziland,
- 300,00 tonnes originating in Zimbabwe,
- 610,00 tonnes originating in Namibia;

*Greece:*

- 55,00 tonnes originating in Madagascar;

*Spain:*

- 150,00 tonnes originating in Zimbabwe;

*Italy:*

- 56,00 tonnes originating in Madagascar;

*The Netherlands:*

- 57,00 tonnes originating in Madagascar,
- 200,00 tonnes originating in Botswana;

*United Kingdom:*

- 14,00 tonnes originating in Madagascar,
- 250,00 tonnes originating in Zimbabwe.

*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 1992 in respect of the following quantities of boned beef and veal:

— Botswana :	3 396,10 tonnes,
— Kenya :	142,00 tonnes,
— Madagascar :	6 503,38 tonnes,
— Swaziland :	3 234,69 tonnes,
— Zimbabwe :	2 683,13 tonnes,
— Namibia :	2 673,20 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 October 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## COMMISSION

### COMMISSION DECISION

of 19 November 1992

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

(92/556/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 States) or in the overseas countries and territories (OCT)<sup>(1)</sup>, as amended by Regulation (EEC) No 444/92<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 (EEC) No 815/91<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 1992, 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 remaining quantities, in respect of which licences may be applied for from 1 December 1992,

should be fixed within the scope of the total quantity of 49 600 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 and fresh meat or meat based 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 November 1992 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:

- 105,00 tonnes originating in Botswana,
- 830,00 tonnes originating in Zimbabwe,
- 570,00 tonnes originating in Namibia;

#### The Netherlands:

- 200,00 tonnes originating in Madagascar,

#### United Kingdom:

- 740,00 tonnes originating in Zimbabwe,
- 397,00 tonnes originating in Namibia;

#### Portugal:

- 15,00 tonnes originating in Kenya.

<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 83, 3. 4. 1991, p. 6.

<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 November 1992 in respect of the following quantities of boned beef and veal :

— Botswana :	3 291,10 tonnes,
— Kenya :	127,00 tonnes,
— Madagascar :	6 303,38 tonnes,
— Swaziland :	3 234,69 tonnes,
— Zimbabwe :	1 113,13 tonnes,
— Namibia :	1 706,20 tonnes.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 November 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

COMMISSION REGULATION (EEC) No 3808/92  
of 29 December 1992

amending Regulation (EEC) No 970/90 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Economic Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

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 or territories (OCT) (1), as amended by Regulation (EEC) No 297/91 (2), and in particular Article 27 thereof,

Article 3 (1) and (2) of Regulation (EEC) No 970/90 is hereby replaced by the following:

'1. The amount referred to in Article 3 of Regulation (EEC) No 715/90 relating to each product to be imported into a Member State shall be equal to 90 % of the levy on imports into the Community applying on the first Monday of each quarter.

2. The reduction shall be deducted from the levy in force on the day on which the declaration of release for free circulation in the Community is accepted.'

Whereas Commission Regulation (EEC) No 970/90 (3), as amended by Regulation (EEC) No 815/91 (4), in Article 3 (1) and (2) provides for adjustments to the reduction in the import levies on beef and veal taking account of the monetary compensatory amounts and the monetary coefficients; whereas, since those two factors will cease to apply from 1 January 1993, the abovementioned adjustments should no longer be made;

*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 January 1993.

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

Done at Brussels, 29 December 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No L 84, 30. 3. 1990, p. 85.  
(2) OJ No L 36, 8. 2. 1991, p. 9.  
(3) OJ No L 99, 19. 4. 1990, p. 8.  
(4) OJ No L 83, 3. 4. 1991, p. 6.



COMMISSION REGULATION (EEC) No 3810/92

of 29 December 1992

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 Economic 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 (EEC) No 297/91 <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 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 1993 be as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 29 December 1992.

*For the Commission*

Ray MAC SHARRY

*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 99, 19. 4. 1990, p. 8.

<sup>(4)</sup> See page 35 of this Official Journal.

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 écu/100 kg) Beløb (ECU/100 kg) Betrag (ECU/100 kg) Εισοφορά (Ecu/100 kg) Amount (ECU/100 kg) Montant (en écu/100 kg) Importo (ECU/100 kg) Bedrag (ecu/100 kg) Montante (Em ECU/100 kg)
0102 90 05	120,937
0102 90 21	120,937
0102 90 29	120,937
0102 90 41	120,937
0102 90 49	120,937
0102 90 51	120,937
0102 90 59	120,937
0102 90 61	120,937
0102 90 69	120,937
0102 90 71	120,937
0102 90 79	120,937
0201 10 00	229,780
0201 20 20	229,780
0201 20 30	183,823
0201 20 50	275,736
0201 20 90	344,669
0201 30 00	394,254
0202 10 00	173,753
0202 20 10	173,753
0202 20 30	139,002
0202 20 50	217,192
0202 20 90	260,630
0202 30 10	217,192
0202 30 50	217,192
0202 30 90	298,855
0206 10 95	394,254
0206 29 91	298,855
0210 20 10	344,669
0210 20 90	394,254
0210 90 41	394,254
0210 90 90	394,254
1602 50 10	394,254
1602 90 61	394,254

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 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 — Community Acts relating to the application  
of the Lomé Convention**

**B — Trade**

*(d) Milk products*



COMMISSION REGULATION (EEC) No 133/92

of 21 January 1992

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 Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT) <sup>(1)</sup>, as last amended by Regulation (EEC) No 523/91 <sup>(2)</sup>, and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 <sup>(3)</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 a single licence application was lodged from 1 to 10 January 1992;

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 1992 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 1992 are hereby accepted.

2. Further licence applications may be lodged during the first 10 days of July 1992 for the following quantities:

- 500 tonnes of products falling within CN code 0402,
- 488 tonnes of products falling within CN code 0406.

*Article 2*

This Regulation shall enter into force on 22 January 1992.

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

Done at Brussels, 21 January 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.  
<sup>(2)</sup> OJ No L 58, 5. 3. 1991, p. 1.  
<sup>(3)</sup> OJ No L 114, 5. 5. 1990, p. 21.

COMMISSION REGULATION (EEC) No 1987/92

of 16 July 1992

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 Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT)<sup>(1)</sup>, as last modified 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 modified 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 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 1992 and notified to the Commission shall be accepted.

*Article 2*

This Regulation shall enter into force on 20 July 1992.

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

Done at Brussels, 16 July 1992.

*For the Commission*

Ray MAC SHARRY

*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.

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

**B — Trade**

*(e) Origin*





## II

(Acts whose publication is not obligatory)

# COMMISSION

## COMMISSION DECISION

of 31 August 1992

**terminating the anti-dumping proceeding concerning imports of wire-rod, originating in Argentina, Egypt, Trinidad and Tobago, Turkey, Croatia, Slovenia, Bosnia-Herzegovina and the Yugoslav Republics of Macedonia, Montenegro and Serbia**

(92/455/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2424/88/ESCS of 29 July 1988 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community<sup>(1)</sup>, and in particular Article 9 thereof,

After consultations within the Advisory Committee as provided for by the above Decision,

Whereas :

(1) In June 1990 the Commission received a complaint lodged by the European Confederation of Iron and steel industries (Eurofer) on behalf of producers whose collective output allegedly constituted a large proportion ( $\pm 75\%$ ) of Community production of the product concerned. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*<sup>(2)</sup>, the initiation of an anti-dumping proceeding concerning imports into the Community of bars and rods,

hot-rolled in irregularly wound coils (also known as wire-rod) of iron or non-alloy steel, used mainly in building work, falling within CN codes 7213 31 00 and 7213 39 00, originating in Argentina, Egypt, Trinidad and Tobago, Turkey and the former Yugoslavia.

(2) The investigation of dumping covered the period from 1 January to 30 September 1990.

(3) The Commission officially so advised the exporting producers and importers known to be concerned, the representatives of Argentina, Egypt, Trinidad and Tobago, Turkey and the former Yugoslavia and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

(4) The Commission sought and verified all information it deemed to be necessary for the purpose of a preliminary determination and carried out investigations at the premises of the following companies :

*Community producers :*

— Saarstahl AG, Völklingen, Germany

— Thyssen Stahl AG, Duisburg, Germany

— Moselstahlwerk GmbH & Co. KG, Trier, Germany

— Hamburger Stahlwerke GmbH, Hamburg, Germany

— Unimetal (Usinor Sacilor), Paris and Amnéville, France

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 18, as corrected in OJ No L 273, 5. 10. 1988, p. 19.

<sup>(2)</sup> OJ No C 310, 11. 12. 1990, p. 9.

- Siderurgia Nacional, EP, Lisbon, Portugal
- ILVA SpA, Piombino, Italy
- Riva Prodotti Siderurgici SpA, Milano, Italy
- Alfa Acciai Srl, Brescia, Italy
- Ferriere Nord, SpA, Osoppo (UD), Italy
- Arbed SA, Luxemburg
- Nueva Montaña Quijano SA, Santander, Spain
- Ensidesa, Avilés, Spain
- Celsa, San Andrés de la Barca (Barcelona), Spain.

*Community importers :*

- Belfil SC, Aiseau-Prezles, Belgium
- Carl Spaeter GmbH, Duisburg, Germany
- Jac. Ziegler KG, Düsseldorf, Germany
- Transmetall Handelsgesellschaft, Mainz, Germany
- Montan Gesellschaft Voss mbH, München, Germany
- Ferrostahl AG, Essen, Germany
- SALIS SpA, Sassari, Italy
- GP Manufacturas de Acero SA, Sevilla, Spain.

(5) On 10 July 1992 the complainant formally withdrew the complaint with regard to imports of the products concerned from Argentina, Egypt,

Trinidad and Tobago, Turkey and the former Yugoslavia due to a change of the circumstances that led to the lodging of the complaint. The Commission considers that, under the particular circumstances, there is no reason to continue the investigation with regard to these imports.

HAS DECIDED AS FOLLOWS :

*Sole Article*

The anti-dumping proceeding in respect of bars and rods, hot-rolled in irregularly wound coils (also known as wire-rod) of iron or non-alloy steel used mainly in building work, falling within CN codes 7213 31 00 and 7213 39 00, originating in Argentina, Egypt, Trinidad and Tobago, Turkey, Croatia, Slovenia, Bosnia-Herzegovina and the Yugoslav Republics of Macedonia, Montenegro and Serbia is hereby terminated.

Done at Brussels, 31 August 1992.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

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

### **B — Trade**

*(f) Rum*



COUNCIL REGULATION (EEC) No 1929/92

of 10 July 1992

opening, allocating and providing for the administration of a Community tariff quota for rum, tafia and arrack originating in the African, Caribbean and Pacific (ACP) States (1992 to 1993)

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 the Fourth ACP-EEC Convention entered into force on 1 September 1991<sup>(1)</sup>;

Whereas Protocol 6 to that Convention provides that products originating in the African, Caribbean and Pacific (ACP) States which fall within CN codes 2208 40 10, 2208 40 90, 2208 90 11 and 2208 90 19 shall, until the entry into force of a common organization of the market in spirits, be allowed into the Community free of customs duties under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States; whereas the Community shall until 31 December 1993 fix each year the quantities which may be imported free of customs duties on the basis of the largest quantities imported annually from the ACP States into the Community in the past three years for which statistics are available, increased, until 31 December 1992, by an annual growth rate of 37 % on the market of the United Kingdom and 27 % on the other markets of the Community;

Whereas, by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities<sup>(2)</sup>, provision is made for special arrangements for the quota duties to be applied by those two Member States until 31 December 1992;

Whereas those two Member States will apply the quota duty indicated in Article 1 as from 1 January 1993; whereas, by reason of the characteristics peculiar to the market in rum, the quota period ranges from 1 July to 30 June;

Whereas, having regard to the levels reached by imports of the products concerned into the Community during

the past three years for which statistics are available, the annual quota volume for the period from 1 July 1992 to 30 June 1993 must be fixed at 214 268 hectolitres of pure alcohol;

Whereas although this volume is calculated on the basis of the reference year 1991, that is, for an amount of 184 402 hectolitres of pure alcohol, it is appropriate for reasons inherent in the rum market to take only the second six months of 1991 as a basis for calculating the specific growth rates applicable until 31 December 1992, namely, 104 111 hectolitres of pure alcohol, 17 562 hectolitres of which were imported by the United Kingdom and 86 549 hectolitres by the other Member States; whereas the quota volume for the second six months of 1992 must accordingly be fixed at 133 977 hectolitres of pure alcohol;

Whereas the quota volume calculated for the first six months of 1993 should not be increased but should be fixed at the same amount as applied in the last corresponding quota period for which statistics are available, that is the first six months of 1991, for which the amount is 80 291 hectolitres of pure alcohol;

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up;

Whereas, following the case-law of the Court of Justice, it is unlawful to allocate the Community quotas between the Member States, unless overriding circumstances of an administrative, technical or economic nature prevent acting otherwise; whereas, in addition, in cases where it is decided to allocate quotas, a mechanism should be set up whereby the integrity of the Common Customs Tariff may be protected;

Whereas the economic difficulties which could result for the French overseas departments (FOD) from the sudden change in the arrangements for importing rum from the African, Caribbean and Pacific (ACP) States constitute circumstances having a binding effect which justify the temporary and partial maintenance of these arrangements; whereas, however, the arrangements for allocation of the quota into national shares should be phased out, being justified only on a transitional basis, and whereas they should in any event definitively disappear as from 1 January 1993;

<sup>(1)</sup> OJ No L 229, 17. 8. 1991, p. 3.

<sup>(2)</sup> OJ No L 172, 30. 6. 1987, p. 1.

Whereas, in these circumstances, it is advisable to increase to 80 % the volume of the Community reserve by means of a system for the automatic transfer of Member State share to the reserve as soon as 80 % of the latter has been used up; whereas any quantities allocated to Member States from the quota volume which have not been used up by 1 January 1993 should also be returned to the reserve;

Whereas, during the past three years for which statistical data are available, imports from Member States have been as follows:

(in hectolitres of pure alcohol)

Member State	1989	1990	1991
Benelux	7 621	9 339	13 229
Denmark	1 748	2 404	1 602
Germany	48 591	50 451	62 242
Greece	586	5 699	6 014
Spain	156	9 514	22 916
France	19	—	—
Ireland	2 973	2 282	2 783
Italy	431	54	9 947
Portugal	—	—	124
United Kingdom	83 773	70 436	65 545
<b>Total</b>	<b>145 898</b>	<b>150 179</b>	<b>184 402</b>

Whereas, in view of these factors, of market forecasts for the products in question and of the estimates submitted by certain Member States, quota shares may be fixed approximately at the following percentages:

Benelux	6,30
Denmark	1,20
Germany	33,56
Greece	2,55
Spain	6,80
France	—
Ireland	1,68
Italy	2,18
Portugal	—
United Kingdom	45,73;

Whereas provision should be made for a mechanism to prevent, when the Community quota is not exhausted, goods from being imported into a Member State which has exhausted its share only after the full application of customs duties, or after having been diverted to another Member State which has not yet exhausted its share; whereas, in these circumstances, if, during the period from 1 July to 31 December 1992, the Community reserve were to be almost entirely used up, Member States should return to the said reserve all of the unused portion of their initial shares so as to avoid part of the Community tariff quota from remaining unused in one Member State, when it could be used in others;

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, on the one hand, and between the Member States on the other;

Whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be able to keep account of quota utilization rates and inform the Member States accordingly;

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*

1. From 1 July 1992 to 30 June 1993 the following products originating in the ACP States shall be imported duty-free into the Community within the limits of the relevant Community tariff quota mentioned:

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	214 268	Free

2. Within the limit of this quota and until 31 December 1992, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the 1985 Act of Accession and Regulation (EEC) No 1820/87. The customs duty indicated in paragraph 1 shall be applied by these two Member States with effect from 1 January 1993.

#### Article 2

1. From 1 July until 31 December 1992, the tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment of 42 853 hectolitres of pure alcohol shall be allocated amongst certain Member States; the shares which, subject to Article 4, shall apply until 31 December 1992, amount to the following quantities:

	(hectolitres of pure alcohol)
Benelux	2 699
Denmark	514
Germany	14 382
Greece	1 092
Spain	2 914
France	—
Ireland	720
Italy	935
Portugal	—
United Kingdom	19 593.

3. A second instalment of 171 415 hectolitres of pure alcohol shall constitute the Community reserve.

4. If the products concerned are presented in the other Member States along with a declaration of entry into free circulation accepted by the customs authorities, the Member State concerned shall inform the Commission and draw a corresponding amount pursuant to Article 3.

5. Without prejudice to Article 4, the Member States referred to in paragraph 2 shall return immediately to the reserve any quantity of the quota shares allocated to them when the quota volume was divided up which, on 1 January 1993, are unused.

#### Article 3

If a Member State's initial share as specified in Article 2 (2) has been used up entirely, the following provisions shall apply.

If an importer presents, in a Member State, a declaration as to entry into free circulation comprising a request for

preferential treatment for a product covered by this Regulation, and this declaration is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the reserve referred to in Article 2 (3).

Requests to draw on the reserve together with the date of acceptance of the said declaration must be forwarded to the Commission without delay.

Drawings shall be granted by the Commission on the basis of the date of acceptance of goods for entry into free circulation by the customs authorities of the Member State concerned, provided a sufficient amount remains in the reserve.

If a Member State does not use the quantities drawn, it shall return them to the reserve as soon as possible.

If requests for drawings exceed the amount remaining in the reserve, an allocation shall be made pro rata. The Member States shall be so informed by the Commission.

#### Article 4

Once at least 80 % of the reserve as defined in Article 2 (3) has been used up the Commission shall inform the Member States thereof.

It shall also notify Member States in this case of the date from which drawings on the Community reserve must be made according to the provisions laid down in Article 3, if these provisions are not already in effect.

Within a time limit fixed by the Commission as from the date referred to in the second subparagraph, Member States shall be required to return to the reserve all their initial shares which have not been used on that date.

#### Article 5

The Commission shall keep an account of the shares opened to the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each State of the extent to which the reserves have been used up.

It shall inform the Member States of the volume of the reserve following any return of quota shares pursuant to Article 4.

*Article 6*

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

*Article 7*

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

*Article 8*

Council Regulation (EEC) No 3705/90 of 18 December 1990 on the safeguard measures provided for in the Fourth ACP-EEC Convention (1) shall apply to the products referred to in this Regulation.

*Article 9*

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 July 1992.

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

Done at Brussels, 10 July 1992.

*For the Council*

*The President*

J. GUMMER

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(1) OJ No L 358, 21. 12. 1990, p. 4.



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

**C — Sugar**



II

*(Acts whose publication is not obligatory)*

COMMISSION

COMMISSION DECISION

of 27 February 1992

authorizing Portugal to import from third countries at a reduced levy certain quantities of raw sugar during the period 1 March to 30 June 1992

(Only the Portuguese text is authentic)

(92/137/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, hereinafter referred to as 'the Act', and in particular the third subparagraph of Article 303 thereof,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 61/92 <sup>(2)</sup>, and in particular Articles 13 (2) and 16 (7) and the second subparagraph of Article 39 thereof,

Whereas, pursuant to the first and second subparagraphs of Article 303 of the Act, the maximum quantities of raw sugar to be imported at a reduced levy from certain ACP States, together with the relevant periods of application in order to supply the Portuguese refineries, have been determined by Commission Regulation (EEC) No 600/86 <sup>(3)</sup>;

Whereas the third subparagraph of Article 303 of the Act provides in particular that, where, during the specified periods of application, the Community forward estimate for raw sugar for a given marketing year or part thereof shows that the availability of raw sugar is insufficient to ensure adequate supply of Portuguese refineries, Portugal may be authorized to import from third coun-

tries under the marketing year or part thereof concerned, the quantities which it is estimated are lacking, under the same conditions regarding the reduced levy as those provided for in respect of the quantities to be imported from the ACP States in question; whereas the forward estimate, for the period from 1 July 1991 to 30 June 1992 showed that the foreseeable shortfall could be fixed in a first stage by Commission Decision 91/324/EEC <sup>(4)</sup> 50 000 tonnes to be imported from third countries in respect of the period 1 July 1991 to 29 February 1992;

Whereas the actual quantities of raw sugar available in the Community, and in particular production in the French department of Réunion, and quantities available for refining are now known; whereas the remainder of the shortfall in respect of the period 1 March to 30 June 1992 should accordingly be fixed;

Whereas, in order to ensure sound management of the markets in the sector and, in particular, effective control of operations, it is necessary firstly to apply to the sugar concerned the normal rules for performance of the customs formalities for import and, secondly, to provide for notification by Portugal of the quantities of raw sugar imported and refined within the meaning of this Decision;

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

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

<sup>(2)</sup> OJ No L 6, 11. 1. 1992, p. 19.

<sup>(3)</sup> OJ No L 58, 1. 3. 1986, p. 20.

<sup>(4)</sup> OJ No L 177, 5. 7. 1991, p. 37.

HAS ADOPTED THIS DECISION :

*Article 1*

Portugal is hereby authorized to import from third countries during the period 1 March to 30 June 1992 a quantity of raw sugar not exceeding 42 000 tonnes expressed on white sugar, at the reduced levy determined in accordance with Article 1 of Regulation (EEC) No 600/86.

*Article 2*

1. The import licences for the raw sugar referred to in Article 1 shall be valid from the date of issue until 30 June 1992.

2. The application for the licence referred to in paragraph 1 must be made to the competent authority in Portugal, during the 1991/92 marketing year, and must be accompanied by a declaration from a refiner in which he undertakes to refine the quantity of raw sugar concerned in Portugal within six months following the month in which the customs import formalities take place.

Except in cases of *force majeure* if the sugar in question is not refined within the prescribed time limit the importer must pay an amount equal to the difference between the threshold price and the intervention price for raw sugar applicable on the day of acceptance of the import declaration concerned.

In cases of *force majeure*, the competent authority in Portugal shall adopt the measures that it considers necessary, in the light of the circumstances worked by the interested party.

3. The application for the import licence and the licence itself shall include in box 12 the following :

'import of raw sugar at reduced levy in accordance with Decision 91/324/EEC'.

4. The rate of deposit applicable to the licence referred to in paragraph 1 is hereby fixed at ECU 0,25 for each 100 kilograms of sugar net.

*Article 3*

If the volume of applications for licences exceeds the quantity provided for in Article 1, Portugal shall proceed with a fair apportionment of this quantity among the applicants concerned.

*Article 4*

Portugal shall communicate to the Commission each month in respect of the previous month :

- (a) the quantities of raw sugar expressed by weight 'tel quel' for which the licences referred to in Article 2 have been issued ;
- (b) the quantities of raw sugar, expressed by weight 'tel quel' actually imported under the licences referred to in Article 2 ;
- (c) the total quantities of sugar in question, by weight 'tel quel' and expressed as white sugar, which have been refined.

*Article 5*

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 27 February 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

### **D — Financial and technical cooperation**



I

*(Information)*

COUNCIL

**Information concerning the date of entry into force of the Internal Agreement on the financing and administration of Community aid under the Fourth ACP—EEC Convention (\*)**

**(92/C 105/01)**

In accordance with Article 35 (1) of the Internal Agreement on the financing and administration of Community aid under the Fourth ACP—EEC Convention, the Agreement entered into force on 29 January 1992. Under Article 35 (2) thereof, it shall apply as from 1 March 1990.

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**(\*) OJ No L 229, 17. 8. 1991.**

**DECISION OF THE EUROPEAN PARLIAMENT**

of 8 April 1992

**granting discharge to the Commission in respect of the financial management  
of the fourth European Development Fund for the 1990 financial year**

(92/251/EEC)

THE EUROPEAN PARLIAMENT,

- having regard to the Treaty establishing the European Economic Community,
- having regard to the first ACP-EEC Lomé Convention (<sup>1</sup>),
- having regard to the balance sheets and administrative accounts of the fourth, fifth and sixth European Development Funds for the 1990 financial year [COM (91) 0132],
- having regard to the report of the Court of Auditors for the 1990 financial year, and the replies of the institutions (<sup>2</sup>),
- having regard to the recommendation of the Council of 16 March 1992 concerning the granting of this discharge (C3-0114/92),
- whereas the Treaty of 22 July 1975 empowers the European Parliament to grant discharge in respect of the financial management of the Community,
- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A3-0113/92),

1. Grants discharge to the Commission in respect of the financial management of the fourth European Development Fund for the 1990 financial year on the basis of the following amounts :

payments : ECU 22 060 000

2. Records its observations in the resolution which forms part of this decision ;

3. Instructs its President to forward this decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and the European Investment Bank and to have them published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 8 April 1992.

*The Secretary-General*

Enrico VINCI

*The President*

Dr Egon KLEPSCH

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(<sup>1</sup>) OJ No L 25, 30. 1. 1976.

(<sup>2</sup>) OJ No C 324, 13. 12. 1991.



**DECISION OF THE EUROPEAN PARLIAMENT**

of 8 April 1992

granting discharge to the Commission in respect of the financial management of the fifth European Development Fund for the 1990 financial year

(92/252/EEC)

THE EUROPEAN PARLIAMENT,

- having regard to the Treaty establishing the European Economic Community,
  - having regard to the first ACP-EEC Lomé Convention <sup>(1)</sup>,
  - having regard to the balance sheets and administrative accounts of the fourth, fifth and sixth European Development Funds for the 1990 financial year [COM (91) 0132],
  - having regard to the report of the Court of Auditors for the 1990 financial year, and the replies of the institutions <sup>(2)</sup>,
  - having regard to the recommendation of the Council of 16 March 1992 concerning the granting of this discharge (C3-0115/92),
  - whereas the Treaty of 22 July 1975 empowers the European Parliament to grant discharge in respect of the financial management of the Community,
  - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A3-0113/92),
1. Grants discharge to the Commission in respect of the financial management of the fifth European Development Fund for the 1990 financial year on the basis of the following amounts :
- revenue : ECU 12 427 000  
payments : ECU 193 957 000
2. Records its observations in the resolution which forms part of this decision ;
3. Instructs its President to forward this decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and the European Investment Bank and to have them published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 8 April 1992.

*The Secretary-General*  
Enrico VINCI

*The President*  
Dr Egon KLEPSCH

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<sup>(1)</sup> OJ No L 25, 30. 1. 1976.

<sup>(2)</sup> OJ No C 324, 13. 12. 1991.

**DECISION OF THE EUROPEAN PARLIAMENT**

of 8 April 1992

**granting discharge to the Commission in respect of the financial management  
of the sixth European Development Fund for the 1990 financial year**

(92/253/EEC)

**THE EUROPEAN PARLIAMENT,**

- having regard to the Treaty establishing the European Economic Community,
  - having regard to the first ACP-EEC Lomé Convention <sup>(1)</sup>,
  - having regard to the balance sheets and administrative accounts of the fourth, fifth and sixth European Development Funds for the 1990 financial year [COM (91) 0132],
  - having regard to the report of the Court of Auditors for the 1990 financial year, and the replies of the institutions <sup>(2)</sup>,
  - having regard to the recommendation of the Council of 16 March 1992 concerning the granting of this discharge (C3-0116/92),
  - whereas the Treaty of 22 July 1975 empowers the European Parliament to grant discharge in respect of the financial management of the Community,
  - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A3-0113/92),
1. Grants discharge to the Commission in respect of the financial management of the sixth European Development Fund for the 1990 financial year on the basis of the following amounts :
- revenue : ECU 1 324 965 000  
payments : ECU 1 040 351 000
2. Records its observations in the resolution which forms part of this decision ;
3. Instructs its President to forward this decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and the European Investment Bank and to have them published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 8 April 1992.

*The Secretary-General*

Enrico VINCI

*The President*

Dr Egon KLEPSCH

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<sup>(1)</sup> OJ No L 25, 30. 1. 1976.

<sup>(2)</sup> OJ No C 324, 13. 12. 1991.

## RESOLUTION

containing the comments which form part of the decisions granting discharge to the Commission in respect of the financial management of the fourth, fifth and sixth European Development Funds for the 1990 financial year

### THE EUROPEAN PARLIAMENT,

- having regard to Articles 137 and 206b of the Treaty establishing European Economic Community,
- having regard to Articles 67, 70 and 73 of the Financial Regulations applicable respectively to the fourth, fifth and sixth European Development Funds, under which the Commission is required to take all appropriate steps to act on the observations appearing in the discharge decisions,
- noting that, under these Articles, the Commission is also required, at Parliament's request, to produce a report on the steps taken as a result of Parliament's observations and, in particular, on the instructions given by the Commission to the services responsible for managing the European Development Funds,
- having decided to express the observations referred to in Articles 67, 70 and 73 in this resolution, which forms part of the respective decisions granting discharge in respect of the financial management of the European Development Funds for the 1990 financial year,
- adopting this resolution also in the exercise of the powers which are essential for it to carry out its monitoring function, with a view to remedying the shortcomings noted in the study relating to the discharge and to improving the management of the European Development Funds,
- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (A3-0113/92),

### Priority attached to development policy

1. Points out that Community development policy has long been a high priority of the European Parliament; that Parliament has played an active role in the implementation of that policy and the introduction of certain measures; that it has regularly contributed to the improvement of the Commission's measures and stressed the positive results thereof;

### Rate of implementation of the EDFs

2. Notes with satisfaction the closure of the fourth EDF, as requested in the resolutions attached to the 1988

and 1989 discharge decisions, and that the last remaining balances have been transferred to the sixth EDF;

3. Notes that total allocations from the fifth and sixth EDFs stood at 83,2 % and 44,6 % respectively as at the end of 1990, and that these rates of implementation are approximately 5 % behind the rate of implementation of the fourth EDF at an equivalent stage;
4. Regrets the slowness of the implementation of the fifth and sixth EDFs; repeats its request contained within the resolution attached to the 1989 discharge decision for the Commission to submit a report on the reasons for the slow rate of payments from these EDFs;
5. Considers that the number of staff available for this area of policy is too small; stresses though that it is the Commission's own responsibility at all times to allocate staff resources in such a way as to achieve maximum efficiency in the fulfilment of its obligations;

### Management and accounting practices

6. Calls upon the Commission to take steps to speed up the falling rate of clearance of commitment decisions;
7. Welcomes the action taken by the Commission in response to the comments made in the resolution attached to the 1989 discharge decision;
8. Asks the Commission to provide written confirmation that action taken in response to the resolution attached to the 1989 discharge decision has fully addressed the problems giving rise to the comments therein;
9. Awaits confirmation from the Commission that full and clear guidelines have been drawn up to improve the administration and functioning of counterpart funds, and that these guidelines are resolving the problems noted on numerous occasions by both the Court of Auditors and the European Parliament;
10. Exhorts the Commission to continue to apply its best efforts to the elimination of bureaucratic delays and the towards the improvement of administrative techniques in matters relating to cooperation and development;

**ACP Secretariat**

11. Notes that the Commission has now taken steps to correct the irregularities detected in the expenditure of the ACP Secretariat and expects appropriate and continuous supervision of this expenditure in future ;

**Sysmin**

12. Calls upon the Commission to apply the rules on the allocation of Sysmin aid strictly, taking particular care to ensure that aid is not repeatedly disbursed as a result of recipient states failing to observe their obligations under the Lomé Conventions ;
13. Calls upon the Commission to apply its best efforts, in cooperation with recipient states, to ensure that all the possibilities offered by the Sysmin system are fully exploited where appropriate ; expects therefore to see an increase in the amount of Sysmin aid dedicated to diversification measures ;
14. Supports the Commission's plans for the introduction of production objectives for the third Sysmin programme and for the submission of rationalization plans by recipient companies, so that the efficiency of the use of funds can be more accurately assessed ;
15. Calls upon the Commission to inform Parliament as soon as possible of the result of the assessment of the value of Sysmin as an instrument scheduled for the end of 1991 ;
16. Calls upon the Commission to undertake a full review of the operation and effectiveness of the Sysmin systems as a whole, and to report to Parliament by

1 October 1992 on its proposals for the improvement of the system, or for alternatives to it ;

**Response to this resolution**

17. Asks the Commission to include its comments on the action taken in response to this resolution in the report it prepares describing its response to its resolution attached to the discharge decision for the general budget of the Community ;

**Budgetisation of the EDFs**

18. Asks the Commission, in the light of the obvious and unacceptable practical difficulties placed in the way of Parliament in the exercise of its budgetary control function by the division of cooperation and development resources into budgetary and non-budgetary funds, to prepare proposals for the inclusion of the European Development Funds within the general budget of the Community for the first year of application of the future interinstitutional agreement on the Financial Perspective and submit them to Parliament.

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19. 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).

**III — Community Acts relating to bilateral relations between  
the Community and certain ACP States**

**Fisheries**



## II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL DECISION

of 17 December 1991

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period from 20 July 1991 to 19 July 1994

(92/9/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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>, hereinafter referred to as 'the Agreement', signed in Brussels on 20 July 1988,

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 first Protocol to the Agreement;

Whereas, as a result of those negotiations, a new Protocol was initialled on 16 July 1991;

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 from 20 July 1991 to 19 July 1994;

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 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 concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period from 20 July 1991 to 19 July 1994 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<sup>(2)</sup>.

Done at Brussels, 17 December 1991.

*For the Council*

*The President*

P. BUKMAN

<sup>(1)</sup> OJ No L 137, 2. 6. 1988, p. 19.

<sup>(2)</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

## AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period from 20 July 1991 to 19 July 1994

### *A. Letter from the Government of the Comoros*

Sir,

With reference to the Protocol, initialled on 16 July 1991, setting out the fishing opportunities and financial contribution for the period from 20 July 1991 to 19 July 1994, 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 1991, pending its entry into force in accordance with Article 6 thereof, provided that the European Economic Community is prepared to do likewise.

It is understood that, in this case, a first instalment equal to one third of the financial compensation stipulated in Article 2 of the Protocol must be paid before 30 November 1991.

I should be grateful if you would confirm that the European Economic Community is in agreement with the foregoing.

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

*For the Government of the  
Islamic Federal Republic of the Comoros*

### *B. Letter from the Community*

Sir,

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

'With reference to the Protocol initialled on 16 July 1991 setting out the fishing opportunities and financial contribution for the period from 20 July 1991 to 19 July 1994, 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 1991, pending its entry into force in accordance with Article 6 thereof, provided that the European Economic Community is prepared to do likewise.

It is understood that, in this case, a first instalment equal to one third of the financial compensation stipulated in Article 2 of the Protocol must be paid before 30 November 1991.

I should be grateful if you would confirm that the European Economic 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 Communities*

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I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC) No 2885/92  
of 28 September 1992**

**relating to 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 Federal Republic of the Comoros on fishing off the Comoros for the period 20 July 1991 to 19 July 1994**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas, in accordance with the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros signed in Brussels on 20 July 1988 (2), the two Contracting Parties held negotiations with a view to determining amendments or additions to be made to the Agreement at the end of the period of application of the first Protocol to the Agreement;

Whereas, as a result of those negotiations, a new Protocol defining the fishing opportunities and financial contribution provided for in the abovementioned Agreement for the period from 20 July 1991 to 19 July 1994 was initialled on 16 July 1991;

Whereas it is in the Community's interest to approve the said Protocol,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period 20 July 1991 to 19 July 1994 is hereby approved on behalf of the Community.

The text of the Protocol is attached hereto.

*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.

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

Done at Brussels, 28 September 1992.

*For the Council*  
*The President*  
N. LAMONT

(1) OJ No C 150, 15. 6. 1992, p. 360.  
(2) OJ No L 137, 2. 6. 1988, p. 18.

## PROTOCOL

setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period 20 July 1991 to 19 July 1994

### THE CONTRACTING PARTIES,

Having regard to the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros, signed on 20 July 1988,

### HAVE AGREED AS FOLLOWS:

#### *Article 1*

1. Pursuant to Article 2 of the Agreement, licences authorizing simultaneous fishing in Comorian waters shall be granted to 42 ocean-going freezer tuna vessels for a period of three years beginning on 20 July 1991.
2. In addition, at the request of the Community, certain authorizations may be granted to other categories of fishing vessel under terms to be defined by the Joint Committee referred to in Article 7 of the Agreement.

#### *Article 2*

1. The financial contribution referred to in Article 6 of the Agreement shall be fixed at ECU 900 000 for the period provided for in Article 1 of this Protocol, payable in three equal annual instalments. That amount shall cover an annual catch of 6 000 tonnes of tuna in Comorian waters. If the tuna caught by Community vessels in Comorian waters exceeds that weight, the abovementioned amount shall be increased proportionately.
2. The use to which the contribution is to be put shall fall within the exclusive competence of the Government of the Islamic Federal Republic of the Comoros.

#### *Article 3*

1. The Community shall also contribute, during the period referred to in Article 1, to the financing of Comorian scientific or technical programmes (equipment, infrastructure, reinforcement of administrative and training structures in the fishing sector, etc.) designed to improve knowledge of fishery resources in Comorian waters.
2. That contribution shall be ECU 325 000 for the duration of this Protocol.
3. The Comorian authorities shall forward a brief report on the way that amount is used to the Commission staff.
4. The Community's contribution to the scientific or technical programmes shall be paid to an account indicated on each occasion by the Ministry of Production, Rural Development, Industry and the Environment.

#### *Article 4*

1. The Contracting Parties hereby agree that improving the skills and knowledge of those concerned with sea fishing is essential to the success of their cooperation. To that end, the Community shall facilitate the entry of Comorian nationals to establishments in its Member States and for that purpose shall make available to them grants for study or practical training courses lasting a maximum of five years in the various scientific, technical and economic fields linked to fishing. The total cost of such grants may not exceed ECU 175 000. The grants may also be used in any country linked to the Community by a cooperation agreement.
2. A part of the amount referred to in paragraph 1, which must not exceed ECU 55 000, may be used, at the request of the Comorian authorities, to cover the costs of participation in international meetings relating to fishing.

3. The amount referred to in paragraph 1 shall be payable as it is used.

*Article 5*

Should the Community fail to make the payments provided for in Articles 2 and 3, the Fishing Agreement may be suspended.

*Article 6*

The Protocol to the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros is hereby repealed and replaced by this Protocol.

*Article 7*

This Protocol shall enter into force on the date of its signature.

It shall apply from 20 July 1991.

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COUNCIL REGULATION (EEC) No 346/92

of 27 January 1992

on the conclusion of the Protocol establishing for the period 16 June 1991 to 15 June 1993 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 COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) thereof,

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

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

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 (3) signed in Bissau on 27 February 1980, as last amended by the Agreement signed in Brussels on 29 June 1987 (4), 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;

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 1991 to 15 June 1993 was initialled on 13 June 1991;

Whereas, pursuant to Article 155 (2) (b) of the Act of Accession, it is for the Council to determine the procedures appropriate to take into consideration all or part of the interests of the Canary Islands when it adopts decisions, case by case, particularly with a view to the conclusion of fisheries agreements with third countries; whereas the case in point calls for the said procedures to be determined;

Whereas it is in the Community's interest to approve the Protocol,

*Article 1*

The Protocol establishing for the period 16 June 1991 to 15 June 1993 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*

With a view to taking into consideration the interest of the Canary Islands, the Protocol referred to in Article 1 and, in so far as is necessary for its application, the provisions of the common fisheries policy relating to the conservation and management of fishery resources shall also apply to vessels which sail under the flag of Spain, which are recorded on a permanent basis in the registers of the relevant authorities at local level (registros de base) in the Canary Islands, under the conditions specified in Note 6 to Annex I to Council Regulation (EEC) No 1135/88 of 7 March 1988 concerning the definition of the concept of originating products and methods of administrative cooperation in trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands (5).

*Article 3*

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

*Article 4*

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

(1) OJ No C 228, 3. 9. 1991, p. 7.

(2) OJ No C 13, 20. 1. 1992.

(3) OJ No L 226, 29. 8. 1980, p. 33.

(4) OJ No L 113, 30. 4. 1987, p. 1.

(5) OJ No L 114, 2. 5. 1988, p. 1.

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

Done at Brussels, 27 January 1992.

*For the Council*  
*The President*  
Arlindo MARQUES CUNHA

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PROTOCOL

establishing for the period 16 June 1991 to 15 June 1993 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 PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau signed in Bissau on 27 February 1980, as last amended by the Agreement signed in Brussels on 29 June 1987,

HAVE AGREED AS FOLLOWS:

*Article 1*

For a period of two years from 16 June 1991, 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: 6 000 GRT per month, annual average;
2. freezer tuna seiners: 20 vessels;
3. pole-and-line tuna vessels and surface longliners: 12 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) (a) and (b) 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 850 000 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.

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 500 000. 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 1991.

*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 Office of the Secretary of State 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 European Economic Community, and where force majeure is proven, a vessel's licence shall be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Office of the Secretary of State 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 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 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 Office of the Secretary of State for Fisheries and to the shipowners. Any additional payment due shall be made by the shipowners to the Office of the Secretary of State 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 Office of the Secretary of State for Fisheries, with a copy to the Commission Delegation 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 Office of the Secretary of State 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 10 % 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 Office of the Secretary of State 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 Office of the Secretary of State for Fisheries.

In that case, the port of embarkation shall be determined by mutual agreement between the Office of the Secretary of State for Fisheries and the shipowners or their representatives 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 bait.

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 Office of the Secretary of State 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 Office of the Secretary of State 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 with 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.

*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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28/												
29/												
30/												
31/												



COUNCIL DECISION

of 30 March 1992

on the conclusion of an Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1992 to 30 September 1993, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations

(92/219/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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 People's Republic of Mozambique on fisheries relations <sup>(1)</sup>, signed in Maputo on 30 September 1988,

Having regard to the proposal from the Commission,

Whereas the Community and the People's Republic of Mozambique held negotiations with a view to determining amendments or additions to be made to the Protocol to the Agreement on fisheries relations at the end of the period of application of the first Protocol;

Whereas, as a result of these negotiations, a new Protocol was initialled on 15 October 1991;

Whereas, under this Protocol, Community fishermen will enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the People's Republic of Mozambique for the period from 1 January 1992 to 30 September 1993;

Whereas, in order to avoid interruption of fishing activities by Community vessels, both parties initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol on expiry of the Protocol previously in force; whereas the Agreement in

the form of an exchange of letters should be concluded pending a definitive decision under Article 43 of the Treaty and the subsequent entry into force of the Protocol,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol defining, for the period from 1 January 1992 to 30 September 1993, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations 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, 30 March 1992.

*For the Council*  
*The President*  
Arlindo MARQUES CUNHA

<sup>(1)</sup> OJ No L 98, 10. 4. 1987, p. 12.

## AGREEMENT

in the form of an exchange of letters concerning the provisional application of the Protocol establishing for the period from 1 January 1992 to 30 September 1993 the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations

### *A. Letter from the Government of Mozambique*

Sir,

With reference to the Protocol initialled on 15 October 1991 establishing the fishing opportunities and financial contribution for the period from 1 January 1992 to 30 September 1993, I have the honour to inform you that the Government of Mozambique is prepared to apply the Protocol provisionally from 1 January 1992 pending its entry into force in accordance with Article 6, provided that the European Economic Community is prepared to do the same.

It is understood that in this case the financial compensation stipulated in Article 2 of the Protocol must be paid before 30 April 1992.

I should be obliged if you would confirm that the European Economic Community is in agreement with such provisional application.

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

*For the Government of the  
People's Republic of Mozambique*

### *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 15 October 1991 establishing the fishing opportunities and financial contribution for the period from 1 January 1992 to 30 September 1993, I have the honour to inform you that the Government of Mozambique is prepared to apply the Protocol provisionally from 1 January 1992 pending its entry into force in accordance with Article 6, provided that the European Economic Community is prepared to do the same.

It is understood that in this case the financial compensation stipulated in Article 2 of the Protocol must be paid before 30 April 1992.

I should be obliged if you would confirm that the European Economic Community is in agreement with such provisional application.'

I have the honour to confirm the agreement of the European Economic Community to this provisional application.

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

*On behalf of  
the Council of the European Communities*

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COUNCIL DECISION

of 30 March 1992

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 1992 to 31 December 1993, 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

(92/220/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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>, signed in Conakry on 7 February 1983, as last amended by the Agreement signed in Brussels on 28 July 1987 <sup>(2)</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 11 December 1991;

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 1992 to 31 December 1993;

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 interim arrangements established by the Agreement in the form of an exchange of letters approved by the Council Decision of 7 December 1989;

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 1992 to 31 December 1993, 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 Brussels, 30 March 1992.

*For the Council*

*The President*

Arlindo MARQUES CUNHA

<sup>(1)</sup> OJ No L 111, 27. 4. 1983, p. 1.

<sup>(2)</sup> OJ No L 290, 30. 1. 1987, p. 9.

## AGREEMENT

in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1992 to 31 December 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast

### *A. Letter from the Government of the Republic of Guinea*

Sir,

With reference to the Protocol initialled on 11 December 1991 establishing fishing rights and financial compensation for the period from 1 January 1992 to 31 December 1993, 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 1992, pending its entry into force in accordance with Article 8 of the said Protocol, provided that the European Economic 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 April 1992.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.

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

*For the Government of the  
Republic of Guinea*

### *B. Letter from the Community*

Sir,

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

'With reference to the Protocol initialled on 11 December 1991 establishing fishing rights and financial compensation for the period from 1 January 1992 to 31 December 1993, 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 1992, pending its entry into force in accordance with Article 8 of the said Protocol, provided that the European Economic 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 April 1992.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.'

I have the honour to confirm the European Economic 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 Communities*

## PROTOCOL

establishing, for the period from 1 January 1992 to 31 December 1993, 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 1992, the fishing rights granted under Article 2 of the Agreement shall be as follows:

1. trawlers: 12 000 (12 thousand) grt a month, annual average;
2. freezer tuna seiners: 24 vessels;
3. pole-and-line tuna vessels and surface longliners: eight 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 6 700 000, 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 400 000 towards the financing of a Guinean scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of 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 400 000. 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 1992.

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 Secretary of State for fisheries of the Republic of Guinea, via the Commission Delegation 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 Economic 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 Secretary of State 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 appearing on a list drawn up by the Office of the Secretary of State for Fisheries.

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 Secretary of State for Fisheries and to the shipowners. Any additional payment due shall be made by the shipowners to the Office of the Secretary of State 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 Secretary of State for Fisheries, with a copy to the Commission Delegation 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 Secretary of State 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 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 gtr per year free of charge.

Landings may be made individually or collectively, mention being made of the vessels concerned.

D. *By-catch*

1. Fin-fish trawlers may not hold on board species other than fish representing more than 15 % of their total catch in the Guinea fishing zone.

Cephalopod trawlers may not hold on board crustaceans representing more than 20 % or fish representing more than 30 % of their total catch in the Guinea fishing zone.

Shrimp trawlers may not hold on board cephalopods representing more than 25 % or fish representing more than 50 % of their total catch in the Guinea fishing zone.

A maximum tolerance of 5 % of these percentages shall be authorized.

These limits shall be indicated on the licence.

2. Pole-and-line tuna vessels shall, moreover, be authorized to fish for live bait in order to carry out their fishing activities in the Guinea fishing zone.

**E. Signing-on of seamen**

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-linc 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) 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 the Office of the Secretary of State 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 observers and seamen/observers**

1. The observers' and 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 Secretary of State 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 Secretary of State 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.

The salary and the social contributions of the observer shall be borne by the Government of Guinea.

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 Secretary of State 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 Secretary of State 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 Secretary of State for Fisheries and the inspection authorities, possibly attended by a representative of the Member State concerned.  

At the meeting, the Parties shall exchange any relevant documentation or information, in particular automatically registered data showing the vessel's positions during the trip up to the time of boarding, helping to clarify the circumstances of the established facts.

The shipowner or his representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.
3. Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through a compromise procedure. This procedure shall end no later than three working days after the boarding.
4. Should the case not be settled by means of compromise, and therefore be brought before a competent judicial body, a bank security shall be fixed by the relevant authority within 48 hours following the conclusion of the compromise procedure, pending the judicial decision. The amount of the security must not exceed the amount of the penalty laid down under national legislation for the presumed infringement in question. The bank security shall be returned to the shipowner by the relevant authority once the case is settled without incrimination of the master of the vessel concerned.
5. The vessel and its crew shall be released either:
  - at the end of the consultation meeting, if the established facts permit, or
  - once the obligations arising under the compromise have been fulfilled, or
  - once a bank security is deposited (judicial procedure).
6. Should one of the Parties consider that there is a difficulty in the application of the abovementioned procedure, it may request urgent consultations under Article 10 of the Agreement.

*Appendix 1*

**APPLICATION FORM  
FOR A  
FISHING LICENCE**

For official use only	Remarks
Nationality: .....	.....
Licence No: .....	.....
Date of signing: .....	.....
Date of issue: .....	.....

**APPLICANT**

Name of firm: .....

Trade register No: .....

First name and surname of applicant: .....

Date and place of birth: .....

Occupation: .....

Address: .....

.....

No of employees: .....

Name and address of co-signatory: .....

.....

**VESSEL**

Type of vessel: ..... Registration No: .....

New name: ..... Former name: .....

Date and place of construction: .....

Original nationality: .....

Length: ..... Beam: ..... Hold: .....

Gross tonnage: ..... Net tonnage: .....

Type of building materials: .....

Make of main engine: ..... Type: ..... Rating: .....

Propeller:                      Fixed                       Variable                       Ducted

Transit speed: .....

Call sign: ..... Call frequency: .....

List of sounding, navigating and transmission instruments:

Radar                       Sonar                       Netsonde   
VHF                       SSB                       Netsonde satellite navigation                       Other: .....

No of seamen: .....

**ONSERVATION**

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

Scine  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 Office of the Secretary of State**



Appendix 2

OFFICE OF THE SECRETARY OF STATE  
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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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3680/92**

of 7 December 1992

on the conclusion of the Protocol establishing, for the period from 1 January 1992 to 31 December 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 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 on fishing off the Guinean coast (<sup>2</sup>), signed in Conakry on 7 February 1983, as last amended by the Agreement signed in Brussels on 28 July 1987 (<sup>3</sup>), the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed to the Agreement;

Whereas, as a result of these negotiations, a new Protocol establishing, for the period from 1 January 1992 to 31 December 1993, the fishing rights and financial compensation provided for in the abovementioned Agreement was initialled on 12 December 1991;

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

Done at Brussels, 7 December 1992.

Whereas it is in the Community's interest to approve the new Protocol,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol establishing, for the period from 1 January 1992 to 31 December 1993, 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 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  
D. HURD

(<sup>1</sup>) OJ No C 305, 23. 11. 1992.

(<sup>2</sup>) OJ No L 111, 27. 4. 1983, p. 1.

(<sup>3</sup>) OJ No L 29, 30. 1. 1987, p. 9.

## PROTOCOL

establishing, for the period from 1 January 1992 to 31 December 1993, 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 1992, the fishing rights granted under Article 2 of the Agreement shall be as follows:

1. Trawlers: 12 000 (twelve thousand) grt a month, annual average.
2. Freezer tuna seiners: 24 vessels.
3. Pole-and-line tuna vessels and surface longliners: 8 vessels.
4. Surface longliners: 5 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 6 700 000, 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 400 000 towards the financing of a Guinean scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of 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 400 000. 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 1992.

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 Secretary of State for Fisheries of the Republic of Guinea, via the Commission Delegation 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 (Annex 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 Economic 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 Secretary of State 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 appearing on a list drawn up by the Office of the Secretary of State for Fisheries.
3. (a) For the duration of this Protocol the fees for annual licences shall be as follows:
  - ECU 126 per GRT per year for fin-fish trawlers,
  - ECU 150 per GRT per year for cephalopod trawlers,
  - ECU 152 per 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 per GRT per half-year for fin-fish trawlers,  
ECU 97 per GRT per half-year for cephalopod trawlers,  
ECU 99 per 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 IEO — Spanish Institute of Oceanography). The statement shall be forwarded simultaneously to the Office of the Secretary of State for Fisheries and to the shipowners. Any additional payment due shall be made by the shipowners to the Office of the Secretary of State 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 Secretary of State for Fisheries, with a copy to the Commission Delegation in Guinea, in accordance with the procedures set out below:

- for trawlers a statement shall be made out according to the specimen annexed hereto (Annex 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 Annex 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 Secretary of State 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 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 kilograms of fish per GRT per year free of charge.

Landings may be made individually or collectively, mention being made of the vessels concerned.

**D. By-catch**

1. Fin fish trawlers may not hold on board species other than fish representing more than 15 % of their total catch in the Guinea fishing zone.

Cephalopod trawlers may not hold on board crustaceans representing more than 20 % or fish representing more than 30 % of their total catch in the Guinea fishing zone.

Shrimp trawlers may not hold on board cephalopods representing more than 25 % or fish representing more than 50 % of their total catch in the Guinea fishing zone.

A maximum tolerance of 5 % of these percentages shall be authorized.

These limits shall be indicated on the licence.

2. Pole-and-line tuna vessels shall, moreover, be authorized to fish for live bait in order to carry out their fishing activities in the Guinea fishing zone.

**E. Signing-on of seamen**

Owners who have been issued fishing licences under the Agreement shall contribute to the on-the-job vocational training of Guinea nationals, subject to the conditions and limits set out below:

1. Each trawler owner shall undertake to employ:
  - three seamen/fishermen on vessels up to 350 GRT,
  - a number of seamen/fishermen equivalent to 25 % of the number of seamen/fishermen signed on for vessels with a tonnage greater than 350 GRT.
2. For the fleet of tuna seiners, three Guinea seamen shall be signed on permanently.
3. For the fleet of pole-and-line tuna vessels, three Guinea seamen shall be signed on for the tuna fishing season in the Guinea fishing zone, all of them to be assigned to different vessels.
4. For the fleet of surface longliners, shipowners shall undertake to sign on two seamen/fishermen per vessel.
5. The wages of these seamen/fishermen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the Office of the Secretary of State of 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 Secretary of State 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 observers and seamen-observers**

1. The observers, and 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 Secretary of State 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 Secretary of State 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.

The salary and the social contributions of the observer shall be borne by the Government of Guinea.

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 fishing zone shall allow on board any official of Guinea responsible for inspection and monitoring and shall assist him in the accomplishment of his duties. The official must not remain on board any longer than is necessary for the verification of catches by random checks and for any other inspection relating to fishing activities.

#### 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. 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 Secretary of State 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 Secretary of State 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 Secretary of State 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.
-

*Annex 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 + 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 Office of the Secretary of State**

OFFICE OF THE SECRETARY OF STATE 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/												
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COUNCIL DECISION

of 27 July 1992

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 from 3 May 1992 to 2 May 1994, 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

(92/410/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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 People's Republic of Angola on fishing off Angola, signed in Luanda on 1 February 1989<sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas the Community and the People's 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 to the Agreement and currently in force;

Whereas, as a result of those negotiations, a new Protocol was initialled on 12 June 1992;

Whereas the Protocol provides Community fishermen with fishing opportunities in waters over which the People's Republic of Angola has sovereignty from 3 May 1992 to 2 May 1994;

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 establishing, for the period from 3 May 1992 to 2 May 1994, 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 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, 27 July 1992.

*For the Council*

*The President*

N. LAMONT

<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 from 3 May 1992 to 2 May 1994, 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*

Sir,

With reference to the Protocol initialled on 12 June 1992 defining the fishing opportunities and financial compensation for the period from 3 May 1992 to 2 May 1994, 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 1992, pending its entry into force in accordance with Article 7 thereof, provided that the European Economic 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 1992.

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 People's Republic of Angola*

### *B. Letter from the Community*

Sir,

I am in receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol initialled on 12 June 1992 defining the fishing opportunities and financial compensation for the period from 3 May 1992 to 2 May 1994, 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 1992, pending its entry into force in accordance with Article 7 thereof, provided that the European Economic 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 1992.

I should be obliged if you would confirm the Community's agreement to such provisional application of the Protocol.'

I have the honour to confirm the Community's agreement to such provisional application of the Protocol.

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

*For the Council of  
the European Communities*

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## II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL DECISION

of 21 September 1992

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol defining, for the period 21 May 1992 to 20 May 1995, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar

(92/477/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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 Democratic Republic of Madagascar on fishing off Madagascar<sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas the Community and the Democratic Republic of Madagascar held negotiations to determine the amendments or additions to be made to the Agreement on fishing off Madagascar at the end of the period of application of the first Protocols;

Whereas, as a result of these negotiations a new Protocol was initialled on 14 May 1992;

Whereas, under this Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Democratic Republic of Madagascar for the period 21 May 1992 to 20 May 1995;

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 concerning the provisional application of the Protocol defining for the period 21 May 1992 to 20 May 1995 the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar is hereby approved on behalf of the Community.

The text of the Agreement in the form of an exchange of letters is attached to this Decision.

### *Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 21 September 1992.

*For the Council*

*The President*

J. GUMMER

<sup>(1)</sup> OJ No L 73, 18. 3. 1986, p. 26.

**AGREEMENT**

**in the form of an exchange of letters on the provisional application of the protocol defining, for the period 21 May 1992 to 20 May 1995, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar**

*A. Letter from the Government of Madagascar*

Sir . . .

With reference to the Protocol, initialled on 14 May 1992, defining the fishing opportunities and the financial contribution for the period 21 May 1992 to 20 May 1995, I have the honour to inform you that the Government of Madagascar is willing to apply the Protocol provisionally from 21 May 1992 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 30 November 1992.

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 Democratic Republic of Madagascar*

*B. Letter from the Community*

Sir . . .

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

With reference to the Protocol, initialled on 14 May 1992, defining the fishing opportunities and the financial contribution for the period 21 May 1992 to 20 May 1995, I have the honour to inform you that the Government of Madagascar is willing to apply the Protocol provisionally from 21 May 1992 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 30 November 1992.

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 Communities*

II

*(Acts whose publication is not obligatory)*

COUNCIL

COUNCIL DECISION  
of 27 November 1992

on the conclusion of an Agreement in the form of an exchange of letters concerning the provisional application of the Protocol setting out the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Community on fishing off the coast of Senegal for the period from 2 October 1992 to 1 October 1994

(92/560/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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 Senegal on fishing off the coast of Senegal<sup>(1)</sup>, signed in Brussels on 15 June 1979,

Having regard to the proposal from the Commission,

Whereas, pursuant to the second paragraph of Article 17 of the abovementioned Agreement, the Community and the Republic of Senegal entered into negotiations to determine the amendments or additions to be made to the Agreement on the expiry of the application period of the Protocol annexed thereto;

Whereas, as a result of these negotiations, a new Protocol was initialled on 1 October 1992;

Whereas this Protocol extends the fishing opportunities of Community fishermen in the waters over which Senegal has sovereignty or jurisdiction;

Whereas, in order to avoid an interruption in the fishing activities of Community vessels, the Protocol in question should be applied as soon as possible; whereas for this reason the two Parties have initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following that on which the Protocol currently in force

expires; whereas that Agreement should be approved, pending a final decision to be taken on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol setting out the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Community on fishing off the coast of Senegal for the period from 2 October 1992 to 1 October 1994 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, 27 November 1992.

*For the Council*

*The President*

J. PATTEN

<sup>(1)</sup> OJ No L 226, 29. 8. 1980, p. 17.

## AGREEMENT

in the form of an exchange of letters on the provisional application of the Protocol defining, for the period from 2 October 1992 to 1 October 1994 the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Community on Fishing off the coast of Senegal

### *A. Letter from the Republic of Senegal*

Sir,

With reference to the Protocol initialled on 1 October 1992 defining the fishing rights and financial compensation for the period 2 October 1992 to 1 October 1994 I have the honour to inform you that the Government of the Republic of Senegal is prepared to apply the Protocol on a provisional basis with effect from 2 October 1992, pending its entry into force in accordance with Article 8 thereof, provided that the European Community is disposed to do the same.

This is on the understanding that payment of a first instalment equivalent to 50 % of the financial compensation set in Article 2 of the Protocol and to 50 % of the amount intended for the fisheries research programme provided for in Article 4 of the Protocol is made before 31 December 1992.

I should be obliged if you would confirm the European 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 Senegal*

### *B. Letter from the Community*

Sir,

I am in receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol initialled on 1 October 1992 defining the fishing rights and financial compensation for the period 2 October 1992 to 1 October 1994 I have the honour to inform you that the Government of the Republic of Senegal is prepared to apply the Protocol on a provisional basis with effect from 2 October 1992, pending its entry into force in accordance with Article 8 thereof, provided that the European Community is disposed to do the same.

This is on the understanding that payment of a first instalment equivalent to 50 % of the financial compensation set in Article 2 of the Protocol and to 50 % of the amount intended for the fisheries research programme provided for in Article 4 of the Protocol is made before 31 December 1992.

I should be obliged if you would confirm the European Community's agreement to such provisional application of the Protocol.'

I have the honour to confirm the European Community's agreement to such provisional application of the Protocol.

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

*On behalf of  
the Council of the European Communities*

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