

ACP-EEC COUNCIL OF MINISTERS
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ACP-EEC CONVENTIONS OF LOMÉ

1 January 1990 – 31 December 1990

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I – ACP-EEC Acts

1. Acts of the Council of Ministers

**DECISION No 1/90
OF THE ACP-EEC COUNCIL OF MINISTERS
of 22 February 1990**

**delegating powers to the
ACP-EEC Committee of Ambassadors in connection with
the adoption of transitional measures on
expiry of the Third ACP-FEC Convention**

THE ACP-EEC COUNCIL OF MINISTERS,

**Having regard to the Third ACP-EEC Convention signed at Lomé on
8 December 1984, hereinafter referred to as the "Convention", and in
particular Article 271 and the third paragraph of Article 291 thereof,**

Whereas the Convention expires on 28 February 1990;

Whereas provision should be made for the adoption of the necessary transitional measures should the provisions which will subsequently govern relations between the European Economic Community and its Member States on the one hand and the ACP States on the other not enter into force on the date of expiry of the Convention,

HAS DECIDED AS FOLLOWS:

Article 1

The Council of Ministers hereby delegates to the Committee of Ambassadors the powers referred to in the third paragraph of Article 291 of the Convention to take the necessary transitional measures on expiry of the said Convention.

Article 2

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

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

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

22. 11. 1990

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

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

G. COLLINS

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Dr Ghebray BERHANE BJOERNEKAER

**DECISION No. 3/90
OF THE ACP-EEC COUNCIL OF MINISTERS
of 29 March 1990**

adopting the General Regulations, (1)
General Conditions
and Procedural Rules on conciliation and arbitration
for Works, Supply and Service Contracts
financed by the European Development Fund (EDF)
and concerning their application

THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the Third ACP-EEC Convention signed at Lomé on
8 December 1984 and in particular Articles 212, 237 and 238 thereof,

Having regard to the Fourth ACP-EEC Convention signed at Lomé on
15 December 1989, and in particular Articles 305, 306 and 307 thereof,

Having regard to the Joint Resolution on the report "Ten Years of Lomé"
whereby maximum information should be provided to tenderers,

Having regard to the opinion of the ACP-EEC Committee referred to in
Article 193 of the Third ACP-EEC Convention,

(1) These rules were published in Official Journal of the
European Communities No L 382 of 31.12.1990.

Whereas it is necessary to adopt the General Regulations and General Conditions governing works, supply and service contracts financed from the resources of the Seventh European Development Fund (EDF), administered by the Commission, hereinafter referred to as "the resources of the Fund";

Whereas it appears desirable to make provision, as far as possible, for such General Regulations and General Conditions to apply to contracts financed from the resources of previous Funds and to those financed from the resources of any subsequent Funds;

Whereas it is also necessary to establish Procedural Rules on conciliation and arbitration for cases where one of these methods of settlement is used for disputes arising from the contracts in question;

Whereas it will be necessary to implement various follow-up actions in the form of seminars and a user's guide in order to familiarize users with such General Regulations and General Conditions,

HAS DECIDED AS FOLLOWS:

Article 1

The General Regulations for works, supply and service contracts financed by the European Development Fund (EDF), appearing in Annex I ⁽¹⁾, shall apply to the preparation and award of contracts financed from the resources of the Fund.

The performance of contracts financed from the resources of the Fund shall, except as otherwise provided in Article 306(b) of the Fourth ACP-EEC Convention, be governed by:

- (a) the General Conditions for Works Contracts financed by the European Development Fund (EDF), appearing in Annex II ⁽²⁾;
- (b) the General Conditions for Supply Contracts financed by the European Development Fund (EDF), appearing in Annex III ⁽³⁾;
- (c) the General Conditions for Service Contracts financed by the European Development Fund (EDF), appearing in Annex IV ⁽⁴⁾.

(1) ACP-CEE 2144/90.

(2) ACP-CEE 2145/90.

(3) ACP-CEE 2146/90.

(4) ACP-CEE 2147/90.

Disputes relating to a contract financed from the resources of the Fund which, pursuant to the General Conditions and the Special Conditions applicable to the contract, are to be settled by conciliation or by arbitration shall be settled in accordance with the Procedural Rules on conciliation and arbitration of contracts financed by the European Development Fund (EDF), appearing in Annex V ⁽¹⁾.

Article 2

The General Regulations and General Conditions referred to in Article 1 shall also apply to contracts financed from the resources of the Fifth and Sixth Fund administered by the Commission, having due regard to the provisions of the relevant Convention.

Article 3

The General Regulations and General Conditions referred to in Article 1 can be made applicable to contracts financed from the resources of any subsequent Fund by a Decision of the ACP-EEC Council of Ministers, taken on the basis of the relevant Convention.

Article 4

The ACP States and the Commission shall take the necessary measures regarding any follow-up action which will advance the implementation of the General Regulations and General Conditions referred to in Article 1.

(1) ACP-CEE 2148/90.

Article 5

The ACP-EEC Council of Ministers shall review the General Regulations and General Conditions referred to in Article 1 in the light of the experience obtained from the implementation thereof before the expiry of the Fourth ACP-EEC Convention.

Article 6

This Decision shall take effect from a date to be determined by the Committee referred to in Article 193 of the Third ACP-EEC Convention or by the Committee referred to in Article 325 of the Fourth ACP-EEC Convention.

Article 7

Notwithstanding the date of taking effect referred to in Article 6 as regards the General Regulations referred to in Article 1, Article 16(2) of the said General Regulations concerning a "Note of General Information" to be included in the tender dossier, shall take effect on a subsequent date to be fixed by the Committee referred to in Article 193 of the Third ACP-EEC Convention or by the Committee referred to in Article 325 of the Fourth ACP-EEC Convention.

Article 8

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

Hecho en Fiji, el
Udfærdiget i Fiji, den
Geschehen zu Fidschi am
Έγινε στα Φίτζι, στις
Done at Fiji,
Fait à Fidji, le
Fatto a Figi, addi'
Gedaan te Fiji,
Feito em Fiji, em

29. III. 1990

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

El Presidente
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The President
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De Voorzitter
O Presidente

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Dr Ghebray BERHANE F. BJOERNEKAER

**DECISION No 4/90
OF THE ACP-EEC COUNCIL OF MINISTERS
of 23 November 1990**

**adding Namibia to the States Signatory
to the Fourth ACP-EEC Convention**

THE ACP-EEC COMMITTEE OF AMBASSADORS,

**Having regard to the Fourth ACP-EEC Convention, signed at Lomé
on 15 Décembre 1989, hereafter referred to as "the Convention",
and in particular Article 364 thereof,**

Whereas Namibia acceded to independence on 21 March 1990;

**Whereas Namibia requested to accede to the Convention in a
letter dated 30 March 1990 sent to the Co-Presidents of the
ACP-EEC Council of Ministers;**

**Whereas the Council of Ministers shall act on this request and
take an appropriate decision on the accession of Namibia to the
Convention;**

Whereas the ACP-EEC Council of Ministers, at its fifteenth session in Fiji on 28 and 29 March 1990, agreed, in accordance with Article 345 of the Convention, to delegate powers to the ACP-EEC Committee of Ambassadors for the application of Article 364 of the Convention concerning the accession of Namibia to the Convention,

HAS DECIDED AS FOLLOWS:

Article 1

Namibia shall be added to the States Signatory to the Convention as regards the ratification and the entry into force thereof.

Article 2

The arrangements and measures to be taken under the accession of Namibia to the Convention in areas falling under Part Three thereof and the Annexes to the Final Act regarding this part of the Convention, including beef and veal, are attached to this Decision.

Article 3

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

STATEMENT BY THE COMMUNITY AND ITS MEMBER STATES

The granting to Namibia, for a period of five years, of treatment equivalent to that enjoyed by the ACP States listed in Article 330 of the Convention (LDC) stems from a desire to help that country overcome the difficulties which it will encounter in its economic take-off stage during the critical first few years, after acceding to independence. Depending how the situation in Namibia develops, the Community and its member States therefore reserve the option of reviewing the granting of such treatment in the framework of the possible implementation of Article 366 of the Convention.

•

ACCESSION OF NAMIBIA TO THE FOURTH ACP-EEC CONVENTION

1. Beef and veal

Namibia to be allowed, within the framework of Protocol No7 to the fourth ACP-EEC Convention, an annual quota for boneless beef and veal of 10 500 tonnes for the first two years and 13 000 tonnes for the following three years.

2. Treatment equivalent to LDC status

Namibia to be accorded, for a period of five years, treatment equivalent to that enjoyed by the ACP States listed in Article 330 of the Convention (Least-Developed Countries).

3. STABEX

Inclusion of Karakul skins in the list of STABEX products (Article 187 of the fourth Convention).

4. Customs arrangements

Inclusion of Namibia in Annex XXXVI to the Convention, i.e. in the Joint Declaration on trade between the European Economic Community and Botswana, Lesotho and Swaziland.

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Geschehen zu Brüssel am
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Gedaan te Brussel,
Feito em Bruxelas, em

23. XI. 1990

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
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Dr Ghebray BERHANE JØRNEKER

I – ACP-EEC Acts

2. Acts of the Committee of Ambassadors

**DECISION No 1/90
OF THE ACP-EEC COMMITTEE OF AMBASSADORS
of 13 July 1990**

on the appointment of the Director
of the Technical Centre for Agricultural and Rural Co-operation

THE ACP-EEC COMMITTEE OF AMBASSADORS,

Having regard to the Third ACP-EEC Convention, signed at Lomé on
8 December 1984, and in particular Article 37(5) thereof,

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

Having regard to Decision No 2/90 of the ACP-EEC Council of Ministers of
27 February 1990 on transitional measures to be applied from 1 March 1990,
and in particular Articles 1 and 4 thereof,

Whereas, pursuant to the said Decision, the ACP-EEC Committee of Ambassadors is authorized to exercise the powers necessary to ensure the continued operation of the Technical Centre for Agricultural and Rural Co-operation until the entry into force of the Fourth ACP-EEC Convention, and to prepare the entry into force of the new provisions;

Whereas, as provided for in Article 37(5) of the Third ACP-EEC Convention, now embodied in Article 53(6) of the Fourth ACP-EEC Convention, the Centre shall be headed by a Director who shall be appointed by the Committee;

Whereas the ACP States have proposed that Mr ASSOUMOU MBA be appointed to the post of Director of the Technical Centre for Agricultural and Rural Co-operation,

HAS DECIDED AS FOLLOWS:

Sole Article

Without prejudice to subsequent decisions which the Committee may be called upon to take in the framework of its prerogatives, Mr ASSOUMOU MBA is hereby appointed Director of the Technical Centre for Agricultural and Rural Co-operation with effect from 1 July 1990 and until 28 February 1995.

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

13. VII. 1990

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
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De Voorzitter
O Presidente

Emilio José DE CARVALHO GUERRA

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DECISION NO 2/90
OF THE ACP-EEC COMMITTEE OF AMBASSADORS
of 20 July 1990

adopting the budget
of the Technical Centre for
Agricultural and Rural Co-operation (1991)

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 2/90 of the ACP-EEC Council of Ministers of 27 February 1990 on transitional measures to be applied from 1 March 1990, and in particular Article 1 and 3 thereof,

Having regard to Decision No 2/86 of the ACP-EEC Committee of Ambassadors of 24 March 1986 laying down the rules of operation of the Technical Centre for Agricultural and Rural Co-operation, and in particular Article 6 thereof,

Having regard to Decision No 3/86 of the ACP-CEE Committee of Ambassadors of 24 March 1986 adopting the Financial Regulation of the Technical Centre for Agricultural and Rural Co-operation, and in particular Articles 5 and 6 thereof,

Whereas, pursuant to Article 5(1) of Decision No 3/86, the Director of the Centre 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 1991) and the annual work programme of the Centre for 1991;

Whereas, at its meeting on 23 November 1990, the Subcommittee examined this preliminary draft and adopted the draft budget in accordance with Article 6 of Decision No 3/86;

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 on 18 December 1990 the competent Community authority 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 Centre for the financial year 1991 is hereby definitively adopted as it appears in the Annex hereto.

ANNEX

SUMMARY BUDGET 1991 (ECU)

TITLE I - STAFF EXPENDITURE

Budget 1991 Budget 1990

Chapter 11 - Staff

Article 111 - Salaries and wages (33 staff members)	1 370 000	1 183 000
Article 112 - Provision for adjustments of salaries	60 000	50 000
Article 113 - Welfare contributions	523 000	452 000
Article 114 - Allowances	234 000	210 000
Article 115 - Training	10 000	10 000
TOTAL TITLE I	<u>2.197 000</u>	<u>1.905 000</u>

TITLE II - BUILDING, EQUIPMENT AND MISCELLANEOUS OPERATING EXPENDITURE

Chapter 21 - Rental of buildings and associated costs

Article 211 - Rent	130 000	125 000
Article 212 - Associated costs	31 000	30 000
Total Chapter 21	<u>161 000</u>	<u>155 000</u>

Chapter 22 - Movable property and associated costs

Article 221 - Purchase of office machines and movable furniture and equipment	81 000	130 000
Article 222 - Rental of furniture and equipment	6 000	6 000
Article 223 - Maintenance of furniture and equipment	3 000	3 000
Article 224 - Maintenance, repair and use of vehicles	29 000	43 000
Total Chapter 22	<u>119 000</u>	<u>182 000</u>

	Budget 1991	Budget 1990
<u>Chapter 23 - Current administrative expenditure</u>		
Article 231 - Stationery and office supplies	24 000	20 000
Article 232 - Postage and telecommunications	75 000	64 000
Article 234 - Subscriptions to periodicals, etc.	29 000	27 000
Article 235 - Other operating expenditure	129 000	121 000
Total Chapter 23	<u>257 000</u>	<u>232 000</u>
<u>Chapter 24 - Mission expenses, representation and entertainment expenses</u>		
Article 241 - General expenditure on missions	3 000	3 000
Article 242 - General representation and entertainment expenses	15 000	14 000
Total Chapter 24	<u>18 000</u>	<u>17 000</u>
<u>Chapter 25 - Brussels Branch Office (excluding staff expenditure)</u>	47 000	36 000
TOTAL TITLE II	<u>602 000</u>	<u>622 000</u>
TITLE III - ACTIVITIES		
<u>Chapter 31 - Studies, expert reports</u>	750 000	650 000
<u>Chapter 32 - Technical meetings</u>		
Article 321 - Seminars and technical meetings organised by CTA (1984:3;1985-1991: 6 per year)	750 000	625 000
Article 322 - Attendance at seminars and meetings	325 000	250 000
Total Chapter 32	<u>1 075 000</u>	<u>875 000</u>
<u>Chapter 33 - Publications and documents</u>	<u>1 250 000</u>	<u>950 000</u>
<u>Chapter 34 - Missions</u>		
Article 341 - Programmed missions	300 000	210 000

(ANNEX)

	<u>Budget 1991</u>	<u>Budget 1990</u>
<u>Chapter 35 - Information and Documentation Centres in ACP states</u>		
Article 351 - Projects to assist and strengthen agricultural information systems in ACP States	900 000	600 000
Article 352 - Regional branch offices in ACP States	250 000	200 000
Total Chapter 35	<u>1 150 000</u> =====	<u>800 000</u> =====
<u>Chapter 36 - Question and Answer Service</u>	250 000	225 000
TOTAL TITLE III	<u>4 775 000</u> =====	<u>3 710 000</u> =====
<u>TOTAL EXPENDITURE</u>	<u>7 574 000</u> =====	<u>6 237 000</u> =====
	(1991) (1990) (1985) (1988) (1987) (1986) (1985) (1984)	
Title I = 2 197 000	(29,00%) (30,54%) (31,0%) (32,0%) (29,2%) (30%) (39%) (37%)	
Title II = 602 000	(7,95%) (9,96%) (9,1%) (9,4%) (10,8%) (13%) (14%) (28%)	
Title III = 4 775 000	(63,05%) (59,46%) (59,9%) (58,6%) (60,0%) (57%) (47%) (35%)	
Total	<u>7 574 000 (100%)</u> =====	
a. Contribution of the European Development Fund	7 284 000	5 957 000
b. Income taxes and other income (*)	290 000	280 000
TOTAL INCOME	<u>7 574 000</u> =====	<u>6 237 000</u> =====
*) Explanatory note		
- income taxes = 8% of Article 111 (A,B)	= ECU 109 207	
- other income (estimation)	= ECU 180 793	
	<u>ECU 290 000</u> =====	

(ANNEX)

Hecho en Bruselas, el
Udfærdiget i Bruxelles, den
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Done at Brussels,
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Feito em Bruxelas, em

20. XII. 1990

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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Voor de ACS-EEG-Comité van Ambassadeurs
Pelo Comité dos Embaixadores ACP-CEE

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Dr Ghebray BERHANE F. BJØRNEKÆR

I – ACP-EEC Acts

3. Agreements between the EEC and the ACP States p.m. Sugar ¹

¹ See footnote on page V. This agreement will appear in the 1991 Compilation of Texts.

I – ACP-EEC Acts

4. Acts of the ACP-EEC Customs Cooperation Committee

DECISION N° 1/90
OF THE ACP-EEC CUSTOMS CO-OPERATION COMMITTEE
of 11 January 1990

derogating from the definition of the concept of
"originating products" to take account of the
special situation of Mauritius with regard to
its production of canned tuna

THE ACP-EEC CUSTOMS COOPERATION COMMITTEE,

Having regard to the third ACP-EEC Convention, signed at Lomé on
8 December 1984,

Whereas Articles 28 and 30 of Protocol No 1 to the Third ACP-EEC
Convention concerning the definition of the concept of
originating products and methods of administrative co-operation
make provision for derogations to be made from the rules of
origin by the Customs Co-operation Committee, in particular to
facilitate the development of existing industries or the
creation of new industries;

Whereas the African, Caribbean and Pacific (ACP) States have
submitted a request from the Government of Mauritius for a
derogation from the definition set out in Protocol No 1 in
respect of canned tuna produced by Mauritius ;

Whereas, in order to maintain its existing fishery industry and to take the measures necessary for its finished products to obtain originating status, Mauritius has from 1 March 1985 to 29 February 1988 benefited from a derogation from the rule set out in Protocol No 1 for canned tuna;

Whereas Mauritius has already purchased two vessels with a view to supplying the canneries with raw fish for its production of canned tuna;

Whereas the vessels, while increasing their catches steadily, are not in a position to supply in a reliable way sufficient quantities of tuna fish for the canneries; whereas the problem appears to be of a temporary nature and likely to be solved as soon as the second of the said vessels becomes fully operative;

Whereas Mauritius has been able to obtain supplies of fish originating in other ACP States, or in the Community; whereas, however, there is no guarantee, for the moment, that such supplies can be regularly obtained, and therefore, the Mauritius canning industry may need to call upon supplies of tuna fish from third countries in order to continue its exports of canned tuna to the Community;

Whereas in these circumstances a temporary derogation from the definition of the concept of originating products should be accorded to Mauritius in accordance with Article 30(8) of Protocol No 1; whereas it seems appropriate to grant such a derogation for a period expiring on 28 February 1990, when the Convention also expires;

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from the special provisions of List A in Annex II to Protocol No 1, canned tuna falling within heading No. 16.04 of the Common Customs Tariff and manufactured by Mauritius shall be considered as originating in Mauritius under the conditions set out in this Decision.

Article 2

The derogation provided for in Article 1 shall relate to an annual quantity of 1 000 tonnes of canned tuna falling within heading No. 16.04 of the Common Customs Tariff and exported from Mauritius between 1 September 1989 and 28 February 1990.

Article 3

The competent authorities of Mauritius shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 2 and shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR 1 have been issued on the basis of this Decision.

Article 4

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 5

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

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

11. I. 1990

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

Los Presidentes
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H. CHUMAS

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Dr Ghebray BERHANE

F. BJOERNEKAER

DECISION No 2/90 OF THE ACP-EEC CUSTOMS COOPERATION COMMITTEE

of 20 June 1990

derogating from the definition of the concept of 'originating products' to take account of the special situation of Mauritius with regard to its production of canned tuna

(90/401/EEC)

THE ACP-EEC CUSTOMS COOPERATION COMMITTEE,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989,

Having regard to Decision No 2/90 of the ACP-EEC Council of Ministers of 27 February 1990, on transitional measures to be applied from 1 March 1990⁽¹⁾,

Having regard to Protocol 1 to the Fourth ACP-EEC Convention concerning the definition of the concept of originating products and methods of administrative cooperation, in particular Articles 30 and 31 thereof;

Whereas the said Articles make provision for derogations to be made from the rules of origin by the Customs Cooperation Committee, in particular to facilitate the development of existing industries or the creation of new industries;

Whereas Article 31 (8) of the said Protocol lays down a special procedure for derogations concerning canned tuna;

Whereas the said derogations shall be automatically granted within an annual quota;

Whereas the African, Caribbean and Pacific (ACP) States have submitted a request under Article 31 (8) from the Government of Mauritius for a derogation from the definition set out in Protocol 1 in respect of 1 000 tonnes of canned tuna per year produced by Mauritius;

Whereas in these circumstances a derogation from the definition of the concept of originating products shall be accorded to Mauritius in accordance with Article 31 (8) of Protocol 1,

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from the special provisions of the List in Annex II to Protocol 1, canned tuna falling within heading ex 16.04 of the Common Customs Tariff and

manufactured by Mauritius shall be considered as originating in Mauritius under the conditions set out in this Decision.

Article 2

The derogation provided for in Article 1 shall relate to an annual quantity of 1 000 tonnes of canned tuna falling within heading ex 16.04 of the Common Customs Tariff produced in and exported from Mauritius between 1 March 1990 and 31 December 1992.

Article 3

The competent authorities of Mauritius shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 2 and shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR 1 have been issued on the basis of this Decision.

Article 4

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 5

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

Done at Brussels, 20 June 1990.

*For the ACP-EEC Customs
Cooperation Committee*

The Chairmen

R. O. MARVILLE

P. WILMOTT

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 2.

I – ACP-EEC Acts

5. Acts of the Committee on Industrial Cooperation

**DECISION No 1/90
OF THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION
of 13 July 1990**

**on the appointment of the Director and Deputy Director
of the Centre for the Development of Industry**

THE COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the Third ACP-EEC Convention, signed at Lomé on
8 December 1984, and in particular Article 70 thereof,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on
15 December 1989, and in particular Articles 87, 91 and 96 and Annex XIV
thereof,

Having regard to Decision No 2/90 of the ACP-EEC Council of Ministers of
27 February 1990 on transitional measures to be applied from 1 March 1990,
and in particular Articles 1 and 3 thereof,

Whereas, pursuant to the said Decision, the Committee on Industrial Co-operation is authorized to exercise the powers necessary to ensure the continued operation of the Centre for the Development of Industry until the entry into force of the Fourth ACP-EEC Convention, and to prepare the entry into force of the new provisions;

Whereas, as provided for in Article 73(1) of the Third ACP-EEC Convention, now embodied in Article 91 of the Fourth ACP-EEC Convention, the Centre shall be headed by a Director assisted by a Deputy Director, both of whom shall be appointed by the Committee;

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

HAS DECIDED AS FOLLOWS:

Sole Article

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

1. Mr Paul FRIX is hereby appointed Director of the Centre for the Development of Industry with effect from 1 October 1990 and until 28 February 1995;

2. Mr Surendra SHARMA is hereby appointed Deputy Director of the Centre for the Development of Industry with effect from 1 October 1990 and until 28 February 1995.

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Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
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Gedaan te Brussel,
Feito em Bruxelas, em

13. VII. 1990

Por el Comité de cooperacion industrial
For Udvalget for industrisrielt Samarbejde
Im Namen des Ausschusses für industrielle Zusammenarbeit
Γιά 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

KIMBULU MOYANSO wa LOKWA

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Dr Ghebray BERHANE

F. BJOERNEKAER

**DECISION No 2/90/CIC
OF THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION
of 31 October 1990**

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,

Whereas, under the third subparagraph 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 1988 to 31 December 1988 and from 1 January 1989 to 30 June 1989;

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 12,83% with effect from 1 January 1989 and 14,48% with effect from 1 July 1989,

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 12,83%.

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 14,48%.

Article 3

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

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31. X. 1950

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

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Dr Ghebray BERHANE

F. BJØRNEKÆR

**DECISION No 3/90/CIC
OF THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION
of 31 October 1990**

on the appointment of the members
of the Executive Board
of the Centre for the Development of Industry

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 92 thereof,

Having regard to Decision No 2/90 of the ACP-EEC Council of Ministers of
27 February 1990 on transitional measures to be applied from 1 March 1990,
and in particular Articles 1 and 3 thereof,

Whereas Article 92(1) of the Convention provides for a Joint Executive Board to advise and back up the Director of the Centre, and on his proposal, to approve and take decisions concerning the multiannual and annual programmes of activities, the annual report, the establishment of the Centre's organizational structure, staffing policy and establishment plan, and to adopt the budgets and annual accounts for submission to the Committee on Industrial Co-operation;

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

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

Whereas it is for the Committee, in accordance with the procedures laid down by it, to appoint members of the Executive Board,

HAS DECIDED AS FOLLOWS:

Article 1

The following are hereby appointed, for a period no longer than five years, members of the Executive Board of the Centre for the Development of Industry of the Fourth ACP-EEC Convention, subject to a reservation that the situation be reviewed mid-term:

1) nominated by the Community:

Mr Antonio CENDAN BLANCO	(Spain)
Mr Yves SALMON	(France)
Mr Alberto Jorge LEITAO	(Portugal)

2) nominated by the ACP States:

Mr John NYANGERI SIMBA	(Kenya)
Mr Richardson Geoffrey ANDREWS	(Trinidad and Tobago)
Mr Zama BANHORO	(Burkina Faso)

Article 2

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

Hecho en Bruselas, el
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
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31. X. 1990

Por el Comité de cooperación industrial
For Udvalget for industrielt Samarbejde
Im Namen des Ausschusses für industrielle Zusammenarbeit
Για την Επιτροπή Βιομηχανικής Συνεργασίας
For the Committee on Industrial co-operation
Par le Comité de coopération industrielle
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Voor het Comité voor industriële samenwerking
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Dr Ghebray BERHANE BJØRNEKÆR

I – ACP-EEC Acts

6. Subcommittee for cooperation on agricultural and rural development

DECISION No 1/90
OF THE ACP-EEC SUBCOMMITTEE
FOR CO-OPERATION ON AGRICULTURAL AND RURAL DEVELOPMENT
of 23 November 1990

giving a discharge to the Director of the
Technical Centre for Agricultural and Rural Co-operation
in respect of the implementation of the Centre's budget
for the financial year 1988

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

Having regard to the Third ACP-EEC Convention, signed at Lomé on
8 December 1984, and in particular Article 37(4) thereof,

Having regard to Decision No 2/86 of the ACP-EEC Committee of Ambassadors
of 24 March 1986 on the rules of operation of the Technical Centre for
Agricultural and Rural Co-operation, hereinafter referred to as the
"Centre", and in particular Article 6 thereof,

Having regard to Decision No 3/86 of the ACP-CEE Committee of Ambassadors of 24 March 1986 adopting the Financial Regulation of the Centre, and in particular Article 20 thereof,

Having regard to the Centre's balance sheet for the financial year 1988 drawn up on 31 December 1988,

Having regard to the Auditors' Report on the accounts for the financial year 1988,

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

Whereas it is for the ACP-EEC Subcommittee for Co-operation on Agricultural and Rural Development, hereinafter referred to as the "Subcommittee", to give a discharge to the Director of the Centre in respect of the implementation of the Centre's budget;

Whereas revenue for the financial year 1988 consisted principally of a contribution from the European Development Fund amounting to ECU 5 110 000;

Whereas the Director's overall implementation of the Centre's budget during the financial year 1988 was such that he should be given a discharge in respect of the implementation of that budget,

HAS DECIDED AS FOLLOWS:

Article 1

The Subcommittee hereby adopts the balance sheet of the Centre as at 31 December 1988 showing the amount of ECU 1 336 305 for both revenue and expenditure.

Article 2

The Subcommittee hereby gives a discharge to the Director of the Centre in respect of the implementation of the Centre's budget for the financial year 1988.

II – Transitional measures

**DECISION No 2/90
OF THE ACP-EEC COUNCIL OF MINISTERS
of 27 February 1990**

**on transitional measures to be applied
from 1 March 1990**

THE ACP-EEC COMMITTEE OF AMBASSADORS,

Having regard to the Third ACP-EEC Convention signed at Lomé on 8 December 1984, and in particular the third paragraph of Article 291 thereof,

Having regard to Decision No 1/90 of the ACP-EEC Council of Ministers of 22 February 1990 delegating powers to the ACP-EEC Committee of Ambassadors concerning the adoption of transitional measures on the expiry of the Third ACP-EEC Convention,

Whereas appropriate transitional measures, to apply until entry into force of the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989, must be adopted to maintain in force the relevant provisions of the Third ACP-EEC Convention or apply in advance certain provisions of the Fourth ACP-EEC Convention,

HAS DECIDED AS FOLLOWS:

Article 1

The following provisions of the Third ACP-EEC Convention and the acts adopted pursuant thereto shall remain applicable after 28 February 1990:

- (a) the general provisions on ACP-EEC co-operation relating to the objectives and guidelines of the Convention in the main areas of co-operation and to the principles governing the instruments of co-operation, appearing in Part One, Chapters 2 and 3;
- (b) the provisions on the areas of co-operation appearing in Part Two;
- (c) subject to the second paragraph of Article 5 of this Decision, the provisions on the system for the stabilization of export earnings appearing in Part Three, Title II, Chapter 1;

- (d) the provisions on mining products appearing in Part Three, Title II, Chapter 3: however, requests for financial assistance under this chapter must be received not later than 31 October 1990;
- (e) the provisions on financial and technical co-operation in Part Three, Title III, and in Annex XXXI;
- (f) the provisions on investment, movements of capital, establishment and services appearing in Part Three, Title IV;
- (g) the provisions on the least-developed, landlocked and island countries appearing in Part Three, Title V;
- (h) the final provisions appearing in Part Five, except Articles 285, 286, 290 and the first and second paragraphs of Article 291.
- (i) the provisions on privileges and immunities appearing in Protocol No 3.

Article 2

1. From 1 March 1990 the following provisions of the Fourth ACP-EEC Convention shall be applied in advance:

- (a) the general provisions on ACP-EEC co-operation relating to the objectives and principles of co-operation and to the Institutions appearing in Part One, Chapters 1 and 5, in Part Four and in Protocol No 2;

- (b) the provisions on trade co-operation appearing in Part Three, Title 1;
 - (c) Article 364 on the accession of Namibia;
 - (d) the provisions on the definition of the concept of "originating products" and methods of administrative co-operation appearing in Protocol No 1 and the Annexes thereto;
 - (e) the provisions on the implementation of Article 178 appearing in Protocol No 4;
 - (f) the provisions on bananas appearing in Protocol No 5;
 - (g) the provisions on rum appearing in Protocol No 6;
 - (h) the provisions on beef and veal appearing in Protocol No 7 and the Annexes thereto;
 - (i) the provisions on products within the province of the ECSC Treaty appearing in Protocol No 9.
2. From 1 March 1990 the provisions referred to in paragraph 1 shall apply in relations between the Community and any new ACP State signatory to the Fourth ACP-EEC Convention.
3. The provisions referred to in paragraph 1, points (b), (d), (f), (g), (h) and (i) are reproduced in the Annexes hereto.

Article 3

The Commission on Industrial Co-operation is hereby authorized to exercise the powers necessary to:

- ensure the continued operation of the Centre for the Development of Industry until the entry into force of the Fourth ACP-EEC Convention;
- prepare the entry into force of the new provisions, notably the setting up of the Executive Board and the Advisory Council provided for in Part Two, Title V.

Article 4

Under the authority of the Committee of Ambassadors, the Subcommittee on Co-operation for Agricultural and Rural Development is hereby authorized to exercise the powers necessary to ensure the continued operation of the Technical Centre for Agricultural and Rural Co-operation until the entry into force of the Fourth ACP-EEC Convention.

Article 5

The implementation of the system for the stabilization of export earnings under the Third ACP-EEC Convention shall continue to be governed by the provisions of that Convention.

Article 156 of the said Convention shall continue to apply, but the period of application shall be extended until the entry into force of the Fourth ACP-EEC Convention.

Article 6

Financial and technical co-operation and the system providing aid for mining projects and programmes under the Third ACP-EEC Convention shall continue to be implemented as provided for in that Convention.

By way of derogation from Article 178(2) and Article 205(3) of the said Convention, the period laid down in those Articles for SYSMIN financing, emergency aid and aid for refugees and returnees shall be extended until the entry into force of the Fourth ACP-EEC Convention. Subject to Article 1(d) of this Decision, the Community is hereby authorized to continue carrying out its commitments under these headings until that date.

Article 7

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

Article 8

This Decision shall enter into force on 1 March 1990.

It shall apply until the entry into force of the new provisions concerning the same areas and no later than 28 February 1991, unless it is extended by joint agreement.

FOURTH ACP-EEC CONVENTION

PART THREE

THE INSTRUMENTS OF ACP-EEC CO-OPERATION

TITLE I

Trade co-operation

(Articles 167 to 185)

See ACP-CEE 2107/90

FOURTH ACP-EEC CONVENTION

Protocol No 1
concerning the definition of the concept of "originating products"
and methods of administrative co-operation

See ACP-CEE 2107/90

FOURTH ACP-EEC CONVENTION

**Protocol No 5
on bananas**

See ACP-CEE 2107/90

FOURTH ACP-EEC CONVENTION

Protocol No 6
on rum

See ACP-CEE 2107/90

FOURTH ACP-EEC CONVENTION

**Protocol No 7
on beef and veal**

See ACP-CEE 2107/90

FOURTH ACP-EEC CONVENTION

Protocol No 9
concerning products within the province of
the European Coal and Steel Community

See ACP-CEE 2107/90

JOINT DECLARATION

by the ACP States and by the Community and its Member States

During the transitional period between the expiry of the Third ACP-EEC Convention and the entry into force of the Fourth ACP-EEC Convention, and without prejudice to the Decision of the ACP-EEC Council of Ministers to extend the validity of certain provisions of the Third ACP-EEC Convention and give advance effect to certain provisions of the Fourth ACP-EEC Convention, the ACP States and the Community and its Member States shall, as an earnest of their common intention to move swiftly from one stage of co-operation to the next, take all the practical and legal steps necessary to permit the immediate implementation upon the entry into force of the new Convention of the provisions concerning: the environment; agricultural co-operation, food security and rural development; the development of fisheries; co-operation on commodities and Articles 75 and 76 in particular; industrial development; mining development; energy development; enterprise development; the development of services; the development of trade; cultural and social co-operation; the new provisions on co-operation in the field of commodities (STABEX and SYSMIN); development financing co-operation, and not later than the entry into force of the new Convention, the implementation of its provisions regarding the prohibition of exports to and imports into the ACP States of hazardous and radioactive waste.

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Gedaan te Brussel,
Feito em Bruxelas, em

27. II. 1990

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

Por el Comité de Embajadores
På AVS-EØF Ambassadørudvalgets vegne
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

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John H.F. CAMPBELL



I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 714/90

of 5 March 1990

concerning the application of Decision No 2/90 of the ACP-EEC Council of Ministers
on transitional measures to be applied from 1 March 1990

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 235 thereof,

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

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

Whereas the Third ACP-EEC Convention signed at Lomé on 8 December 1984 expired on 28 February 1990;

Whereas the Fourth ACP-EEC Convention signed at Lomé on 15 December 1989 cannot enter into force on that date;

Whereas the ACP-EEC Committee of Ambassadors has adopted, by virtue of the powers delegated to it by Decision No 1/90 of the ACP-EEC Council of Ministers and Article 291, third paragraph of the Third ACP-EEC Convention, the necessary transitional measures to be applied from 1 March 1990 until the entry into force of the Fourth Convention;

Whereas that Decision should be implemented in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 2/90 of the ACP-EEC Council of Ministers of 27 February 1990 on transitional measures to be applied from 1 March 1990 annexed to this Regulation shall apply in the Community with effect from 1 March 1990 until 28 February 1991 at the latest, without prejudice to the more favourable unilateral provisions to be taken by the Community in respect of imports of agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States.

The text of the Decision is attached to this Regulation.

Article 2

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

It shall apply with effect from 1 March 1990.

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

Done at Brussels, 5 March 1990.

For the Council

The President

G. COLLINS

(*) OJ No C 44, 24. 2. 1990, p. 37.

(**) OJ No C 68, 19. 3. 1990.

ANNEX I

(FOURTH ACP-EEC CONVENTION)

PART THREE

THE INSTRUMENTS OF ACP-EEC COOPERATION

TITLE I

TRADE COOPERATION

Chapter I

General trade arrangements

Article 167

1. In the field of trade cooperation, the object of this Convention is to promote trade between the ACP States and the Community, taking account of their respective levels of development, and also between the ACP States themselves.

2. In the pursuit of this objective, particular regard shall be had to securing effective additional advantages for ACP States' trade with the Community and to improving the conditions of access for their products to the market in order to accelerate the growth of their trade and, in particular, of the flow of their exports to the Community and to ensure a better balance in the trade of the Contracting Parties.

3. To this end, the Contracting Parties shall apply the provisions of this Title and the other appropriate measures under Title III of this Part and under Part Two of this Convention.

Article 168

1. Products originating in the ACP States shall be imported into the Community free of customs duties and charges having equivalent effect.

2. (a) Products originating in the ACP States:

- listed in Annex II to the Treaty where they come under a common organization of the market within the meaning of Article 40 of the Treaty, or
- subject, on import into the Community, to specific rules introduced as a result of the implementation of the common agricultural policy

shall be imported into the Community, notwithstanding the general arrangements applied in respect of third countries, in accordance with the following provisions:

(i) those products shall be imported free of customs duties for which Community provisions in force at the time of import do not provide, apart from customs duties, for the application of any measure relating to their import;

(ii) for products other than those referred to under (i), the Community shall take the necessary measures to ensure more favourable treatment than that granted to third countries benefiting from the most-favoured-nation clause for the same products.

(b) If, during the application of this Convention, the ACP States request that new lines of agricultural production or agricultural products which are not the subject of specific arrangements when this Convention enters into force should benefit from such arrangements, the Community shall examine these requests in consultation with the ACP States.

(c) Notwithstanding the above, the Community shall, in the context of the special relations and special nature of ACP-EEC cooperation, examine on a case-by-case basis the requests from the ACP States for preferential access for their agricultural products to the Community market and shall notify its decision on these reasoned requests if possible within four months, and in any case not more than six months after the date of their submission.

Within the context of subparagraph (a) (ii), the Community shall take its decisions in particular with reference to concessions granted to developing third countries. It shall take account of the possibilities offered by the off-season market.

(d) The arrangements referred to in subparagraph (a) shall enter into force at the same time as this Convention and shall remain applicable for its duration.

However, if during the application of this Convention, the Community:

— subjects one or more products to common organization of the market or to specific rules introduced as a result of the implementation of the common agricultural policy, it shall

reserve the right to adapt the import treatment for those products originating in the ACP States, following consultations within the Council of Ministers. In such cases, the provisions of subparagraph (a) shall be applicable,

- modifies the common organization of the market in a particular product or the specific rules introduced as a result of the implementation of the common agricultural policy, it shall reserve the right to modify the arrangements laid down for products originating in the ACP States, following consultations within the Council of Ministers. In such cases the Community shall undertake to ensure that products originating in the ACP States continue to enjoy an advantage comparable to that previously enjoyed in relation to products originating in third countries benefiting from the most-favoured-nation clause.

- (e) Where the Community intends to conclude a preferential agreement with third States it shall inform the ACP States thereof. Consultations shall take place where the ACP States so request in order to safeguard their interests.

Article 169

1. The Community shall not apply to imports of products originating in the ACP States any quantitative restrictions or measures having equivalent effect.
2. However, paragraph 1 shall apply without prejudice to the import arrangements for the products referred to in the first indent of Article 168 (2) (a).

The Community shall inform the ACP States when residual quantitative restrictions are eliminated in respect of any of these products.

Article 170

1. Article 169 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security, the protection of health and life of humans, animals and plants, the protection of national treasures possessing artistic, historic or archaeological value or the protection of industrial and commercial property.
2. Such prohibitions or restrictions shall in no case constitute a means of arbitrary discrimination or a disguised restriction of trade generally.

In cases where implementation of the measures referred to in paragraph 1 affects the interests of one or more ACP States, consultations shall be held at the request of the latter, in accordance with the second paragraph of Article 12, with a view to reaching a satisfactory solution.

3. Provisions on the movement of hazardous and radioactive waste are set out in Part Two, Title I of this Convention.

Article 171

The treatment applied to imports of products originating in the ACP States may not be more favourable than that applied to trade among the Member States of the Community.

Article 172

Where new measures or measures stipulated in programmes adopted by the Community for the approximation of laws and regulations in order to facilitate the movement of goods are likely to affect the interests of one or more ACP States, the Community shall, prior to adopting such measures, inform the ACP States thereof through the Council of Ministers.

In order to enable the Community to take into consideration the interests of the ACP State concerned, consultations shall be held at the request of the latter in accordance with Article 12, second paragraph, with a view to reaching a satisfactory solution.

Article 173

1. Where existing Community rules or regulations adopted in order to facilitate the movement of goods affect the interests of one or more ACP States or where these interests are affected by the interpretation, application or administration of such rules or regulations, consultations shall be held at the request of the ACP States concerned with a view to reaching a satisfactory solution.
2. With a view to finding a satisfactory solution, the ACP States may also bring up within the Council of Ministers any other problems relating to the movement of goods which might result from measures taken or envisaged by the Member States.

3. The relevant institutions of the Community shall, to the greatest possible extent, inform the Council of Ministers of such measures in order to ensure effective consultations.

Article 174

1. In view of their present development needs, the ACP States shall not be required for the duration of this Convention to assume, in respect of imports of products originating in the Community, obligations corresponding to the commitment entered into by the Community under this Chapter in respect of imports of the products originating in the ACP States.
2. (a) In their trade with the Community, the ACP States shall not discriminate among the Member States and shall grant to the Community treatment no less favourable than most-favoured-nation treatment.

- (b) Notwithstanding specific provisions of this Convention, the Community shall not discriminate between ACP States in the field of trade.
- (c) The most-favoured-nation treatment referred to in subparagraph (a) shall not apply in respect of trade or economic relations between ACP States or between one or more ACP States and other developing countries.

Article 175

Unless it has already done so under earlier ACP-EEC Conventions, each Contracting Party shall communicate its customs tariff to the Council of Ministers within three months of the entry into force of this Convention. Each Contracting Party shall also communicate any subsequent amendments to its tariff as and when they come into force.

Article 176

1. The concept of 'originating products' for the purposes of implementing this Chapter, and the methods of administrative cooperation relating thereto, are defined in Protocol No 1.
2. The Council of Ministers may adopt any amendment to Protocol No 1.
3. Where the concept of 'originating products' has not yet been defined for a given product pursuant to paragraphs 1 or 2, each Contracting Party shall continue to apply its own rules.

Article 177

1. Should application of this Chapter result in serious disturbances in a sector of the economy of the Community or of one or more of the Member States, or jeopardize their external financial stability, or if difficulties arise which may result in a deterioration thereof, the Community may take, or may authorize the Member State concerned to take, safeguard measures. These measures, their duration and their methods of application shall be notified immediately to the Council of Ministers.

2. The Community and its Member States undertake not to use other means for protectionist purposes or to hamper structural development. The Community will refrain from using safeguard measures having the same effect.

3. Safeguard measures shall be restricted to those which would least disturb trade between the Contracting Parties in implementing the objectives of this Convention

and must not exceed the scope of what is strictly necessary to remedy the difficulties that have arisen.

4. When applied, safeguard measures shall take account of the existing level of the ACP exports concerned to the Community and their potential for development.

Article 178

1. Prior consultations shall take place concerning the application of the safeguard clause, both when such measures are first adopted and when they are extended. The Community shall provide the ACP States with all the information required for such consultations and shall provide the data from which to determine to what extent imports from an ACP State or ACP States of a specific product have caused the effects referred to in Article 177 (1).

2. Where consultations have taken place, safeguard measures, or arrangements jointly agreed upon by the ACP States concerned and the Community, shall enter into force thereafter.

3. However, the prior consultations provided for in paragraphs 1 and 2 shall not prevent any immediate decisions which the Community or its Member States, in accordance with Article 177 (1), might take where special factors have necessitated such decisions.

4. In order to facilitate the examination of factors that may cause market disturbances, a mechanism shall be instituted for the statistical surveillance of certain ACP exports to the Community.

5. The Contracting Parties undertake to hold regular consultations with a view to finding satisfactory solutions to problems which might result from the application of the safeguard clause.

6. The prior consultations as well as the regular consultations and the surveillance mechanism referred to in paragraphs 1 to 5 shall be implemented in accordance with Protocol No 4.

Article 179

The Council of Ministers shall, at the request of any Contracting Party concerned, consider the economic and social effects of the application of the safeguard clause.

Article 180

When safeguard measures are being taken, modified or removed, particular attention shall be paid to the interests of the least-developed, landlocked and island ACP States.

Article 181

In order to ensure the effective implementation of this Convention in the field of trade and customs cooperation, the Contracting Parties agree to inform and consult each other.

In addition to the cases for which consultations are specifically provided for in Articles 167 to 180, consultations shall also take place, at the request of the Community or of the ACP States, and in accordance with the conditions provided for in the procedural rules in Article 12, particularly in the following cases:

- (1) where Contracting Parties intend to take any trade measures affecting the interests of one or more Contracting Parties under this Convention, they shall inform the Council of Ministers thereof. Consultations shall take place, where the Contracting Parties concerned so request, in order to take account of their respective interests;
- (2) if, during the application of this Convention, the ACP States consider that agricultural products covered by Article 168 (2) (a) other than those subject to special treatment should benefit from such treatment, consultations may take place within the Council of Ministers;
- (3) where a Contracting Party considers that obstacles to the movement of goods arise as a result of the existing rules of another Contracting Party or the interpretation, application or administration thereof;
- (4) where the Community or the Member States take safeguard measures in accordance with Article 177, consultations on these measures may take place within the Council of Ministers, where the Contracting Parties concerned so request, notably with a view to ensuring compliance with Article 177 (3).

Such consultations must be completed within three months.

Chapter 2

Special undertakings on rum and bananas

Article 182

Until the entry into force of a common organization of the market in spirits and notwithstanding Article 167 (1), entry into the Community of products of subheadings

2208 40 10, 2208 40 90, 2208 90 11 and 2208 90 19 of the combined nomenclature — rum, arrack, taffia — originating in the ACP States shall be governed by Protocol No 6.

Article 183

In order to permit the improvement of the conditions under which bananas originating in the ACP States are produced and marketed, the Contracting Parties hereby agree to the objectives set out in Protocol No 5.

Article 184

This Chapter and Protocols Nos 5 and 6 shall not apply to relations between the ACP States and the French overseas departments.

Chapter 3

Trade in services

Article 185

1. The Contracting Parties recognize the importance of trade in services for the development of the ACP States' economies, on account of the increasing role of services in international trade and their considerable growth potential.
2. The ACP States and the Community recognize that the long-term aim in this area is a progressive liberalization of trade in services, with due respect for national policy objectives, and taking due account of the level of development of ACP States.
3. The ACP States and the Community recognize further that it will be opportune and necessary to develop cooperation in this sector when the outcome of current multilateral trade negotiations is known.
4. Therefore, the Contracting Parties will negotiate amendments or further elaboration of this Convention to take account, and to take advantage, of the outcome of the multilateral trade negotiations in the GATT.
5. Following the negotiations referred to in paragraph 4, which will take place within the framework of the Council of Ministers, the Council of Ministers may adopt any amendment to this Chapter.

ANNEX II

FOURTH ACP-EEC CONVENTION

PROTOCOL No 1

concerning the definition of the concept of 'originating products' and methods of administrative cooperation

TITLE I

DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS'

Article 1

Origin criteria

For the purpose of implementing the trade cooperation provisions of the Convention, a product shall be considered to be originating in the ACP States if it has been either wholly obtained or sufficiently worked or processed in the ACP States.

Article 2

Wholly obtained products

1. The following shall be considered as wholly obtained either in the ACP States, or in the Community, or in the countries and territories defined in Annex III, hereinafter referred to as the 'OCT':

- (a) mineral products extracted from their soil or from their seabed;
- (b) vegetable products harvested therein;
- (c) live animals born and raised therein;
- (d) products from live animals raised therein;
- (e) products obtained by hunting or fishing conducted therein;
- (f) products of sea fishing and other products taken from the sea by their vessels;
- (g) products made aboard their factory ships exclusively from products referred to in subparagraph (f);
- (h) used articles collected there fit only for the recovery of raw materials;
- (i) waste and scrap resulting from manufacturing operations conducted therein;
- (j) goods produced there exclusively from the products specified in subparagraphs (a) to (i).

2. The term 'their vessels' in paragraph 1 (f) shall apply only to vessels:

- which are registered or recorded in a Member State, in an ACP State, or in an OCT,

- which sail under the flag of a Member State, of an ACP State, or of an OCT,

- which are owned to an extent of at least 50 % by nationals of States party to the Convention, or of an OCT, or by a company with its head office in one of these States or OCT, of which the manager or managers, chairman of the board of directors or the supervisory board, and the majority of the members of such boards, are nationals of States party to the Convention or of an OCT and of which, in addition in the case of partnerships or limited companies, at least half the capital belongs to States party to the Convention or to public bodies or nationals of such States, or of an OCT,

- of which at least 50 % of the crew, master and officers included, are nationals of States party to the Convention, or of an OCT.

3. Notwithstanding the provisions of paragraph 2, where an ACP State offers the Community the opportunity to negotiate a fisheries agreement and the Community does not accept this offer, the ACP State concerned may charter or lease third country vessels to undertake fisheries activities in its exclusive economic zone and request that such vessels be treated as 'their vessels' under the provisions of this Article.

The Community will recognize vessels chartered or leased by the ACP State as 'their vessels' under the following conditions:

- that the Community has not availed itself of the opportunity to negotiate a fisheries agreement with the ACP State concerned,

- that at least 50 % of the crew, master and officers included, are nationals of States party to the Convention, or of an OCT,

- that the charter or lease contract has been accepted by the Commission as providing adequate opportunities for developing the capacity of the ACP State to fish on its own account and in particular as conferring on the ACP State the responsibility for the nautical and commercial management of the vessel placed at its disposal for a significant period of time.

4. The terms 'ACP State', 'the Community' and 'OCT' shall also cover their territorial waters.

Sea-going vessels, including factory ships, on which the fish caught is worked or processed shall be considered as part of the territory of the ACP States, the Community or the OCT to which they belong, provided that they satisfy the conditions set out in paragraph 2.

Article 3

Sufficiently processed products

1. For the purposes of Article 1, non-originating materials are considered to be sufficiently worked or processed when the product obtained is classified in a heading which is different from those in which all the non-originating materials used in its manufacture are classified, subject to paragraphs 2 and 3.

The expressions 'chapters' and 'headings' used in this Protocol shall mean the chapters and the headings (four-digit codes) used in the nomenclature which makes up the Harmonized Commodity Description and Coding System (hereinafter referred to as 'the harmonized system').

The expression 'classified' shall refer to the classification of a product or material under a particular heading.

2. For a product mentioned in columns 1 and 2 of the list in Annex II, the conditions set out in column 3 for the product concerned must be fulfilled instead of the rule in paragraph 1.

- (a) Where in the list in Annex II a percentage rule is applied in determining the originating status of a product obtained in an ACP State, the value added by the working or processing shall correspond to the ex-works price of the product obtained, less the customs value of third-country materials imported into the Community, the ACP States or the OCT.
- (b) The term 'value' in the list in Annex II shall mean the customs value at the time of the import of the non-originating materials used or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the territory concerned.

Where the value of the originating materials used needs to be established, the first subparagraph of (b) shall be applied *mutatis mutandis*.

- (c) The term 'ex-works price' in the list in Annex II shall mean the price paid for the product obtained to the manufacturer in whose undertaking the last working or processing is carried out, provided the price includes the value of all the materials used in manufacture, minus any internal taxes which are, or may be repaid when the product obtained is exported.
- (d) 'Customs value' shall be understood as meaning the customs value laid down in the Convention concerning the valuation of goods for customs purposes signed in Brussels on 15 December 1950.

3. For the purpose of implementing paragraphs 1 and 2 the following shall be considered as insufficient working or processing to confer the status of originating products, whether or not there is a change of heading:

- (a) operations to ensure the preservation of products in good condition during transport and storage (ventilation, spreading out, drying, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);
- (b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles, washing, painting, cutting up);
- (c) (i) changes of packaging and breaking up and assembly of consignments;
(ii) simple placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards etc., and all other simple packaging operations;
- (d) affixing marks, labels and other like distinguishing signs on products or their packaging;
- (e) (i) simple mixing of products of the same kind where one or more components of the mixture do not meet the conditions laid down in this Protocol to enable them to be considered as originating either in an ACP State, in the Community or in the OCT;
(ii) simple mixing of products of different kinds unless one or more components of the mixture meet the conditions laid down in this Protocol to enable them to be considered as originating either in an ACP State, in the Community, or in the OCT and provided that such components contribute in determining the essential characteristics of the finished product;
- (f) simple assembly of parts of articles to constitute a complete article;
- (g) a combination of two or more operations specified in subparagraphs (a) to (f);
- (h) slaughter of animals.

Article 4

Neutral elements

In order to determine whether goods originate in an ACP State, the Community or one of the OCT, it shall not be necessary to establish whether the electrical power, fuel, plant and equipment and machines and tools

used to obtain such goods or whether any materials or products used in the course of production which do not enter and which were not intended to enter into the final composition of the goods originate in third countries or not.

Article 5

Value tolerance

Notwithstanding the provisions of Article 3 (1) and (2), non-originating materials may be used in the manufacture of a given product, provided their total value does not exceed 10 % of ex-works price of the final product and subject to the conditions laid down in Note 4.4 in Annex I.

Article 6

Cumulation

1. For the purpose of implementing this Title, the ACP States shall be considered as being one territory.

2. When products wholly obtained in the Community or in the OCT undergo working or processing in the ACP States, they shall be considered as having been wholly obtained in the ACP States.

3. Working and processing carried out in the Community or in the OCT shall be considered as having been carried out in the ACP States, when the materials undergo working or processing in the ACP States.

4. Paragraphs 2 and 3 apply to any working or processing carried out in the ACP States, including the operations listed in Article 3 (3).

Article 7

Allocation of origin

Originating products made up of materials wholly obtained or sufficiently processed in two or more ACP States shall be considered as products originating in the ACP State where the last working or processing took place, provided this working or processing exceeded the insufficient operations listed in Article 3 (3) (a), (b), (c) and (d) or a combination thereof.

Article 8

Accessories, spare parts and tools

Accessories, spare parts and tools dispatched with a piece of equipment, machine, apparatus or vehicle which are part of the normal equipment and included in the price thereof or are not separately invoiced are regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

Article 9

Sets

Sets, as defined in General Rule 3 of the harmonized system, shall be regarded as originating when all component articles are originating products. Nevertheless, when a set is composed of originating and non-originating articles, the set as a whole shall be regarded as originating provided that the value of the non-originating articles does not exceed 15 % of ex-works price of the set.

Article 10

Direct transport

1. The preferential treatment provided for under the trade cooperation provisions of the Convention applies only to products or materials which are transported between the territory of the ACP States, of the Community or of the OCT without entering any other territory. However, goods constituting one single consignment may be transported through territory other than that of the ACP States or the Community or the OCT, with, should the occasion arise, transshipment or temporary warehousing in such territory, provided that the goods have remained under the surveillance of the customs authorities in the country of transit or of warehousing and that they have not undergone operations other than unloading, reloading or any operation designed to preserve them in good condition.

2. Evidence that the conditions referred to in paragraph 1 have been fulfilled shall be supplied to the responsible customs authorities by the production of:

(a) a through bill of lading issued in the exporting beneficiary country covering the passage through the country of transit;

(b) or a certificate issued by the customs authorities of the country of transit:

— giving an exact description of the goods,

— stating the dates of unloading and reloading of the goods or of their embarkation or disembarkation, identifying the ships used,

— certifying the conditions under which the goods remained in the transit country;

(c) or failing these, any substantiating documents.

Article 11

Territorial requirement

The conditions set out in this Title relative to the acquisition of originating status must be fulfilled without interruption in the Community, the ACP States or the OCT.

If originating goods exported from the Community, the ACP States or the OCT to another country are returned, they must be considered as non-originating unless it can be demonstrated to the satisfaction of the customs authorities that:

- the goods returned are the same goods as those exported, and
- they have not undergone any operation beyond that necessary to preserve them in good condition while in that country or while being exported.

TITLE II

PROOF OF ORIGIN

Article 12

Movement certificate EUR. 1

1. Evidence of originating status of products, within the meaning of this Protocol, shall be given by a movement certificate EUR. 1, a specimen of which appears in Annex IV to this Protocol.

2. A movement certificate EUR. 1 may be issued only where it can serve as the documentary evidence required for the purpose of implementing the Convention.

3. A movement certificate EUR. 1 shall be issued only on application having been made in writing by the exporter. Such application shall be made on a form, a specimen of which appears in Annex IV to this Protocol, which shall be completed in accordance with this Protocol.

Applications for movement certificates EUR. 1 must be preserved for at least three years by customs authorities of the exporting country.

4. Under the responsibility of the exporter, he or his authorized representative shall request the issue of a movement certificate EUR. 1.

5. The exporter or his representative shall submit with his request any appropriate supporting document proving that the products to be exported are such as to qualify for the issue of a movement certificate EUR. 1.

6. The movement certificate EUR. 1 shall be issued by the customs authorities of the exporting ACP State, if the goods can be considered 'originating products' within the meaning of this Protocol.

7. For the purpose of verifying whether the conditions stated in paragraph 6 have been met, the customs authorities shall have the right to call for any documentary evidence or to carry out any check which they consider appropriate.

8. It shall be the responsibility of the customs authorities of the exporting State to ensure that the forms

referred to in paragraph 1 are duly completed. In particular, they shall check whether the space reserved for the description of the products has been completed in such a manner as to exclude all possibility of fraudulent additions. To this end, the description of the products must be indicated without leaving any blank lines. Where the space is not completely filled a horizontal line must be drawn below the last line of the description, the empty space being crossed through.

9. The date of issue of the movement certificate must be indicated in the part of the certificate reserved for the customs authorities.

10. A movement certificate EUR. 1 shall be issued by the customs authorities of the exporting ACP State when the products to which it relates are exported. It shall be made available to the exporter as soon as actual export has been effected or ensured.

Article 13

Issue of EUR. 1 retrospectively

1. In exceptional circumstances a movement certificate EUR. 1 may also be issued after export of the products to which it relates if it was not issued at the time of export because of errors or involuntary omissions or special circumstances.

2. For the implementation of paragraph 1, the exporter must in the application:

- indicate the place and date of export of the products to which the certificate relates,
- certify that no movement certificate EUR. 1 was issued at the time of export of the products in question, and state the reasons.

3. The customs authorities may issue a movement certificate EUR. 1 retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.

Certificates issued retrospectively must be endorsed with one of the following phrases: 'EXPEDIDO A POSTERIORI', 'UDSTEDT EFTERFØLGENDE', 'NACHTRÄGLICH AUSGESTELLT', 'ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ', 'ISSUED RETROSPECTIVELY', 'DELIVRÉ A POSTERIORI', 'RILASCIATO A POSTERIORI', 'AFGEGEVEN A POSTERIORI', 'EMITIDO A POSTERIORI'.

Article 14

Issue of a duplicate EUR. 1

In the event of the theft, loss or destruction of a movement certificate EUR. 1, the exporter may apply to the customs authorities which issued it for a duplicate made out on the basis of the export documents in their possession.

The duplicate issued in this way must be endorsed with one of the following words: 'DUPLICADO', 'DUPLIKAT', 'DUPLIKAT', 'ΑΝΤΙΓΡΑΦΟ', 'DUPLICATE', 'DUPLICATA', 'DUPLICATO', 'DUPLICAAT', 'SEGUNDA VIA'.

Article 15

Replacement of certificates

It shall at any time be possible to replace one or more movement certificates EUR. 1 by one or more other movement certificates EUR. 1 provided that this is done at the customs office where the goods are located.

Article 16

Validity of movement certificates EUR. 1

1. A movement certificate EUR. 1 must be submitted, within 10 months of the date of issue by the customs authorities of the exporting ACP State, to the customs authorities of the importing State where the products are entered.

2. A movement certificate EUR. 1 which is submitted to the customs authorities of the importing State after the final date of presentation specified in paragraph 1 may be accepted for the purpose of applying preferential treatment, where the failure to submit the certificate by the final date set is due to reasons of *force majeure* or exceptional circumstances.

3. In other cases of belated presentation, the customs authorities of the importing State may accept the certificates where the products have been submitted to them before the said final date.

Article 17

Transit procedure

When the products enter an ACP State or OCT other than the country of origin, a further period of validity of 10 months shall commence on the date on which the customs authorities in the country of transit enter the following in box 7 of the certificate EUR. 1:

- the word 'transit',
- the name of the country of transit,
- the official stamp, a specimen of which had been made available to the Commission, in conformity with Article 25,
- the date of the endorsements.

Article 18

Exhibitions

1. Products sent from an ACP State for exhibition in a country other than an ACP State, a Member State or

an OCT and sold after the exhibition for importation into the Community shall benefit on importation from the provisions of the Convention on condition that the products meet the requirements of this Protocol entitling them to be recognized as originating in an ACP State and provided that it is shown to the satisfaction of the customs authorities of the importing State that:

- (a) an exporter has consigned these products from an ACP State to the country in which the exhibition is held and has exhibited them there;
- (b) the products have been sold or otherwise disposed of by that exporter to someone in the Community;
- (c) the products have been consigned during the exhibition or immediately thereafter to the Community in the state in which they were sent for exhibition;
- (d) the products have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A movement certificate EUR. 1 must be produced to the customs authorities in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the nature of the products and the conditions under which they have been exhibited may be required.

3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organized for private purposes in shops or business premises with a view to the sale of foreign products, and during which the products remain under customs control.

Article 19

Submission of certificates

Movement certificates EUR. 1 shall be submitted to customs authorities in the importing State, in accordance with the procedures laid down by that State. The said authorities may require a translation of a certificate. They may also require the import declaration to be accompanied by a statement from the importer to the effect that the products meet the conditions required for the implementation of the Convention.

Article 20

Importation by instalments

Where, at the request of the person declaring the goods at the customs, a dismantled or non-assembled article falling within Chapter 84 or 85 of the harmonized system is imported by instalments on the conditions laid down by the competent authorities, it shall be considered to be a single article and a movement certificate may be submitted for the whole article upon import of the first instalment.

Article 21

Form EUR. 2

1. Notwithstanding Article 12, the evidence of originating status, within the meaning of this Protocol, of products which form the subject of postal consignments (including parcels), provided that they consist only of originating products and that the value does not exceed ECU 2 820 per consignment, is given by a form EUR. 2, of which a specimen appears in Annex V to this Protocol, which shall be completed by the exporter.

2. Up to and including 30 April 1991 the ecu to be used in any given national currency of a Member State of the Community shall be the equivalent in that national currency of the ecu as at 1 October 1988. For each successive period of two years it shall be the equivalent in that national currency of the ecu as at the first working day in October in the year immediately preceding that two-year period.

3. Revised amounts replacing the amounts expressed in ecus above and in Article 22 (2) may be introduced by the Community at the beginning of any successive two-year period if necessary and shall be notified by the Community to the Customs Cooperation Committee not later than one month before they shall come into force. These amounts shall be, in any event, such as to ensure that the value of the limits as expressed in the currency of any Member State shall not decline.

4. If the products are invoiced in the currency of another Member State of the Community, the importing State shall recognize the amount notified by the State concerned.

5. A form EUR. 2 shall be completed for each postal consignment. After completing and signing the form, the exporter shall, in the case of consignments by parcel post, attach the form to the dispatch note. In the case of consignment by letter post, the exporter shall insert the form inside the package.

6. These provisions do not exempt exporters from complying with any other formalities required by customs or postal regulations.

Article 22

Exemptions from proof of origin

1. Products sent as small packages to private persons or forming part of travellers' personal luggage shall be admitted as originating products without requiring the production of a movement certificate EUR. 1 or the completion of form EUR. 2, provided that such products are not imported by way of trade and have been declared as meeting the conditions required for the application of these provisions, and where there is no doubt as to the veracity of such declaration.

2. Imports which are occasional and consist solely of products for the personal use of the recipients or travellers or their families shall not be considered as imports by way of trade if it is evident from the nature and quantity of the products that no commercial purpose is in view.

Furthermore, the total value of these products must not exceed ECU 200 in the case of small packages or ECU 565 in the case of the contents of travellers' personal luggage.

Article 23

Information procedure for cumulation purposes

1. When Article 6 is applied, for the issue of a movement certificate EUR. 1, the competent customs office in the ACP State requested to issue the certificate for products in the manufacture of which materials coming from other ACP States, the Community or the OCT are used, shall take into consideration the declaration, a specimen of which appears in Annex VI A or B, given by the exporter in the State or OCT from which it came, either on the commercial invoice applicable to these materials, or on a supporting document to that invoice.

2. A separate supplier's declaration shall be given by the supplier for each consignment of materials on the commercial invoice related to that shipment or in an annex to that invoice, or on a delivery note or other commercial document related to that shipment which describes the materials concerned in sufficient detail to enable them to be identified.

3. For materials having obtained preferential originating status, the suppliers' declarations shall be given in the form prescribed in Annex VI A.

4. For materials which have undergone working or processing in the ACP States, the OCT or the Community without having obtained preferential originating status, the suppliers' declarations shall be given in the form prescribed in Annex VI B.

5. The supplier's declaration may be made out on a pre-printed form.

6. The suppliers' declaration shall be signed in manuscript. However, where the invoice and the supplier's declaration are established using electronic data-processing methods, the supplier's declaration need not be signed in manuscript provided the responsible official in the supplying company is identified to the satisfaction of the customs authorities in the State where the suppliers' declarations are established. The said customs authorities may lay down conditions for the implementation of this paragraph.

7. Suppliers' declarations made and information certificates issued before the date of entry into force of this Protocol in accordance with Articles 20 and 21 of Protocol 1 to the Third ACP-EEC Convention shall remain valid.

Article 24

Discrepancies

The discovery of slight discrepancies between the statements made in the movement certificate EUR. 1, in the form EUR. 2 or in the layout of the supplier's declaration referred to in Article 23 and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the materials shall not *ipso facto* render the document null and void if it is duly established that movement certificate EUR. 1, the form EUR. 2 or the suppliers' declaration does correspond to the goods submitted.

TITLE III

METHODS OF ADMINISTRATIVE COOPERATION

Article 25

Communication of stamps

The ACP States shall send to the Commission specimens of the stamps used together with the addresses of the customs authorities competent to issue movement certificates EUR. 1 and carry out the subsequent verification of movement certificates EUR. 1 and forms EUR. 2.

Movement certificates EUR. 1 and forms EUR. 2 shall be accepted for the purpose of applying preferential treatment from the date the information is received by the Commission.

The Commission shall send this information to the customs authorities of the Member States.

Movement certificates EUR. 1 and forms EUR. 2 presented to the customs authorities of the importing State before this date shall be accepted in conformity with the Community legislation.

Article 26

Verification of movement certificates EUR. 1 and of forms EUR. 2

1. Subsequent verification of movement certificates EUR. 1 and of forms EUR. 2 shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubts as to the authenticity of the document or the accuracy of the information regarding the true origin of the products in question.

2. In order to ensure the proper application of this Protocol, the Member States, the OCT and the ACP States shall assist each other, through their respective customs administrations, in checking the authenticity of movement certificates EUR. 1 and the accuracy of the information concerning the actual origin of the products concerned and the declarations by exporters on forms EUR. 2 and the authenticity and accuracy of the information certificates referred to in Article 27 (2).

The authorities consulted shall furnish the relevant information concerning the conditions under which the product has been made, indicating especially the conditions in which the rules of origin have been respected in the various ACP States, Member States or OCT concerned.

3. If the customs authorities of the importing State decide to suspend execution of the provisions of the Convention while awaiting the results of the verification, they shall offer to release the products to the importer subject to any precautionary measures judged necessary.

4. For the purpose of implementing paragraph 1, the customs authorities of the importing State shall return the movement certificate EUR. 1 or form EUR. 2, or a photocopy thereof, to the customs authorities of the exporting State, giving, where appropriate, the reasons of form or substance for an inquiry. The relevant commercial documents, or a copy thereof, shall be attached to the certificate EUR. 1 or form EUR. 2 and the customs authorities shall forward any information that has been obtained suggesting that the particulars given on the said certificate or the said form are inaccurate.

5. The customs authorities of the importing State shall be informed of the results of the verification within six months. These results must be such as to make it possible to determine whether the disputed movement certificate EUR. 1 or form EUR. 2 applied to the products actually exported, and whether these products can, in fact, qualify for the application of the preferential arrangements.

6. Where the verification procedure or any other available information appears to indicate that the provisions of this Protocol are being contravened, the ACP State on its own initiative or at the request of the Community shall carry out appropriate enquiries or arrange for such enquiries to be carried out with due urgency to identify and prevent such contraventions and for this purpose the ACP State concerned may invite the participation of the Community in these enquiries.

Where the verification procedure or any other available information appears to indicate that the provisions of this Protocol are being contravened, the products would be

accepted as originating products under Protocol No 1 only after the completion of such aspects of administrative cooperation set down in the Protocol which may have been activated, including in particular the verification procedure.

7. Disputes which cannot be settled between the customs authorities of the importing State and those of the exporting State, or those which raise a question as to the interpretation of this Protocol, shall be submitted to the Customs Cooperation Committee provided for in Article 30.

8. In all cases, the settlement of disputes between the importer and the customs authorities of the importing State shall be under the legislation of the said State.

Article 27

Verification of suppliers' declarations

1. Verification of suppliers' declarations may be carried out at random or whenever the customs authorities of the importing State have reasonable doubts as to the authenticity of the document or the accuracy or completeness of the information concerning the true origin of the materials in question.

2. The customs authorities to which a supplier's declaration is submitted may request the customs authorities of the State where the declaration was made to issue an information certificate, a specimen of which appears in Annex VII to this Protocol. Alternatively, the customs authorities to which a supplier's declaration is submitted may request the exporter to produce an information certificate issued by the customs authorities of the State where the declaration was made.

A copy of the information certificate shall be preserved by the office which has issued it for at least two years.

3. The requesting customs authorities shall be informed of the results of the verification as soon as possible. The results must be such as to indicate positively whether the declaration concerning the status of the materials is correct.

4. For the purpose of verification, suppliers shall keep for not less than two years a copy of the document containing the declaration together with all necessary evidence showing the true status of the materials.

5. The customs authorities in the State where the supplier's declaration is established shall have the right to call for any evidence or to carry out any check which they consider appropriate in order to verify the correctness of any supplier's declaration.

6. Any movement certificate EUR. 1 or form EUR. 2 issued or made out on the basis of an incorrect supplier's declaration shall be considered null and void.

7. The procedure laid down in Article 26 (7) shall apply in case of any disputes concerning suppliers' declarations or information certificates.

Article 28

Penalties

Penalties shall be imposed on any person who, in order to enable products to be accepted as eligible for preferential treatment, draws up or causes to be drawn up either a document which contains incorrect particulars for the purpose of obtaining a movement certificate EUR. 1 or a form EUR. 2 containing incorrect particulars.

Article 29

Free zones

The ACP States shall take all necessary steps to ensure that goods traded under cover of a movement certificate EUR. 1 or of a supplier's declaration and which in the course of transport use a free zone situated in their territory are not replaced by other goods and that they do not undergo handling other than operations designed to preserve them in good condition.

Article 30

Customs Cooperation Committee

1. A Customs Cooperation Committee, hereinafter referred to as 'the Committee', shall be set up and charged with carrying out administrative cooperation with a view to the correct and uniform application of this Protocol and with carrying out any other task in the customs field which may be entrusted to it.

2. The Committee shall examine regularly the effect on the ACP States and in particular on the least-developed ACP States of application of the rules of origin and shall recommend to the Council of Ministers appropriate measures.

3. The Committee shall take decisions on derogations from this Protocol, under the conditions laid down in Article 31.

4. The Committee shall meet regularly, in particular to prepare the decisions of the Council of Ministers pursuant to Article 34.

5. The Committee shall be composed on the one hand of experts from the Member States and of Commission officials responsible for customs questions, and on the other hand of experts representing the ACP States and of officials of regional groupings of the ACP States who are responsible for customs questions. The Committee may call upon appropriate expertise where necessary.

Article 31

Derogations

1. Derogations from this Protocol may be adopted by the Committee where the development of existing industries or the creation of new industries justifies them.

The ACP State or States concerned shall, either before or when the ACP States submit the matter to the Committee, notify the Community of its request for a derogation together with the reasons for the request in accordance with paragraph 2.

The Community shall respond positively to all the ACP requests which are duly justified in conformity with this Article and which cannot cause serious injury to an established Community industry.

2. In order to facilitate the examination by the Committee of requests for derogation, the ACP State making the request shall, by means of the form given in Annex IX to this Protocol, furnish in support of its request the fullest possible information covering in particular the points listed below:

- description of the finished product,
- nature and quantity of materials originating in a third country,
- nature and quantity of materials originating in ACP States, the Community or the OCT, or which have been processed there,
- manufacturing processes,
- value added,
- number of employees in the enterprise concerned,
- anticipated volume of exports to the Community,
- other possible sources of supply for raw materials,
- reasons for the duration requested in the light of efforts made to find new sources of supply,
- other observations.

The same rules shall apply to any requests for extension.

The Committee may modify the form.

3. The examination of requests shall in particular take into account:

- (a) the level of development or the geographical situation of the ACP State or States concerned;
- (b) cases where the application of the existing rules of origin would significantly affect the ability of an existing industry in an ACP State to continue its exports to the Community, with particular reference to cases where this could lead to cessation of its activities;
- (c) specific cases where it can be clearly demonstrated that significant investment in an industry could be deterred by the rules of origin and where a derogation favouring the realization of the investment

programme would enable these rules to be satisfied by stages.

4. In every case an examination shall be made to ascertain whether the rules relating to cumulation of origin do not provide a solution to the problem.

5. In addition when a request for derogation concerns a least-developed or an island ACP State, its examination shall be carried out with a favourable bias having particular regard to:

- (a) the economic and social impact of the decision to be taken especially in respect of employment;
- (b) the need to apply the derogation for a period taking into account the particular situation of the ACP State concerned and its difficulties.

6. In the examination of requests, special account shall be taken, case by case, of the possibility of conferring originating status on products which include in their composition materials originating in neighbouring developing countries, least-developed countries or developing countries with which one or more ACP States have special relations, provided that satisfactory administrative cooperation can be established.

7. Without prejudice to paragraphs 1 to 6, the derogation shall be granted where the value added to the non-originating products used in the ACP State or States concerned is at least 45 % of the value of the finished product, provided that the derogation is not such as to cause serious injury to an economic sector of the Community or of one or more Member States.

8. Derogations shall be automatically granted to requests concerning canned tuna, within an annual quota of 1 500 tonnes in the period from the coming into force of the Convention to 31 December 1992, and of 2 500 tonnes per year from 1 January 1993.

Applications for such derogations shall be submitted by the ACP States in accordance with the abovementioned quota to the Committee, which shall put them into force by means of a decision. Above this quota the procedure set out in paragraphs 1 to 7 applies.

9. The Committee shall take steps necessary to ensure that a decision is reached as quickly as possible, and in any case not later than 60 working days after the request is received by the EEC co-chairman of the Committee. If the Community does not inform the ACP States of its position on the request within this period, the request shall be deemed to have been accepted. In the event of a decision not being taken by the Committee, the Committee of Ambassadors shall be called upon to decide within one month of the date on which the matter is referred to it.

10. (a) The derogation shall be valid for a period, generally of five years, to be determined by the Committee.
- (b) The derogation decision may provide for renewals without a new decision of the Committee being necessary, provided that the ACP State or States concerned submit, three months before the end of each period, proof that they are still unable to meet the conditions of this Protocol which have been derogated from.

If any objection is made to the extension, the Committee shall examine it as soon as possible and decide whether to prolong the derogation. The Committee shall proceed as provided for in paragraph 9. All necessary measures shall be taken to avoid interruptions in the application of the derogation.

- (c) In the periods referred to in subparagraphs (a) and (b), the Committee may review the terms for implementing the derogation should a significant change be found to have taken place in the substantive factors governing the decision to grant the derogation. On conclusion of its review the Committee may decide to amend the terms of its decision as regards the scope of the derogation or any other condition previously laid down.

TITLE IV

CANARY ISLANDS, CEUTA AND MELILLA

Article 32

Special conditions

1. The term 'Community' used in this Protocol shall not cover the Canary Islands, Ceuta and Melilla. The term 'products originating in the Community' shall not cover products originating in the Canary Islands, Ceuta and Melilla.
2. The provisions of this Protocol shall apply *mutatis mutandis* in determining whether products may be deemed as originating in the ACP States when imported into the Canary Islands, Ceuta and Melilla.
3. Where products wholly obtained in the Canary Islands, Ceuta, Melilla, the OCT or the Community undergo working and processing in the ACP States, they shall be considered as having been wholly obtained in the ACP States.
4. Working or processing carried out in the Canary Islands, Ceuta, Melilla, the OCT or the Community shall be considered as having been carried out in the ACP States, when materials undergo further working or processing in the ACP States.

5. For the purpose of implementing paragraphs 3 and 4, the insufficient operations listed in Article 3 (3) (a), (b), (c) and (d) shall not be considered as working or processing.

6. The Canary Islands, Ceuta and Melilla shall be considered as a single territory.

TITLE V

FINAL PROVISIONS

Article 33

Petroleum products

The products set out in Annex VIII shall be temporarily excluded from the scope of this Protocol. Nevertheless, the arrangements regarding administrative cooperation shall apply, *mutatis mutandis*, to these products.

Article 34

Revision of rules of origin

In accordance with Article 176 of the Convention, the Council of Ministers shall examine annually, or whenever the ACP States or the Community so request, the application of the provisions of this Protocol and their economic effects with a view to making any necessary amendments or adaptations.

The Council of Ministers shall take into account among other elements the effects on the rules of origin of technological developments.

The decisions taken shall be implemented as soon as possible.

Article 35

Requests for derogations

The Contracting Parties undertake to examine in an appropriate institutional framework, from the date of the signature of the Convention, any applications for derogations from this Protocol, with a view to allowing them to enter into force at the same date as the Convention.

Article 36

Annexes

The Annexes to this Protocol shall form an integral part thereof.

Article 37

Implementation of the Protocol

The Community and the ACP States shall each take the steps necessary to implement this Protocol.

ANNEX I

NOTES

Foreword

These notes shall apply where appropriate to all products manufactured using non-originating materials even if they are not subject to specific conditions contained in the list in Annex II but are subject instead to the change of heading rule set out in Article 3 (1).

Note 1:

- 1.1. The first two columns in the list describe the product obtained. The first column gives the heading number or chapter number used in the harmonized system and the second column gives the description of goods used in that system for that heading or chapter. For each entry in the first two columns a rule is specified in column 3. Where, in some cases, the entry in the first column is preceded by an 'ex', this signifies that the rule in column 3 applies only to the part of that heading or chapter as described in column 2.
- 1.2. Where several heading numbers are grouped together in column 1 or a chapter number is given and the description of products in column 2 is therefore given in general terms, the adjacent rule in column 3 applies to all products which, under the harmonized system, are classified in headings of the chapter or in any of the headings grouped together in column 1.
- 1.3. Where there are different rules in the list applying to different products within a heading, each indent contains the description of that part of the heading covered by the adjacent rule in column 3.

Note 2:

- 2.1. The term 'manufacture' covers any kind of working or processing including 'assembly' or specific operations. However, see Note 3.5 below.
- 2.2. The term 'material' covers any 'ingredient', 'raw material', 'component' or 'part', etc., used in the manufacture of the product.
- 2.3. The term 'product' refers to the product being manufactured, even if it is intended for later use in another manufacturing operation.
- 2.4. The term 'goods' covers both 'materials' and 'products'.

Note 3:

- 3.1. In the case of any heading not in the list or any part of a heading that is not in the list, the 'change of heading' rule set out in Article 3 (1) applies. If a 'change of heading' condition applies to any entry in the list, then it is contained in the rule in column 3.
- 3.2. The working or processing required by a rule in column 3 has to be carried out only in relation to the non-originating materials used. The restrictions contained in a rule in column 3 likewise apply only to the non-originating materials used.
- 3.3. Where a rule states that 'materials of any heading' may be used, materials of the same heading as the product may also be used, subject, however, to any specific limitations which may also be contained in the rule. However, the expression 'manufacture from materials of any heading, including other materials of heading No ...' means that only materials classified in the same heading as the product of a different description than that of the product as given in column 2 of the list may be used.

- 3.4. If a product made from non-originating materials which has acquired originating status during manufacture by virtue of the change of heading rule or its own list rule is used as a material in the process of manufacture of another product, then the rule applicable to the product in which it is incorporated does not apply to it.

For example (*), an engine of heading No 8407, for which the rule states that the value of the non-originating materials which may be incorporated may not exceed 40 % of the ex-works price, is made from 'other alloy steel roughly shaped by forging' of heading No 7224.

If this forging has been forged in the country concerned from a non-originating ingot then the forging has already acquired origin by virtue of the rule for heading No ex 7224 in the list. It can then count as originating in the value calculation for the engine regardless of whether it was produced in the same factory or another. The value of the non-originating ingot is thus not taken into account when adding up the value of the non-originating materials used.

- 3.5. Even if the change of heading rule or the other rules contained in the list are satisfied, a product shall not acquire originating status if the processing carried out, taken as a whole, is insufficient within the meaning of Article 3 (3).
- 3.6. The unit of qualification for the application of the origin rules shall be the particular product which is considered as the basic unit when determining classification using the nomenclature of the harmonized system. In the case of sets of products which are classified by virtue of rule 3 of the general rules for the interpretation of the harmonized system, the unit of qualification shall be determined in respect of each item in the set in the case of headings Nos 6308, 8206 and 9605.

Accordingly, it follows that:

- when a product composed of a group or assembly of articles is classified under the terms of the harmonized system in a single heading, the whole constitutes the unit of qualification.
- when a consignment consists of a number of identical products classified under the same heading of the harmonized system, each product must be taken individually when applying the origin rules,
- where, under general rule 5 of the harmonized system, packing is included with the product for classification purposes, it shall be included for the purposes of determining origin.

Note 4:

- 4.1 The rule in the list represents the minimum amount of working or processing required and the carrying out of more working or processing also confers originating status; conversely, the carrying out of less working or processing cannot confer origin. Thus if a rule says that non-originating material at a certain level of manufacture may be used, the use of such material at an earlier stage of manufacture is allowed and the use of such material at a later stage is not.
- 4.2. When a rule in the list specifies that a product may be manufactured from more than one material, this means that any one or more materials may be used. It does not require that all be used.

For example (*), the rule for fabrics says that natural fibres may be used and that chemical materials, among other materials, may also be used. This does not mean that both have to be used; one can use one or the other or both.

If, however, a restriction applies to one material and other restrictions apply to other materials in the same rule, then the restrictions only apply to the materials actually used.

(*) This example is given for the purpose of explanation only. It is not legally binding.

For example (*), the rule for sewing machines specifies that both the thread tension mechanism used and the zigzag mechanism used must originate; these two restrictions only apply if the mechanisms concerned are actually incorporated into the sewing machine.

- 4.3. When a rule in the list specifies that a product must be manufactured from a particular material, the condition obviously does not prevent the use of other materials which, because of their inherent nature, cannot satisfy the rule.

For example (*), the rule for heading No 1904 which specifically excludes the use of cereals or their derivatives does not prevent the use of mineral salts, chemicals and other additives which are not produced from cereals.

For example (*), in the case of an article made from non-woven materials, if the use of only non-originating yarn is allowed for this class of article, it is not possible to start from non-woven cloth — even if non-woven cloths cannot normally be made from yarn. In such cases, the starting material would normally be at the stage before yarn — that is the fibre stage.

See also Note 7.3 in relation to textiles.

- 4.4. If in a rule in the list two or more percentages are given for the maximum value of non-originating materials that can be used, then these percentages may not be added together. The maximum value of all the non-originating materials used may never exceed the highest of the percentages given. Furthermore, the individual percentages must not be exceeded in relation to the particular materials they apply to.

This note also applies to the value tolerance provided for in Article 5.

Note 5:

- 5.1. The term 'natural fibres' is used in the list to refer to fibres other than artificial or synthetic fibres and is restricted to the stages before spinning takes place, including waste, and, unless otherwise specified, the term 'natural fibres' includes fibres that have been carded, combed or otherwise processed but not spun.
- 5.2. The term 'natural fibres' includes horsehair of heading No 0503, silk of heading Nos 5002 and 5003 as well as the wool fibres, fine or coarse animal hair of heading Nos 5101 to 5105, the cotton fibres of heading Nos 5201 to 5203 and the other vegetable fibres of heading Nos 5301 to 5305.
- 5.3. The terms 'textile pulp', 'chemical materials' and 'paper-making materials' are used in the list to describe the materials not classified in chapters 50 to 63, which can be used to manufacture artificial, synthetic or paper fibres or yarns.
- 5.4. The term 'man-made staple fibres' is used in the list to refer to synthetic or artificial filament tow, staple fibres or waste, of heading Nos 5501 to 5507.

Note 6:

- 6.1. In the case of the products classified in those headings in the list to which a reference is made to this Note, the conditions set out in column 3 of the list shall not be applied to any basic textile materials used in their manufacture which, taken together, represent 10 % or less of the total weight of all the basic textile materials used (but see also Notes 6.3 and 6.4 below).

(*) This example is given for the purpose of explanation only. It is not legally binding.

6.2. However, this tolerance may only be applied to mixed products which have been made from two or more basic textile materials.

The following are the basic textile materials:

- silk,
- wool,
- coarse animal hair,
- fine animal hair,
- horsehair,
- cotton,
- paper-making materials and paper,
- flax,
- true hemp,
- jute and other textile bast fibres,
- sisal and other textile fibres of the genus Agave,
- coconut, abaca, ramie and other vegetable textile fibres,
- synthetic man-made filaments,
- artificial man-made filaments,
- synthetic man-made staple fibres,
- artificial man-made staple fibres.

For example (1), a yarn of heading No 5205 made from cotton fibres of heading No 5203 and synthetic staple fibres of heading No 5506 is a mixed yarn. Therefore, non-originating synthetic staple fibres that do not satisfy the origin rules (which require the use of non-originating chemical materials) may be used up to a weight of 10 % of the yarn.

For example (1), a woollen fabric of heading No 5112 made from woollen yarn of heading No 5107 and synthetic yarn of staple fibres of heading No 5509 is a mixed fabric. Therefore, non-originating synthetic yarn that does not satisfy the origin rules (which require the use of non-originating man-made staple fibres not carded or combed or otherwise prepared for spinning), or non-originating woollen yarn that does not satisfy the origin rules (which require the use of non-originating natural fibres), or a combination of the two may be used up to a weight of 10 % of the fabric.

For example (1), tufted textile fabric of heading No 5802 made from cotton yarn of heading No 5205 and cotton fabric of heading No 5210 is only a mixed product if the cotton fabric is itself a mixed fabric being made from yarns classified in two separate headings or if the cotton yarns used are themselves mixtures.

For example (1), if the tufted textile fabric concerned had been made from cotton yarn of heading No 5205 and synthetic fabric of heading No 5407, then, obviously, the yarns used are two separate basic textile materials and the tufted textile fabric is accordingly a mixed product.

For example (1), a carpet with tufts made both from artificial yarns and tufts made from cotton yarns and with a jute backing is a mixed product because three basic textile materials are used. Thus, any non-originating materials that are at a later stage of manufacture than the rule allows may be used, provided their total weight taken together does not exceed 10 % of the weight of the carpet. Thus, both the jute backing and/or the artificial yarns could be imported at that stage of manufacture, provided the weight conditions are met.

6.3. In the case of fabrics incorporating 'yarn made of polyurethane segmented with flexible segments of polyether whether or not gimped' this tolerance is 20 % in respect of this yarn.

6.4. In the case of fabrics incorporating strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of an adhesive between two films of plastic film, this tolerance is 30 % in respect of this strip.

(1) This example is given for the purpose of explanation only. It is not legally binding.

Note 7:

- 7.1. In the case of those textile products which are marked in the list by a footnote referring to this introductory note, textile trimmings and accessories which do not satisfy the rule set out in the list in column 3 for the made up products concerned may be used provided that their weight does not exceed 10 % of the total weight of all the textile materials incorporated.

Textile trimmings and accessories are those classified in Chapters 50 to 63. Linings and interlinings are not to be regarded as trimmings or accessories.

- 7.2. Any non-textile trimmings and accessories or other materials used which contain textiles do not have to satisfy the conditions set out in column 3 even though they fall outside the scope of Note 4.3.
- 7.3. In accordance with Note 4.3, any non-originating non-textile trimmings and accessories or other product, which do not contain any textiles, may, anyway, be used freely where they cannot be made from the materials listed in column 3.

For example (1), if a rule in the list says that for a particular textile item, such as a blouse, yarn must be used, this does not prevent the use of metal items, such as buttons, because they cannot be made from textile materials.

- 7.4. Where a percentage rule applies, the value of trimmings and accessories must be taken into account when calculating the value of the non-originating materials incorporated.

(1) This example is given for the purpose of explanation only. It is not legally binding.

ANNEX II

LIST OF WORKING OR PROCESSING REQUIRED TO BE CARRIED OUT ON NON-ORIGINATING MATERIALS IN ORDER THAT THE PRODUCT MANUFACTURED CAN OBTAIN ORIGINATING STATUS

HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
0201	Meat of bovine animals, fresh or chilled	Manufacture from materials of any heading except meat of bovine animals, frozen of heading No 0202
0202	Meat of bovine animals, frozen	Manufacture from materials of any heading except meat of bovine animals, fresh or chilled of heading No 0201
0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen	Manufacture from materials of any heading except carcasses of heading Nos 0201 to 0205
0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal	Manufacture from materials of any heading except meat and offal of heading Nos 0201 to 0206 and 0208 or poultry liver of heading No 0207
0302 to 0305	Fish, other than live fish	Manufacture in which all the materials of Chapter 3 used must already be originating
0402, 0404 to 0406	Dairy products	Manufacture from materials of any heading except milk or cream of heading No 0401 or 0402
0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit or cocoa	Manufacture in which: — all the materials of Chapter 4 used must already be originating, — any fruit juice (except those of pineapple, lime or grapefruit) of heading No 2009 used must be originating, and — the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked, by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter	Manufacture from materials of any heading except birds' eggs of heading No 0407

(1)	(2)	(3)
ex 0502	Prepared pigs', hogs' or boars' bristles and hair	Cleaning, disinfecting, sorting and straightening of bristles and hair
ex 0506	Bones and horn-cores unworked	Manufacture in which all the materials of Chapter 2 used must already be originating
0710 to 0713	Edible vegetables, frozen or dried, provisionally preserved except for heading Nos ex 0710 and ex 0711	Manufacture in which all the vegetable materials used must already be originating
ex 0710	Sweet corn (uncooked or cooked by steaming or boiling in water), frozen	Manufacture from fresh or chilled sweet corn
ex 0711	Sweet corn, provisionally preserved	Manufacture from fresh or chilled sweet corn
0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter:	
	— Containing added sugar	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the value of the ex-works price of the product
	— Other	Manufacture in which all the fruit or nuts used must already be originating
0812	Fruit and nuts provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption	Manufacture in which all the fruit or nuts used must already be originating
0813	Fruit, dried, other than that of heading Nos 0801 to 0806; mixtures of nuts or dried fruits of this chapter	Manufacture in which all the fruit or nuts used must already be originating
0814	Peel of citrus fruit or melons (including water-melons), fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions	Manufacture in which all the fruit or nuts used must already be originating
ex Chapter 11	Products of the milling industry; malt, starches; inulin; wheat gluten, except for heading No ex 1106	Manufacture in which all the cereals, edible vegetables, roots and tubers of heading No 0714 or fruit used must already be originating
ex 1106	Flour and meal of the dried, shelled leguminous vegetables of heading No 0713	Drying and milling of leguminous vegetables of heading No 0708
1301	Lac; natural gums, resins, gum-resins and balsams	Manufacture in which the value of any materials of heading No 1301 used may not exceed 50 % of the ex-works price of the product

(1)	(2)	(3)
1501	<p>Lard; other pig fat and poultry fat, rendered, whether or not pressed or solvent-extracted:</p> <ul style="list-style-type: none"> — Fats from bones or waste — Other 	<p>Manufacture from materials of any heading except those of heading Nos 0203, 0206 or 0207 or bones of heading No 0506</p> <p>Manufacture from meat or edible offal of swine of heading Nos 0203 or 0206 or of meat and edible offal of poultry of heading No 0207</p>
1502	<p>Fats of bovine animals, sheep or goats, raw or rendered, whether or not pressed or solvent-extracted:</p> <ul style="list-style-type: none"> — Fats from bones or waste — Other 	<p>Manufacture from materials of any heading except those of heading Nos 0201, 0202, 0204 or 0206 or bones of heading No 0506</p> <p>Manufacture in which all the animal materials of Chapter 2 used must already be originating</p>
1504	<p>Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified:</p> <ul style="list-style-type: none"> — Solid fractions of fish oils and fats and oils of marine mammals — Other 	<p>Manufacture from materials of any heading including other materials of heading No 1504</p> <p>Manufacture in which all the animal materials of Chapters 2 and 3 used must already be originating</p>
ex 1505	Refined lanolin	Manufacture from crude wool grease of heading No 1505
1506	<p>Other animal fats and oils and their fractions, whether or not refined, but not chemically modified:</p> <ul style="list-style-type: none"> — Solid fractions — Other 	<p>Manufacture from materials of any heading including other materials of heading No 1506</p> <p>Manufacture in which all the animal materials of Chapter 2 used must already be originating</p>
ex 1507 to 1515	<p>Fixed vegetable oils and their fractions, whether or not refined, but not chemically modified:</p> <ul style="list-style-type: none"> — Solid fractions, except for that of Jojoba oil — Other, except for: <ul style="list-style-type: none"> — Tung oil; myrtle wax and Japan wax — Those for technical or industrial uses other than the manufacture of foodstuffs for human consumption 	<p>Manufacture from other materials of heading Nos 1507 to 1515</p> <p>Manufacture in which all the vegetable materials used must already be originating</p>
ex 1516	Animal or vegetable fats and oils and their fractions, re-esterified, whether or not refined but not further prepared	Manufacture in which all the animal and vegetable materials used must already be originating

(1)	(2)	(3)
ex 1517	Edible liquid mixtures of vegetable oils of heading Nos 1507 to 1515	Manufacture in which all the vegetable materials used must already be originating
ex 1519	Industrial fatty alcohols having the character of artificial waxes	Manufacture from materials of any heading including fatty acids of heading No 1519
1601	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products	Manufacture from animals of Chapter 1
1602	Other prepared or preserved meat, meat offal or blood	Manufacture from animals of Chapter 1
1603	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates	Manufacture from animals of Chapter 1. However, all fish, crustaceans, molluscs or other aquatic invertebrates used must already be originating
1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs	Manufacture in which all the fish or fish eggs used must already be originating
1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved	Manufacture in which all the crustaceans, molluscs or other aquatic invertebrates used must already be originating
ex 1701	Cane or beet sugar and chemically pure sucrose, in solid form, flavoured or coloured	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product
1702	<p>Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:</p> <ul style="list-style-type: none"> — Chemically pure maltose and fructose — Other sugars in solid form, flavoured or coloured — Other 	<p>Manufacture from materials of any heading including other materials of heading No 1702</p> <p>Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product</p> <p>Manufacture in which all the materials used must already be originating</p>
ex 1703	Molasses resulting from the extraction or refining of sugar, flavoured or coloured	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product
1704	Sugar confectionery (including white chocolate), not containing cocos	Manufacture in which all the materials used are classified in a heading other than that of the product, provided the value of any other materials of Chapter 17 used does not exceed 30 % of the ex works price of the product
1806	Chocolate and other food preparations containing cocoa	Manufacture in which all the materials used are classified in a heading other than that of the product, provided the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product

(1)	(2)	(3)
1901	<p>Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included:</p> <ul style="list-style-type: none"> — Malt extract — Other 	<p>Manufacture from cereals of Chapter 10</p> <p>Manufacture in which all the materials used are classified in a heading other than that of the product, provided the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product</p>
1902	<p>Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared</p>	<p>Manufacture in which all the cereals (except durum wheat), meat, meat offal, fish, crustaceans or molluscs used must already be originating</p>
1903	<p>Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or in similar forms</p>	<p>Manufacture from materials of any heading except potato starch of heading No 1108</p>
1904	<p>Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, other than maize (corn), in grain form, pre-cooked or otherwise prepared:</p> <ul style="list-style-type: none"> — Not containing cocoa — Containing cocoa 	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the cereals and flour (except maize of the species <i>Zea indurata</i> and durum wheat and their derivatives) used must be wholly obtained, and — the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product <p>Manufacture from materials not classified in heading No 1806, provided the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product</p>
1905	<p>Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products</p>	<p>Manufacture from materials of any heading, except those of Chapter 11</p>
2001	<p>Vegetables, fruit nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid</p>	<p>Manufacture in which all the fruit, nuts or vegetables used must already be originating</p>
2002	<p>Tomatoes prepared or preserved otherwise than by vinegar or acetic acid</p>	<p>Manufacture in which all the tomatoes used must already be originating</p>
2003	<p>Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid</p>	<p>Manufacture in which all the mushrooms or truffles used must already be originating</p>
2004 and 2005	<p>Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen or not frozen</p>	<p>Manufacture in which all the vegetables used must already be originating</p>

(1)	(2)	(3)
2006	Fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallized)	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product
2008	Fruit, nuts and other edible parts of plants otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:	
	— Fruit and nuts cooked otherwise than by steaming or boiling in water, not containing added sugar, frozen	Manufacture in which all the fruit and nuts used must already be originating
	— Nuts, not containing added sugar or spirits	Manufacture in which the value of the originating nuts and oil seeds of heading Nos 0801, 0802 and 1202 to 1207 used exceeds 60 % of the ex works price of the product
	— Other	Manufacture in which all the materials used are classified in a heading other than that of the product, provided the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product
ex 2009	Fruit juices (including grape must), unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter	Manufacture in which all the materials used are classified in a heading other than that of the product, provided the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product
ex 2101	Roasted chicory and extracts, essences and concentrates thereof	Manufacture in which all the chicory used must already be originating
ex 2103	— Sauces and preparations therefor; mixed condiments and mixed seasonings	Manufacture in which all the materials used are classified in a heading other than that of the product. However, mustard flour or meal or prepared mustard may be used
	— Prepared mustard	Manufacture from mustard flour or meal
ex 2104	— Soups and broths and preparations therefor	Manufacture from materials of any heading, except prepared or preserved vegetables of heading Nos 2002 to 2005
	— Homogenized composite food preparations	The rule for the heading in which the product would be classified in bulk shall apply
ex 2106	Sugar syrups, flavoured or coloured	Manufacture in which the value of any materials of Chapter 17 used must not exceed 30 % of the ex works price of the product
2201	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured; ice and snow	Manufacture in which all the water used must already be originating

(1)	(2)	(3)
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009	Manufacture in which all the materials used are classified in a heading other than that of the product, provided the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product and any fruit juice used (except for pineapple, lime and grapefruit juices) must already be originating
ex 2204	Wine of fresh grapes, including fortified wines, and grape must with the addition of alcohol	Manufacture from other grape must
2205 ex 2207, ex 2208 and ex 2209	The following, containing grape materials: Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances; ethyl alcohol and other spirits, denatured or not; spirits, liqueurs and other spirituous beverages; compound alcoholic preparations of a kind used for the manufacture of beverages; vinegar	Manufacture from materials of any heading, except grapes or any material derived from grapes
ex 2208	Whiskies of an alcoholic strength by volume of less than 50 % vol.	Manufacture in which the value of any cereal based spirits used does not exceed 15 % of the ex works price of the product
ex 2303	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product, exceeding 40 % by weight	Manufacture in which all the maize used must already be originating
ex 2306	Oil cake and other solid residues resulting from the extraction of olive oil, containing more than 3 % of olive oil	Manufacture in which all the olives used must already be originating
2309	Preparations of a kind used in animal feeding	Manufacture in which all the cereals, sugar or molasses, must or milk used must already be originating
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes	Manufacture in which at least 70 % by weight of the unmanufactured tobacco or tobacco refuse of heading No 2401 used must already be originating
ex 2403	Smoking tobacco	Manufacture in which at least 70 % by weight of the unmanufactured tobacco or tobacco refuse of heading No 2401 used must already be originating
ex 2504	Natural crystalline graphite, with enriched carbon content, purified and ground	Enriching of the carbon content, purifying and grinding of crude crystalline graphite
ex 2515	Marble, merely cut by sawing or otherwise into blocks or slabs of a rectangular (including square) shape, of a thickness not exceeding 25 cm	Cutting, by sawing or otherwise, of marble (even if already sawn) of a thickness exceeding 25 cm
ex 2516	Granite porphyry, basalt, sandstone and other monumental and building stones, merely cut by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape, of a thickness not exceeding 25 cm	Cutting, by sawing or otherwise, of stones (even if already sawn) of a thickness exceeding 25 cm
ex 2518	Calcined dolomite	Calcination of dolomite not calcined

(1)	(2)	(3)
ex 2519	Crushed natural magnesium carbonate (magnesite), in hermetically sealed containers, and magnesium oxide, whether or not pure, other than fused magnesia or dead-burned (sintered) magnesia	Manufacture in which all the materials used are classified in a heading other than that of the product. However, natural magnesium carbonate (magnesite) may be used
ex 2520	Plasters specially prepared for dentistry	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 2524	Natural asbestos fibres	Manufacture from asbestos concentrate
ex 2525	Mica powder	Grinding of mica or mica waste
ex 2530	Earth colours, calcined or powdered	Calcination or grinding of earth colours
ex 2707	Oils in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents, being oils similar to mineral oils obtained by distillation of high temperature coal tar, of which more than 65 % by volume distils at a temperature of up to 250 °C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels	These are Annex VIII products
2709 to 2715	Mineral oils and products of their distillation; bituminous substances; mineral waxes	These are Annex VIII products
ex Chapter 28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare earth metals, of radioactive elements or of isotopes; except for heading Nos ex 2811 and ex 2833 for which the rules are set out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product
ex 2811	Sulphur trioxide	Manufacture from sulphur dioxide
ex 2833	Aluminium sulphate	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
ex Chapter 29	Organic chemicals, except for heading Nos ex 2901, ex 2902, ex 2905, 2915, ex 2932, 2933 and 2934, for which the position is set out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product
ex 2901	Acyclic hydrocarbons for use as power or heating fuels	These are Annex VIII products
ex 2902	Cyclanes and cyclenes (other than azulenes), benzene, toluene, xylenes, for use as power or heating fuels	These are Annex VIII products
ex 2905	Metal alcoholates of alcohols of this heading and of ethanol or glycerol	Manufacture from materials of any heading, including other materials of heading No 2905. However, metal alcoholates of this heading may be used, provided their value does not exceed 20 % of the ex works price of the product
2915	Saturated acyclic monocarboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading. However, the value of all the materials of heading Nos 2915 and 2916 used may not exceed 20 % of the ex works price of the product
ex 2932	— Internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading. However, the value of all the materials of heading No 2909 used may not exceed 20 % of the ex works price of the product

(1)	(2)	(3)
3003 and 3004	Medicaments (excluding goods of heading Nos 3002, 3005 or 3006)	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product. However, materials of heading No 3003 or 3004 may be used provided their value, taken together, does not exceed 20 % of the ex works price of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex Chapter 31	Fertilizers except for heading Nos ex 3103 and ex 3105, for which the rules are set out below	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product</p>
ex 3103	Crushed and powdered calcined natural aluminium calcium phosphates	Crushing and powdering of calcined natural aluminium calcium phosphates
ex 3105	<p>Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorus and potassium; other fertilizers; goods of this chapter, in tablets or similar forms or in packages of a gross weight not exceeding 10 kg, except for:</p> <ul style="list-style-type: none"> — Sodium nitrate — Calcium cyanamide — Potassium sulphate — Magnesium potassium sulphate 	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex Chapter 32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks; except for heading Nos ex 3201 and 3205, for which the rules are set out below	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product</p>
ex 3201	Tannins and their salts, ethers, esters and other derivatives	Manufacture from tanning extracts of vegetable origin
3205	Colour lakes; preparations as specified in note 3 to this chapter based on colour lakes (*)	<p>Manufacture from materials of any heading, except heading Nos 3202 and 3204 provided the value of any materials classified in heading No 3205 does not exceed 20 % of the ex works price of the product</p>
ex Chapter 33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations; except for heading No 3301, for which the rule is set out below	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product</p>
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deturpenation of essential oils; aqueous distillates and aqueous solutions of essential oils	<p>Manufacture from materials of any heading, including materials of a different 'group' (*) within this heading. However, materials of the same group may be used, provided their value does not exceed 20 % of the ex works price of the product</p>

(*) Note 3 to Chapter 32 says that these preparations are those of a kind used for colouring any material or used as ingredients in the manufacturing of colouring preparations, provided they are not classified within another heading in Chapter 32.

(*) A 'group' is regarded as any part of the heading separated from the rest by a semi-colon

(1)	(2)	(3)
ex Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, 'dental waxes' and dental preparations with a basis of plaster; except for heading Nos ex 3403 and 3404, for which the position is set out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product
ex 3403	Lubricating preparations containing petroleum oils or oils obtained from bituminous minerals, provided they represent less than 70 % by weight	These are Annex VIII products
ex 3404	Artificial waxes and prepared waxes: — With a basis of paraffin, petroleum waxes, waxes obtained from bituminous minerals, slack wax or scale wax — Other	These are Annex VIII products Manufacture from materials of any heading, except: — hydrogenated oils having the character of waxes of heading No 1516 — fatty acids not chemically defined or industrial fatty alcohols having the character of waxes of heading No 1519 — materials of heading No 3404. However, these materials may be used provided their value does not exceed 20 % of the ex works price of the product
ex Chapter 35	Albuminoid substances; modified starches; glues; enzymes; except for heading Nos 3505 and ex 3507 for which the rules are set out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product
3505	Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrins or other modified starches: — Starch ethers and esters — Other	Manufacture from materials of any heading, including other materials of heading No 3505 Manufacture from materials of any heading, except those of heading No 1108
ex 3507	Prepared enzymes not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 30 % of the ex works price of the product
Chapter 36	Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product
ex Chapter 37	Photographic or cinematographic goods; except for heading Nos 3701, 3702 and 3704 for which the rules are set out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product

(1)	(2)	(3)
3701	Photographic plates and film in the flat, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in the flat, sensitized, unexposed, whether or not in packs	Manufacture in which all the materials used are classified in a heading other than heading No 3702
3702	Photographic film in rolls, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in rolls, sensitized, unexposed	Manufacture in which all the materials used are classified within a heading other than heading No 3701 or 3702
3704	Photographic plates, film, paper, paperboard and textiles, exposed but not developed	Manufacture in which all the materials used are classified within a heading other than heading Nos 3701 to 3704
ex Chapter 38	Miscellaneous chemical products: except for heading Nos ex 3801, ex 3803, ex 3805, ex 3806, ex 3807, 3808 to 3814, 3818 to 3820, 3822 and 3823 for which the rules are set out below:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product
ex 3801	<ul style="list-style-type: none"> — Colloidal graphite in suspension in oil and semi-colloidal graphite; carbonaceous pastes for electrodes — Graphite in paste form, being a mixture of more than 30 % by weight of graphite with mineral oils 	<p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product</p> <p>Manufacture from materials of any heading. However, the value of the materials of heading No 3403 used must not exceed 20 % of the ex works price of the product</p>
ex 3803	Refined tall oil	Refining of crude tall oil
ex 3805	Spirits of sulphate turpentine, purified	Purification by distillation or refining of raw spirits of sulphate turpentine
ex 3806	Ester gums	Manufacture from resin acids
ex 3807	Wood pitch (wood tar pitch)	Distillation of wood tar
3808 to 3814 to 3818 to 3820 3822 and 3823	<p>Miscellaneous chemical products:</p> <ul style="list-style-type: none"> — Prepared additives for lubricating oil, containing petroleum oils or oils obtained from bituminous minerals, of heading No 3811 — The following of heading No 3823: <ul style="list-style-type: none"> — Prepared binders for foundry moulds or cores based on natural resinous products — Naphthenic acids, their water insoluble salts and their esters — Sorbitol other than that of heading No 2905 — Petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanalamines; thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts — Ion exchangers — Getters for vacuum tubes — Alkaline iron oxide for the purification of gas 	<p>These are Annex VIII products</p> <p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product</p>

(1)	(2)	(3)
<p>ex 4102</p> <p>4104 to 4107</p> <p>4109</p>	<p>Raw skins of sheep or lambs, without wool on</p> <p>Leather, without hair or wool other than leather of heading No 4108 or 4109</p> <p>Patent leather and patent laminated leather; metallized leather</p>	<p>Removal of wool from sheep or lamb skins, with wool on</p> <p>Retanning of pre-tanned leather or Manufacture in which all the materials used are classified in a heading other than that of the product</p> <p>Manufacture from leather of heading Nos 4104 to 4107 provided its value does not exceed 50 % of the ex works price of the product</p>
<p>ex 4302</p> <p>4303</p>	<p>Tanned or dressed furskins, assembled:</p> <p>— Plates, crosses and similar forms</p> <p>— Other</p> <p>Articles of apparel, clothing accessories and other articles of furskin</p>	<p>Bleaching or dyeing, in addition to cutting and assembly of non-assembled tanned or dressed furskins</p> <p>Manufacture from non-assembled, tanned or dressed furskins</p> <p>Manufacture from non-assembled, tanned or dressed furskins, of heading No 4302</p>
<p>ex 4403</p> <p>ex 4407</p> <p>ex 4408</p> <p>ex 4409</p> <p>ex 4410 to ex 4413</p> <p>ex 4415</p> <p>ex 4416</p> <p>ex 4418</p> <p>ex 4421</p>	<p>Wood roughly squared</p> <p>Wood sawn or chipped lengthwise, sliced or peeled, of a thickness exceeding 6 mm, planed, sanded or finger-jointed</p> <p>Veneer sheets and sheets for plywood, of a thickness not exceeding 6 mm, spliced, and other wood sawn lengthwise, sliced or peeled, of a thickness not exceeding 6 mm, planed, sanded or finger-jointed</p> <p>— Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges or faces, sanded or finger-jointed</p> <p>— Beadings and mouldings</p> <p>Beadings and mouldings, including moulded skirting and other moulded boards</p> <p>Packing cases, boxes, crates, drums and similar packings, of wood</p> <p>Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood</p> <p>— Builders' joinery and carpentry of wood</p> <p>— Beadings and mouldings</p> <p>Match splints; wooden pegs or pins for footwear</p>	<p>Manufacture from wood in the rough, whether or not stripped of its bark or merely roughed down</p> <p>Planing, sanding or finger-jointing</p> <p>Splicing, planing, sanding or finger-jointing</p> <p>Sanding or finger-jointing</p> <p>Beading or moulding</p> <p>Beading or moulding</p> <p>Manufacture from boards not cut to size</p> <p>Manufacture from riven staves, not further worked than sawn on the two principal surfaces</p> <p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, cellular wood panels, shingles and shales may be used</p> <p>Beading or moulding</p> <p>Manufacture from wood of any heading except drawn wood of heading No 4409</p>

(1)	(2)	(3)
4503	Articles of natural cork	Manufacture from cork of heading No 4501
ex 4811	Paper and paperboard, ruled, lined or squared only	Manufacture from paper-making materials of Chapter 47
4816	Carbon paper, self-copy paper and other copying or transfer papers (other than those of heading No 4809), duplicator stencils and offset plates, of paper, whether or not put up in boxes	Manufacture from paper-making materials of Chapter 47
4817	Envelopes, letter cards, plain postcards and correspondence cards, of paper or paperboard; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing an assortment of paper stationery	Manufacture in which: — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 4818	Toilet paper	Manufacture from paper-making materials of Chapter 47
ex 4819	Cartons, boxes, cases, bags and other packing containers, of paper, paperboard, cellulose wadding or webs of cellulose fibres	Manufacture in which: — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 4820	Letter pads	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 4823	Other paper, paperboard, cellulose wadding and webs of cellulose fibres, cut to size or shape	Manufacture from paper-making materials of Chapter 47
4909	Printed or illustrated postcards; printed cards bearing personal greetings, messages or announcements, whether or not illustrated, with or without envelopes or trimmings	Manufacture from materials not classified within heading No 4909 or 4911
4910	Calendars of any kind, printed, including calendar blocks: — Calenders of the 'perpetual' type or with replaceable blocks mounted on bases other than paper or paperboard — Other	Manufacture in which: — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product Manufacture from materials not classified within heading No 4909 or 4911
ex 5003	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock), carded or combed	Carding or combing of silk waste
5501 to 5507	Man-made staple fibres	Manufacture from chemical materials or textile pulp
ex Chapter 50 to Chapter 55	Yarn, monofilament and thread	Manufacture from (*): — natural fibres not carded or combed or otherwise processed for spinning, — chemical materials or textile pulp, or — paper-making materials

(*) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6

(1)	(2)	(3)
ex Chapter 50 to Chapter 55 (cont'd)	<p>Woven fabrics:</p> <ul style="list-style-type: none"> — Incorporating rubber thread — Other 	<p>Manufacture from single yarn (*)</p> <p>Manufacture from (*):</p> <ul style="list-style-type: none"> — coir yarn, — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, — chemical materials or textile pulp, or — paper <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex works price of the product</p>
ex Chapter 56	<p>Wadding, felt and non-wovens; special yarns, twine cordage, ropes and cables and articles thereof except for heading Nos 5602, 5604, 5605 and 5606, for which the rules are set out below</p>	<p>Manufacture from (*):</p> <ul style="list-style-type: none"> — coir yarn, — natural fibres, — chemical materials or textile pulp, or — paper-making materials
5602	<p>Felt, whether or not impregnated, coated, covered or laminated:</p> <ul style="list-style-type: none"> — Needleloom felt 	<p>Manufacture from (*):</p> <ul style="list-style-type: none"> — natural fibres, — chemical materials or textile pulp <p>However:</p> <ul style="list-style-type: none"> — polypropylene filament of heading No 5402, — polypropylene fibres of heading No 5503 or 5506, or — polypropylene filament tow of heading No 5501, of which the denomination in all cases of a single filament or fibre is less than 9 decitex may be used provided that their value does not exceed 40 % of the ex works price of the product
5604	<p>Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading No 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics:</p> <ul style="list-style-type: none"> — Rubber thread and cord, textile covered 	<p>Manufacture from (*):</p> <ul style="list-style-type: none"> — natural fibres, — man-made staple fibres made from casein, or — chemical materials or textile pulp <p>Manufacture from rubber thread or cord, not textile covered</p>

(*) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

(1)	(2)	(3)
<p>5604 (cont'd)</p> <p>5605</p> <p>5606</p>	<p>— Other</p> <p>Metallized yarn, whether or not gimped, being textile yarn, or strip or the like of heading No 5404 or 5405, combined with metal in the form of thread, strip or powder or covered with metal</p> <p>Gimped yarn, and strip and the like of heading No 5404 or 5405, gimped (other than those of heading No 5605 and gimped horsehair yarn); chenille yarn (including flock chenille yarn); loop wale-yarn</p>	<p>Manufacture from (1):</p> <ul style="list-style-type: none"> — natural fibres not carded or combed or otherwise processed for spinning, — chemical materials or textile pulp, or — paper-making materials <p>Manufacture from (1):</p> <ul style="list-style-type: none"> — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, — chemical materials or textile pulp, or — paper-making materials <p>Manufacture from (1):</p> <ul style="list-style-type: none"> — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, — chemical materials or textile pulp, or — paper-making materials
<p>Chapter 57</p>	<p>Carpets and other textile floor coverings:</p> <p>— Of needleloom felt</p> <p>— Of other felt</p> <p>— Other</p>	<p>Manufacture from (1):</p> <ul style="list-style-type: none"> — natural fibres, or — chemical materials or textile pulp. <p>However:</p> <ul style="list-style-type: none"> — polypropylene filament of heading No 5402, — polypropylene fibres of heading No 5503 or 5506, or — polypropylene filament tow of heading No 5501 of which the denomination in all cases of a single filament or fibre is less than 9 decitex may be used provided that their value does not exceed 40 % of the ex works price of the product <p>Manufacture from (1):</p> <ul style="list-style-type: none"> — natural fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp <p>Manufacture from (1):</p> <ul style="list-style-type: none"> — coir yarn, — synthetic or artificial filament yarn, — natural fibres, or — man-made staple fibres not carded or combed or otherwise processed for spinning

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

(1)	(2)	(3)
ex Chapter 58	<p>Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings, embroidery, except for heading Nos 5805 and 5810; the rule for heading No 5810 is set out below:</p> <ul style="list-style-type: none"> — Combined with rubber thread — Other 	<p>Manufacture from single yarn (*)</p> <p>Manufacture from (*):</p> <ul style="list-style-type: none"> — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp <p>or</p> <p>Printing accompanied by at least a finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex works price of the product</p>
5810	Embroidery in the piece, in strips or in motifs	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations	Manufacture from yarn
5902	<p>Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon:</p> <ul style="list-style-type: none"> — Containing not more than 90 % by weight of textile materials — Other 	<p>Manufacture from yarn</p> <p>Manufacture from chemical materials or textile pulp</p>
5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading No 5902	Manufacture from yarn
5904	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape	Manufacture from yarn (*)
5905	<p>Textile wall coverings:</p> <ul style="list-style-type: none"> — Impregnated, coated, covered or laminated with rubber, plastics or other materials 	Manufacture from yarn

(*) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6

(1)	(2)	(3)
<p>5905 (cont'd)</p>	<p>— Other</p>	<p>Manufacture from (*):</p> <ul style="list-style-type: none"> — coir yarn, — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp <p>or</p> <p>Printing accompanied by at least finishing operation (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex works price of the product</p>
<p>5906</p>	<p>Rubberized textile fabrics, other than those of heading No 5902:</p> <ul style="list-style-type: none"> — Knitted or crocheted fabrics — Other fabrics made of synthetic filament yarn, containing more than 90 % by weight of textile materials — Other 	<p>Manufacture from (*):</p> <ul style="list-style-type: none"> — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp <p>Manufacture from chemical materials</p> <p>Manufacture from yarn</p>
<p>5907</p>	<p>Textile fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio backcloths or the like</p>	<p>Manufacture from yarn</p>
<p>ex 5908</p>	<p>Incandescent gas mantles, impregnated</p>	<p>Manufacture from tubular knitted gas mantle fabric</p>
<p>5909 to 5911</p>	<p>Textile articles of a kind suitable for industrial use:</p> <ul style="list-style-type: none"> — Polishing discs or rings other than of felt of heading No 5911 — Other 	<p>Manufacture from yarn or waste fabrics or rags of heading No 6310</p> <p>Manufacture from (*):</p> <ul style="list-style-type: none"> — coir yarn, — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp
<p>Chapter 60</p>	<p>Knitted or crocheted fabrics</p>	<p>Manufacture from (*):</p> <ul style="list-style-type: none"> — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp

(*) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6

(1)	(2)	(3)
Chapter 61	<p>Articles of apparel and clothing accessories, knitted or crocheted:</p> <ul style="list-style-type: none"> — Obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form — Other 	<p>Manufacture from yarn (*)</p> <p>Manufacture from (*):</p> <ul style="list-style-type: none"> — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp
<p>ex Chapter 62</p> <p>ex 6202 ex 6204 ex 6206 ex 6209 and ex 6217</p> <p>ex 6210 ex 6216 and ex 6217</p> <p>6213 and 6214</p>	<p>Articles of apparel and clothing accessories, not knitted or crocheted, except for heading Nos ex 6202, ex 6204, ex 6206, ex 6209, ex 6210, 6213, 6214, ex 6216 and ex 6217 for which the rules are set out below</p> <p>Women's, girls' and babies' clothing and 'other made-up clothing accessories', embroidered</p> <p>Fire-resistant equipment of fabric covered with foil of aluminized polyester</p> <p>Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like:</p> <ul style="list-style-type: none"> — Embroidered — Other 	<p>Manufacture from yarn (*)</p> <p>Manufacture from yarn (*)</p> <p>or</p> <p>Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40 % of the ex works price of the product (*)</p> <p>Manufacture from yarn (*)</p> <p>or</p> <p>Manufacture from uncoated fabric provided the value of the uncoated fabric used does not exceed 40 % of the ex works price of the product (*)</p> <p>Manufacture from unbleached single yarn (*) (*)</p> <p>or</p> <p>Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40 % of the ex works price of the product (*)</p> <p>Manufacture from unbleached single yarn (*) (*)</p>
6301 to 6304	<p>Blankets, travelling rugs, bed linen etc.; curtains, etc.; other furnishing articles:</p> <ul style="list-style-type: none"> — Of felt, of non-wovens — Other: <ul style="list-style-type: none"> — Embroidered — Other 	<p>Manufacture from (*):</p> <ul style="list-style-type: none"> — natural fibres, or — chemical materials or textile pulp <p>Manufacture from unbleached single yarn (*)</p> <p>or</p> <p>Manufacture from unembroidered fabric (other than knitted or crocheted) provided the value of the unembroidered fabric used does not exceed 40 % of the ex works price of the product</p> <p>Manufacture from unbleached single yarn (*)</p>

(*) See Introductory Note 7 for the treatment of textile trimmings and accessories.

(*) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

(1)	(2)	(3)
6305	Sacks and bags, of a kind used for the packing of goods	Manufacture from (1): — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp
6306	Tarpaulins, sails for boats, sailboards or landcraft, awnings, sunblinds, tents and camping goods: — Of non-wovens — Other	Manufacture from (1): — natural fibres, or — chemical materials or textile pulp Manufacture from unbleached single yarn
ex 6307	Other made-up articles, including dress patterns	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product (1)
6308	Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes or similar textile articles, put up in packings for retail sale	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated provided their total value does not exceed 15 % of the ex works price of the set
6401 to 6405	Footwear	Manufacture from materials of any heading except for assemblies of uppers affixed to inner soles or to other sole components of heading No 6406
6503	Felt hats and other felt headgear, made from the hat bodies, hoods or plateaux of heading No 6501, whether or not lined or trimmed	Manufacture from yarn or textile fibres (2)
6505	Hats and other headgear, knitted or crocheted, or made up from lace, felt or other textile fabric, in the piece (but not in strips), whether or not lined or trimmed; hair-nets of any material, whether or not lined or trimmed	Manufacture from yarn or textile fibres (2)
6601	Umbrellas and sun umbrellas (including walking-stick umbrellas, garden umbrellas and similar umbrellas)	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 6803	Articles of slate or of agglomerated slate	Manufacture from worked slate
ex 6812	Articles of asbestos or of mixtures with a basis of asbestos or with a basis of asbestos and magnesium carbonate	Manufacture from fabricated asbestos fibres or from mixtures with a basis of asbestos or with a basis of asbestos and magnesium carbonate
ex 6814	Articles of mica; including agglomerated or reconstituted mica on a support of paper, paperboard or other materials	Manufacture from worked mica (including agglomerated or reconstituted mica)
7006	Glass of heading No 7003, 7004 or 7005, bent, edge-worked, engraved, drilled, enamelled or otherwise worked, but not framed or fitted with other materials	Manufacture from materials of heading No 7001

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

(2) See Introductory Note 7 for the treatment of textile trimmings and accessories.

(1)	(2)	(3)
7007	Safety glass, consisting of toughened (tempered) or laminated glass	Manufacture from materials of heading No 7001
7008	Multiple-walled insulating units of glass	Manufacture from materials of heading No 7001
7009	Glass mirrors, whether or not framed, including rear-view mirrors	Manufacture from materials of heading No 7001
7010	Carboys, bottles, flasks, jars, pots, phials, ampoules and other containers, of glass, of a kind used for the conveyance or packing of goods; preserving jars of glass; stoppers, lids and other closures, of glass	Manufacture in which all the materials used are classified within a heading other than that of the product or Cutting of glassware, provided the value of the uncut glassware does not exceed 50 % of the ex works price of the product
7013	Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading No 7010 or 7018)	Manufacture in which all the materials used are classified within a heading other than that of the product and Cutting of glassware, provided the value of the uncut glassware does not exceed 50 % of the ex works price of the product or Hand-decoration (with the exception of silk screen printing) of hand-blown glassware, provided the value of the hand-blown glassware does not exceed 50 % of the ex works price of the product
ex 7019	Articles (other than yarn) of glass fibres	Manufacture from: — uncoloured slivers, rovings, yarn or chopped strands, or — glass wool
ex 7102 ex 7103 and ex 7104	Worked precious or semi-precious stones (natural, synthetic or reconstructed)	Manufacture from unworked precious or semi-precious stones
7106 7108 and 7110	Precious metals: — Unwrought — Semi-manufactured or in powder form (All)	Manufacture from materials not classified in heading No 7106, 7108 or 7110 or Electrolytic, thermal or chemical separation of precious metals of heading No 7106, 7108 or 7110 or Alloying of precious metals of heading No 7106, 7108 or 7110 with each other or with base metals Manufacture from unwrought precious metals
ex 7107 ex 7109 and ex 7111	Metals clad with precious metals, semi-manufactured	Manufacture from metals clad with precious metals, unwrought
7116	Articles of natural or cultured pearls, precious or semi-precious stones (natural, synthetic or reconstructed)	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
7117	Imitation jewellery	Manufacture in which all the materials used are classified within a heading other than that of the product or Manufacture from base metal parts, not plated or covered with precious metals, provided the value of all the materials used does not exceed 50 % of the ex works price of the product

(1)	(2)	(3)
7207	Semi-finished products of iron or non-alloy steel	Manufacture from materials of heading No 7201, 7202, 7203, 7204 or 7205
7208 to 7216	Flat-rolled products, bars and rods, angles, shapes and sections of iron or non-alloy steel	Manufacture from ingots or other primary forms of heading No 7206
7217	Wire of iron or non-alloy steel	Manufacture from semi-finished materials of heading No 7207
ex 7218 7219 to 7222	Semi-finished products, flat-rolled products, bars and rods, angles, shapes and sections of stainless steel	Manufacture from ingots or other primary forms of heading No 7218
7223	Wire of stainless steel	Manufacture from semi-finished materials of heading No 7218
ex 7224 7225 to 7227	Semi-finished products, flat-rolled products, bars and rods, in irregularly wound coils, of other alloy steel	Manufacture from ingots or other primary forms of heading No 7224
7228	Other bars and rods of other alloy steel; angles, shapes and sections, of other alloy steel; hollow drill bars and rods, of alloy or non-alloy steel	Manufacture from ingots or other primary forms of heading No 7206, 7218 or 7224
7229	Wire of other alloy steel	Manufacture from semi-finished materials of heading No 7224
ex 7301	Sheet piling	Manufacture from materials of heading No 7203
7302	Railway or tramway track construction material of iron or steel, the following: rails, check-rails and rack rails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialized for jointing or fixing rails	Manufacture from materials of heading No 7206
7304 7305 and 7306	Tubes, pipes and hollow profiles, of iron (other than cast iron) or steel	Manufacture from materials of heading No 7206, 7207, 7218 or 7224
7308	Structures (excluding prefabricated buildings of heading No 9406) and parts of structures (for example, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, doors and windows and their frames and thresholds for doors, shutters, balustrades, pillars and columns), of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	Manufacture in which all the materials used are classified within a heading other than that of the product. However, welded angles, shapes and sections of heading No 7301 may not be used
ex 7315	Skid-chains	Manufacture in which the value of all the materials of heading No 7315 used does not exceed 50 % of the ex works price of the product
ex 7322	Radiators for central heating, not electrically heated	Manufacture in which the value of all the materials of heading No 7322 used does not exceed 5 % of the ex works price of the product

(1)	(2)	(3)
ex Chapter 74	Copper and articles thereof, except for heading Nos 7401 to 7405; the rule for heading No ex 7403 is set out below	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 7403	Copper alloys, unwrought	Manufacture from refined copper, unwrought, or waste and scrap
ex Chapter 75	Nickel and articles thereof, except for heading Nos 7501 to 7503;	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex Chapter 76	Aluminium and articles thereof, except for heading Nos 7601 and 7602; the rule for heading No ex 7601 is set out below	<p>Manufacture in which</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 7601	<ul style="list-style-type: none"> — Aluminium alloys — 'Super-pure' aluminium (ISO No Al 99.99) 	<p>Manufacture from aluminium, not alloyed, or waste and scrap</p> <p>Manufacture from aluminium, not alloyed (ISO No Al 99,8)</p>
ex Chapter 78	Lead and articles thereof, except for heading Nos 7801 and 7802; the rule for heading No 7801 is set out below	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
7801	<p>Unwrought lead:</p> <ul style="list-style-type: none"> — Refined lead — Other 	<p>Manufacture from 'bullion' or 'work' lead</p> <p>Manufacture in which all the materials used are classified in a heading other than that of the product. However, waste and scrap of heading No 7802 may not be used</p>
ex Chapter 79	Zinc and articles thereof, except for heading Nos 7901 and 7902; the rule for heading No 7901 is set out below	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified in a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
7901	Unwrought zinc	<p>Manufacture in which all the materials used are classified in a heading other than that of the product. However, waste and scrap of heading No 7902 may not be used</p>

(1)	(2)	(3)
ex Chapter 80	Tin and articles thereof, except for heading Nos 8001, 8002 and 8007; the rule for heading No 8001 is set out below	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified in a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
8001	Unwrought tin	<p>Manufacture in which all the materials used are classified in a heading other than that of the product. However, waste and scrap of heading No 8002 may not be used</p>
ex Chapter 81	Other base metals, wrought; articles thereof	<p>Manufacture in which the value of all the materials classified in the same heading as the products used does not exceed 50 % of the ex works price of the product</p>
8206	Tools of two or more of the heading Nos 8202 to 8205, put up in sets for retail sale	<p>Manufacture in which all the materials used are classified in the same heading as the products used does not exceed 15 % of the ex works price of the set</p>
8207	Interchangeable tools for hand tools, whether or not power-operated, or for machine-tools (for example, for pressing, stamping, punching, tapping, threading, drilling, boring, broaching, milling, turning or screwdriving), including dies for drawing or extruding metal, and rock-drilling or earth-boring tools	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified in a heading other than that of the product, and — the value of all the materials used does not exceed 40 % of the ex works price of the product
8208	Knives and cutting blades, for machines or for mechanical appliances	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified in a heading other than that of the product, and — the value of all the materials used does not exceed 40 % of the ex works price of the product
ex 8211	Knives with cutting blades, serrated or not (including pruning knives), other than knives of heading No 8208	<p>Manufacture in which all the materials used are classified in a heading other than that of the product. However, knife blades and handles of base metal may be used</p>
8214	Other articles of cutlery (for example, hair clippers, butcher's or kitchen cleavers, choppers and mincing knives, paper knives); manicure or pedicure sets and instruments (including nail files)	<p>Manufacture in which all the materials used are classified in a heading other than that of the product. However, handles of base metal may be used</p>
8215	Spoons, forks, ladles, skimmers, cake-servers, fish-knives, butter-knives, sugar tongs and similar kitchen or tableware	<p>Manufacture in which all the materials used are classified in a heading other than that of the product. However, handles of base metal may be used</p>

(1)	(2)	(3)
ex 8306	Statuettes and other ornaments, of base metal	Manufacture in which all the materials used are classified in a heading other than that of the product. However, the other materials of heading No 8306 may be used provided their value does not exceed 30 % of the ex works price of the product
ex Chapter 84	<p>Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof; except for those falling within the following headings or parts of headings for which the rules are set out below:</p> <p>8402, 8403, ex 8404, 8406 to 8409, 8411, 8412, ex 8413, ex 8414, 8415, 8418, ex 8419, 8420, 8423, 8425 to 8430, ex 8431, 8439, 8441, 8444 to 8447, ex 8448, 8452, 8456 to 8466, 8469 to 8472, 8480, 8482, 8484 and 8485</p>	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10 % of the ex works price of the product
8402	Steam or other vapour generating boilers (other than central heating hot water boilers capable also of producing low pressure steam); superheated water boilers	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex-works price of the product, and — where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 10 % of the ex works price of the product
8403 and ex 8404	Central heating boilers, other than those of heading No 8402, and auxiliary plant for central heating boilers	Manufacture in which all the materials used are classified in a heading other than heading No 8403 or 8404. However, materials which are classified in heading No 8403 or 8404 may be used provided their value, taken together, does not exceed 10 % of the ex works price of the product
8406	Steam turbines and other vapour turbines	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8407	Spark-ignition reciprocating or rotary internal combustion piston engines	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8409	Parts suitable for use solely or principally with the engines of heading No 8407 or 8408	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8411	Turbo-jets, turbo-propellers and other gas turbines	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 10 % of the ex works price of the product
8412	Other engines and motors	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
ex 8413	Rotary positive displacement pumps	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex-works price of the product, and — where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 10 % of the ex-works price of the product

(1)	(2)	(3)
ex 8414	Industrial fans, blowers and the like	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex-works price of the product, and — where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 10 % of the ex works price of the product
8415	Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8418	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other heat pumps other than air conditioning machines of heading No 8415	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used
ex 8419	Machines for the wood, paper pulp and paper board industries	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25 % of the ex works price of the product
8420	Calendering or other rolling machines, other than for metals or glass, and cylinders therefor	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25 % of the ex works price of the product
8423	Weighing machinery (excluding balances of a sensitivity of 5 cg or better), including weight operated counting or checking machines; weighing machine weights of all kinds	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 10 % of the ex works price of the product
8425 to 8428	Lifting, handling, loading or unloading machinery	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified in heading No 8431 are only used up to a value of 10 % of the ex works price of the product

(1)	(2)	(3)
8429	<p>Self-propelled bulldozers, angledozers, graders, levellers, scrapers, mechanical shovels, excavators, shovel loaders, tamping machines and road rollers:</p> <p>— Road rollers</p> <p>— Other</p>	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p> <p>Manufacture:</p> <p>— in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and</p> <p>— where, within the above limit, the value of the materials classified within heading No 8431 are only used up to a value of 10 % of the ex works price of the product</p>
8430	<p>Other moving, grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery, for earth, minerals or ores; pile-drivers and pile-extractors; snow-ploughs and snow-blowers</p>	<p>Manufacture:</p> <p>— in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and</p> <p>— where, within the above limit, the value of the materials classified within heading No 8431 are only used up to a value of 10 % of the ex works price of the product</p>
ex 8431	<p>Parts for road rollers</p>	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p>
8439	<p>Machinery for making pulp of fibrous cellulosic material or for making or finishing paper or paperboard</p>	<p>Manufacture:</p> <p>— in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and</p> <p>— where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25 % of the ex works price of the product</p>
8441	<p>Other machinery for making up paper pulp, paper or paperboard, including cutting machines of all kinds</p>	<p>Manufacture:</p> <p>— in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and</p> <p>— where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25 % of the ex works price of the product</p>
8444 to 8447	<p>Machines of these headings for use in the textile industry</p>	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p>
ex 8448	<p>Auxiliary machinery for use with machines for heading Nos 8444 and 8445</p>	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p>
8452	<p>Sewing machines, other than book sewing machines of heading No 8440; furniture, bases and covers specially designed for sewing machines; sewing machine needles:</p> <p>— Sewing machines (lock stitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg with motor</p>	<p>Manufacture:</p> <p>— in which the value of all the materials used does not exceed 40 % of the ex works price of the product,</p> <p>— where the value of all of the non-originating materials used in assembling the head (without motor) does not exceed the value of the originating materials used, and</p> <p>— the thread tension, crochet and zigzag mechanisms used are already originating</p>

(1)	(2)	(3)
8452 (cont'd)	— Other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8456 to 8466	Machine-tools and machines and their parts and accessories of heading Nos 8456 to 8466	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8469 to 8472	Office machines (for example, typewriters, calculating machines, automatic data-processing machines, duplicating machines, stapling machines)	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8480	Moulding boxes for metal foundry, mould bases; moulding patterns; moulds for metal (other than ingot moulds), metal carbides, glass, mineral materials, rubber or plastics	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
8482	Ball or roller bearings	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 10 % of the ex works price of the product
8484	Gaskets and similar joints of metal sheeting combined with other material or of two or more layers of metal; sets or assortments of gaskets and similar joints, dissimilar in composition, put up in pouches, envelopes or similar packings	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8485	Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features, not specified or included elsewhere in this chapter	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
ex Chapter 85	<p>Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers and parts and accessories of such articles; except for those falling within the following headings or parts of headings for which the rules are set out below:</p> <p>8501, 8502, ex 8522, 8523 to 8529, 8535 to 8537, 8542, 8544 to 8548</p>	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10 % of the ex works price of the product
8501	Electric motors and generators (excluding generating sets)	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within heading No 8503 are only used up to a value of 10 % of the ex works price of the product
8502	Electric generating sets and rotary converters	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within heading No 8501 or 8503, taken together, are only used up to a value of 5 % of the ex works price of the product

(1)	(2)	(3)
ex 8522	Parts and accessories of cinematographic sound recorders or reproducers for film of 16 mm or more	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8523	Prepared unrecorded media for sound recording or similar recording of other phenomena, other than products of Chapter 37	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8524	Records, tapes and other recorded media for sound or other similarly recorded phenomena, including matrices and masters for the production of records, but excluding products of Chapter 37: — Matrices and masters for the production of records — Other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within heading No 8523 are only used up to a value of 10 % of the ex works price of the product
8525	Transmission apparatus for radio-telephony, radio-telegraphy, radio-broadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used, and
8527	Reception apparatus for radio-telephony, radio-telegraphy or radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used
8528	Television receivers (including video monitors and video projectors), whether or not combined, in the same housing, with radio-broadcast receivers or sound or video recording or reproducing apparatus	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used
8529	Parts suitable for use solely or principally with the apparatus of heading Nos 8525 to 8528	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used

(1)	(2)	(3)
8535 and 8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within heading No 8538 are only used up to a value of 10 % of the ex works price of the product
8537	Boards, panels (including numerical control panels), consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading No 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of Chapter 90, other than switching apparatus of heading No 8517	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within heading No 8538 are only used up to a value of 10 % of the ex works price of the product
ex 8541	Diodes, transistors and similar semi-conductor devices, except wafers not yet cut into chips	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the products are only used up to a value of 10 % of the ex works price of the product
8542	Electronic integrated circuits and microassemblies	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within heading No 8541 or 8542, taken together, are only used up to a value of 10 % of the ex works price of the product
8544	Insulated (including enamelled or anodized) wire, cable (including co-axial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p>
8545	Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p>
8546	Electrical insulators of any material	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p>
8547	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating material apart from any minor components of metal (for example, threaded sockets) incorporated during moulding solely for purposes of assembly other than insulators of heading No 8546; electrical conduit tubing and joints therefor, of base metal lined with insulating material	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p>
8548	Electrical parts of machinery or apparatus, not specified or included elsewhere in this chapter	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p>

(1)	(2)	(3)
8601 to 8607	Railway or tramway locomotives, rolling-stock and parts thereof	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8608	Railway or tramway track fixtures and fittings; mechanical (including electromechanical) signalling, safety or traffic control equipment for railways, tramways, roads, inland waterways, parking facilities, port installations or airfields; parts of the foregoing	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10 % of the ex works price of the product
8609	Containers (including containers for the transport of fluids) specially designed and equipped for carriage by one or more modes of transport	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
ex Chapter 87	Vehicles other than railway or tramway rolling-stock and parts and accessories thereof; except for those falling within the following headings or parts of headings for which the rules are set out below: 8709 to 8711, ex 8712, 8715 and 8716	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8709	Works trucks, self-propelled, not fitted with lifting or handling equipment, of the type used in factories, warehouses, dock areas or airports for short distance transport of goods; tractors of the type used on railway station platforms; parts of the foregoing vehicles	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10 % of the ex works price of the product
8710	Tanks and other armoured fighting vehicles, motorized, whether or not fitted with weapons, and parts of such vehicles	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10 % of the ex works price of the product
8711	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used
ex 8712	Bicycles without ball bearings	Manufacture from materials not classified within heading No 8714
8715	Baby carriages and parts thereof	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10 % of the ex works price of the product

(1)	(2)	(3)
8716	Trailers and semi-trailers; other vehicles, not mechanically propelled; parts thereof	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10 % of the ex works price of the product
8803	Parts of goods of heading No 8801 or 8802	Manufacture in which the value of all the materials of heading No 8803 used does not exceed 5 % of the ex works price of the product
8804	<p>Parachutes (including dirigible parachutes) and rotochutes; parts thereof and accessories thereto:</p> <ul style="list-style-type: none"> — Rotochutes — Other 	<p>Manufacture from materials of any heading including other materials of heading No 8804</p> <p>Manufacture in which the value of all the materials of heading No 8804 used does not exceed 10 % of the ex works price of the product</p>
8805	Aircraft launching gear; deck-arrestor or similar gear; ground flying trainers; parts of the foregoing articles	Manufacture in which the value of all the materials of heading No 8805 used does not exceed 5 % of the ex works price of the product
Chapter 89	Ships, boats and floating structures	Manufacture in which all the materials used are classified within a heading other than that of the product. However, hulls of heading No 8906 may not be used
ex Chapter 90	<p>Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof; except for those falling within the following headings or parts of headings for which the rules are set out below:</p> <p>9001, 9002, 9004, ex 9006, ex 9014, 9015 to 9020 and 9024 to 9033</p>	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10 % of the ex works price of the product
9001	Optical fibres and optical fibre bundles; optical fibre cables other than those of heading No 8544; sheets and plates of polarizing material; lenses (including contact lenses), prisms, mirrors and other optical elements, of any material, unmounted, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9002	Lenses, prisms, mirrors and other optical elements, of any material, mounted, being parts of or fittings for instruments or apparatus, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9004	Spectacles, goggles and the like, corrective, protective or other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product

(1)	(2)	(3)
ex 9006	<p>Photographic (other than cinematographic) cameras, other than the following:</p> <ul style="list-style-type: none"> — Cameras of a kind used for preparing printing plates or cylinders — Cameras of a kind used for recording documents on microfilm, microfiche or other micro-forms — Cameras specially designed for underwater use, for aerial survey or for medical or surgical examination of internal organs; comparison cameras for forensic or criminological purposes — Instant print cameras — Other cameras: <ul style="list-style-type: none"> — With a through-the-lens viewfinder (single lens reflex (SLR)), for roll film or a width not exceeding 35 mm — Other, for roll film of a width less than 35 mm — Other, for roll film of a width of 35 mm 	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 45 % of the ex-works price of the product, and — where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 10 % of the ex-works price of the product
ex 9014	Other navigational instruments and appliances	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p>
9015	<p>Surveying (including photogrammetrical surveying), hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses; rangefinders</p>	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p>
9016	<p>Balances of a sensitivity of 5 cg or better, with or without weights</p>	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p>
9017	<p>Drawing, marking-out or mathematical calculating instruments (for example, drafting machines, pantographs, protractors, drawing sets, slide rules, disc calculators); instruments for measuring length, for use in the hand (for example, measuring rods and tapes, micrometers, callipers), not specified or included elsewhere in this chapter</p>	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p>
ex 9018	<p>Dentists' chairs incorporating dental appliances or dentists' spittoons</p>	<p>Manufacture from materials of any heading, including other materials of heading No 9018</p>
9019	<p>Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; ozone therapy, oxygen therapy, aerosol therapy, artificial respiration or other therapeutic respiration apparatus</p>	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 10 % of the ex works price of the product
9020	<p>Other breathing appliances and gas masks, excluding protective masks having neither mechanical parts nor replaceable filters</p>	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified in the same heading as the product are only used up to a value of 10 % of the ex works price of the product
9024	<p>Machines and appliances for testing the hardness, strength, compressibility, elasticity or other mechanical properties of materials (for example, metals, wood, textiles, paper, plastics)</p>	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p>

(1)	(2)	(3)
9025	Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9026	Instruments and apparatus for measuring or checking the flow, level, pressure or other variables of liquids or gases (for example, flow meters, level gauges, manometers, heat meters), excluding instruments and apparatus of heading No 9014, 9015, 9028 or 9032	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9027	Instruments and apparatus for physical or chemical analysis (for example, polarimeters, refractometers, spectrometers, gas or smoke analysis apparatus); instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension or the like; instruments and apparatus for measuring or checking quantities of heat, sound or light (including exposure meters); microtomes	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9028	Gas, liquid or electricity supply or production meters, including calibrating meters therefor:	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9029	Revolution counters, production counters, taximeters, mileometers, pedometers and the like; speed indicators and tachometers, other than those of heading No 9014 or 9015; stroboscopes	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9030	Oscilloscopes, spectrum analysers and other instruments and apparatus for measuring or checking electrical quantities, excluding meters of heading No 9028; instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionizing radiations	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9031	Measuring or checking instruments, appliances and machines, not specified or included elsewhere in this chapter; profile projectors	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9032	Automatic regulating or controlling instruments and apparatus	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9033	Parts and accessories (not specified or included elsewhere in this chapter) for machines, appliances, instruments or apparatus of Chapter 90	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
ex Chapter 91	Clocks and watches and parts thereof; except for those falling under the following headings for which the rules are set out below: 9101 to 9105 and 9110 to 9113	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9101 to 9105	Watches and clocks	Manufacture in which the value of all the materials used does not exceed 45 % of the ex-works price of the product
9110	Complete watch or clock movements, unassembled or partly assembled (movement sets); incomplete watch or clock movements, assembled; rough watch or clock movements	Manufacture: <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within heading No 9114 are only used up to a value of 10 % of the ex works price of the product

(1)	(2)	(3)
9111	Watch cases and parts thereof	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10 % of the ex works price of the product
9112	Clock cases and cases of a similar type for other goods of this chapter, and parts thereof	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 10 % of the ex works price of the product
9113	<p>Watch straps, watch bands and watch bracelets, and parts thereof:</p> <ul style="list-style-type: none"> — Of base metal, whether or not plated, or clad with precious metal — Other 	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product</p>
Chapter 92	Musical instruments; parts and accessories of such articles	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
Chapter 93	Arms and ammunitions; parts and accessories thereof	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 9401 and ex 9403	Base metal furniture, incorporating unstuffed cotton cloth of a weight of 300 g/m ² or less	<p>Manufacture in which all the materials used are classified within a heading other than that of the product or</p> <p>Manufacture from cotton cloth already made up in a form ready for use of heading No 9401 or 9403, provided:</p> <ul style="list-style-type: none"> — its value does not exceed 25 % of the ex works price of the product, and — all the other materials used are already originating and are classified within a heading other than heading No 9401 or 9403
9405	Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
9406	Prefabricated buildings	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product

(1)	(2)	(3)
ex 9502	Dolls, with electric motors	Manufacture in which the electric motor used must be originating and all other materials used must be classified in a heading other than that of the product
9503	Other toys; reduced-size ('scale') models and similar recreational models, working or not; puzzles of all kinds	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product, and — provided the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 9506	Finished golf club heads	Manufacture from roughly shaped blocks
ex 9507	<p>Fishing rods, fish-hooks and other line fishing tackle; fish landing nets, butterfly nets and similar nets; decoy 'birds' (other than those of heading No 9208 or 9705) and similar hunting or shooting requisites:</p> <ul style="list-style-type: none"> — Mounted fish hooks with artificial bait; mounted fishing lines including casts 	<p>Manufacture in which all the materials used are classified in a heading other than that of the product. However, materials classified in the same heading may be used provided their value does not exceed 25 % of the ex works price of the product</p>
ex 9601 and ex 9602	Articles of animal, vegetable or mineral carving materials	Manufacture from 'worked' carving materials of the same heading
ex 9603	Brooms and brushes, (except for besoms and the like and brushes made from marten or squirrel hair), hand-operated mechanical floor sweepers, not motorized, paint pads and rollers, squeegees and mops	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
9605	Travel sets for personal toilet, sewing or shoe or clothes cleaning	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided their total value does not exceed 15 % of the ex works price of the set
9606	Buttons, press-fasteners, snap-fasteners and press-studs, button moulds and other parts of these articles; button blanks	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 9608	<p>Ball point pens; felt tipped and other porous-tipped pens and markers; fountain pens, stylograph pens and other pens; duplicating stylos; propelling or sliding pencils; pen-holders, pencil-holders and similar holders; parts (including caps and clips) of the foregoing articles, other than those of heading No 9609:</p> <ul style="list-style-type: none"> — Fountain pens, stylograph pens and other pens with nibs 	<p>Manufacture in which all the materials used are classified in a heading other than that of the product. However, nibs or nib points may be used and the other materials classified within the same heading may also be used provided their value does not exceed 10 % of the ex works price of the product</p>

(1)	(2)	(3)
9612	Typewriter or similar ribbons, inked or otherwise prepared for giving impressions, whether or not on spools or in cartridges; ink-pads, whether or not inked, with or without boxes	Manufacture in which — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 9614	Smoking pipes or pipe bowls	Manufacture from roughly shaped blocks

ANNEX III

Within the meaning of this Protocol 'countries and territories' shall mean the countries and territories referred to in Part Four of the Treaty establishing the European Economic Community listed below:

(This list does not prejudice the status of these countries and territories, or future changes in their status.)

1. Country having special relations with the Kingdom of Denmark:

- Greenland

2. Overseas territories of the French Republic:

- New Caledonia and Dependencies
- French Polynesia
- French Southern and Antarctic Territories
- Wallis and Futuna Islands

3. Territorial collectivities of the French Republic:

- Mayotte
- Saint Pierre and Miquelon

4. Overseas countries of the Kingdom of the Netherlands:

- Aruba
- Netherlands Antilles:
 - Bonaire
 - Curaçao
 - Saba
 - Saint Eustatius
 - Saint Maarten

5. Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland:

- Anguilla
 - Cayman Islands
 - Falkland Islands
 - South Sandwich Islands and Dependencies
 - Montserrat
 - Pitcairn
 - Saint Helena and Dependencies
 - British Antarctic Territory
 - British Indian Ocean Territory
 - Turks and Caicos Islands
 - British Virgin Islands
-

ANNEX IV

FORM FOR MOVEMENT CERTIFICATES

1. Movement certificates EUR. 1 shall be made out on the form of which a specimen appears in this Annex. This form shall be printed in one or more of the languages in which the Convention is drawn up. Certificates shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State; if they are handwritten, they shall be completed in ink and in capital letters.
2. Each certificate shall measure 210 × 297 mm, a tolerance of up to plus 8 mm or minus 5 mm in the length may be allowed. The paper used must be white, sized for writing, not containing mechanical pulp and weighing not less than 65 g/m². It shall have a printed green guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.
3. The exporting States may reserve the right to print the certificates themselves or may have them printed by approved printers. In the latter case each certificate must include a reference to such approval. Each certificate must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.
4. Forms of the kind given in Annex 4 to Decision No 1/89 of the ACP-EEC Council of Ministers may continue to be used until stocks are exhausted or until 31 December 1992 at the latest.

MOVEMENT CERTIFICATE

(*) If goods are not packed, indicate number of articles of state, 'in bulk', as appropriate

1. Exporter (Name, full address, country)	EUR. 1 No A 000.000		
See notes overleaf before completing this form			
3. Consignee (Name, full address, country) (Optional)	2. Certificate used in preferential trade between <p style="text-align: center;">and</p> (Insert appropriate countries, groups of countries of territories)		
4. Country, group of countries or territory in which the products are considered as originating		5. Country, group of countries or territory of destination	
6. Transport details (Optional)	7. Remarks		
8. Item number; Marks and numbers; Number and kind of packages (*); Description of goods		9. Gross mass (kg) or other measure (litres, m³, etc.)	10. Invoices (Optional)
11. CUSTOMS ENDORSEMENT Declaration certified Export document (*) Form No Customs office Issuing country or territory Date (Signature)		12. DECLARATION BY THE EXPORTER I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate. Place and date (Signature)	

(*) Complete only where the regulations of the exporting country or territory require

Stamp

<p>13. REQUEST FOR VERIFICATION, to:</p>	<p>14. RESULT OF VERIFICATION,</p>
<p>Verification of the authenticity and accuracy of this certificate is requested.</p> <p>..... (Place and date)</p> <p>Stamp</p> <p>..... (Signature)</p>	<p>Verification carried out shows that this certificate (*)</p> <p><input type="checkbox"/> was issued by the customs office indicated and that the information contained therein is accurate.</p> <p><input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended).</p> <p>..... (Place and date)</p> <p>Stamp</p> <p>..... (Signature)</p> <p>(*) Insert X in the appropriate box.</p>

NOTES

1. Certificates must not contain erasures or words written over one another. Any alterations must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialled by the person who completed the certificate and endorsed by the customs authorities of the issuing country or territory.
2. No spaces must be left between the items entered on the certificate and each item must be preceded by an item number. A horizontal line must be drawn immediately below the last item. Any unused space must be struck through in such a manner as to make any later additions impossible.
3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

APPLICATION FOR A MOVEMENT CERTIFICATE

If goods are not packed indicate number of articles or state in bulk as appropriate

1. Exporter (Name, full address, country)	EUR. 1 N. A 000.000		
	<small>See notes overleaf before completing this form</small>		
3. Consignee (Name, full address, country) (Optional)	2. Application for a certificate to be used in preferential trade between		
 and <small>(insert appropriate countries, groups of countries or territories)</small>		
6. Transport details (Optional)	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	
	7. Remarks		
8. Item number; Marks and numbers; Number and kind of packages ('); Description of goods	9. Gross mass (kg) or other measure (litres, m³, etc.)	10. Invoices (Optional)	

DECLARATION BY THE EXPORTER

I, the undersigned, exporter of the goods described overleaf,

DECLARE that the goods meet the conditions required for the issue of the attached certificate;

SPECIFY as follows the circumstances which have enabled these goods to meet the above conditions:

.....
.....
.....
.....

SUBMIT the following supporting documents ('¹):

.....
.....
.....
.....

UNDERTAKE to submit, at the request of the appropriate authorities, any supporting evidence which these authorities may require for the purpose of issuing the attached certificate, and undertake, if required, to agree to any inspection of my accounts and to any check on the processes of manufacture of the above goods, carried out by the said authorities;

REQUEST the issue of the attached certificate for these goods.

.....
(Place and date)

.....
(Signature)

¹) For example: import documents, movement certificates, invoices, manufacturer's declarations, etc., referring to the products used in manufacture or to the goods re-exported in the same state

ANNEX V

FORM EUR. 2

1. Form EUR. 2, a specimen of which appears in this Annex shall be completed by the exporter. It shall be made out in one of the languages in which the Convention is drawn up and in accordance with the provisions of the domestic law of the exporting State. If it is handwritten it must be completed in ink in capital letters.
2. Form EUR. 2 shall consist of a single sheet measuring 210 × 148 mm. The paper used shall be white, sized for writing, not containing mechanical pulp and weighing not less than 65 g/m².
3. The exporting States may reserve the right to print the forms themselves or may have them printed by printers they have approved. In the latter case each form must include a reference to such approval. In addition, each form shall bear the distinctive sign attributed to the approved printer and a serial number, either printed or not, by which it can be identified.
4. Forms of the kind given in Annex 5 to Decision No 1/89 of the ACP-EEC Council of Ministers may continue to be used until stocks are exhausted or until 31 December 1992 at the latest.

Before completing this form read carefully the instructions on the other side.

FORM EUR. 2 No		1 Form used in preferential trade between (*) and	
2 Exporter (Name, full address, country)		3 Declaration by exporter I, the undersigned, exporter of the goods described below, declare that the goods comply with the requirements for the completion of this form and that the goods have obtained the status of originating products within the provisions governing preferential trade shown in box 1.	
4 Consignee (Name, full address, country)		6 Signature of exporter	
		7 Remarks (*)	
		8 Country of origin (*)	9 Country of destination (*)
11 Marks; Numbers of consignment; Description of goods		12 Authority in the exporting country (*) responsible for verification of the declaration by the exporter	

(1) Insert the countries, groups of countries or territories concerned (2) Refer to any verification already carried out by the appropriate authorities (3) The term 'country of origin' means country, group of countries or territory where the goods are considered to be originating (4) The term 'country' means country, group of countries or territory of destination.

<p>13 Request for verification The verification of the declaration by the exporter on the front of this form is requested (*)</p> <p>..... 19..... (Place and date)</p> <p>Stamp</p> <p>..... (Signature)</p>	<p>14 Result of verification Verification carried out shows that (*)</p> <p><input type="checkbox"/> the statements and particulars given in this form are accurate.</p> <p><input type="checkbox"/> this form does not meet the requirements as to accuracy and authenticity (see remarks appended)</p> <p>..... 19..... (Place and date)</p> <p>Stamp</p> <p>..... (Signature)</p> <p>(*) Insert X in the appropriate box</p>
--	--

(*) Subsequent verifications of forms EUR. 2 shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubt as to the accuracy of the information regarding the authenticity of the forms and the true origin of the goods in question

Instructions for the completion of form EUR. 2

1. A form EUR. 2 may be made out only for goods which in the exporting country fulfil the conditions specified by the provisions governing the trade referred to in box 1. These provisions must be studied carefully before the form is completed.
2. In the case of a consignment by parcel post the exporter attaches the form to the dispatch note. In the case of a consignment by letter post he encloses the form in a package. The reference 'EUR. 2' and the serial number of the form should be stated on the customs green label declaration C1 or on the customs declaration C2/CP3, as appropriate.
3. These instructions do not exempt the exporter from complying with any other formalities required by customs or postal regulations.
4. An exporter who uses this form is obliged to submit to the appropriate authorities any supporting evidence which they may require and to agree to any inspection by them of his accounts and of the processes of manufacture of the goods described in box 11 of this form.

ANNEX VI B

DECLARATION FOR PRODUCTS NOT HAVING PREFERENTIAL ORIGIN STATUS

I, the undersigned, declare that the goods listed on this invoice (*) were produced in (*) and incorporate the following components or materials which do not have Community origin for preferential trade:

..... (*) (*) (*)

..... (*)

..... (*)

I undertake to make available to the customs authorities, if required, evidence in support of this declaration.

..... (*) (*)

..... (*)

Note:

The text inside the box, suitably completed in conformity with the footnotes below, constitutes a suppliers' declaration. The footnotes do not have to be reproduced.

(*) — If only some of the goods listed on the invoice are concerned they should be clearly indicated or marked and this marking entered on the declaration as follows: '..... listed on this invoice and marked were produced

— If a document other than the invoice or an annex to the invoice is used (see Article 3), the name of the document concerned shall be mentioned instead of the word 'invoice'.

(1) The Community, Member State, ACP State or OCT.

(2) Description is to be given in all cases. The description must be adequate and should be sufficiently detailed to allow the tariff classification of the goods concerned to be determined.

(3) Customs values to be given only if required.

(4) Country of origin to be given only if required. The origin to be given must be a preferential origin, all other origins to be given as 'third country'.

(5) 'and have undergone the following processing in (the Community) (Member State) (ACP State) (OCT), to be added with a description of the processing carried out if this information is required.

(6) Place and date.

(7) Name and function in company.

(8) Signature.

ANNEX VII

INFORMATION CERTIFICATE

1. The form of information certificate given in this Annex shall be used and be printed in one or more of the official languages in which the Convention is drawn up and in accordance with the provisions of the domestic law of the exporting State. Information certificates shall be completed in one of those languages; if they are handwritten, they shall be completed in ink in capital letters. They shall bear a serial number, whether or not printed, by which they can be identified.
2. The information certificate shall measure 210 × 297 mm, a tolerance of up to plus 8 mm or minus 5 mm in the length may be allowed. The paper must be white, sized for writing, not containing mechanical pulp and weighing not less than 65 g/m².
3. The national administrations may reserve the right to print the forms themselves or may have them printed by printers approved by them. In the latter case, each form must include a reference to such approval. The forms shall bear the name and address of the printer or a mark by which the printer can be identified.

EUROPEAN COMMUNITIES

1. Supplier (*)	<p>INFORMATION CERTIFICATE to facilitate the issue of a MOVEMENT CERTIFICATE for preferential trade between the</p>		
2. Consignee (*)	<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> <p>EUROPEAN ECONOMIC COMMUNITY and THE ACP-STATES</p> </div>		
3. Processor (*)	4. State in which the working or processing has been carried out		
6. Customs office of importation (*)	5. For official use		
7. Import document (*) Form No Series Date <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>			
GOODS SENT TO THE MEMBER STATES OF DESTINATION			
8. Marks, numbers, quantity and kind of package	9. Tariff heading number and description of goods	10. Quantity (*)	
		11. Value (*)	
IMPORTED GOODS USED			
12. Tariff heading number and description	13. Country of origin	14. Quantity (*)	15. Value (*) (*)
16. Nature of the working or processing carried out			
17. Remarks			
<p>18. CUSTOMS ENDORSEMENT</p> <p>Declaration certified</p> <p>Document:</p> <p>Form No</p> <p>Customs office</p> <p>Date <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/></p> <div style="border: 1px solid black; width: 100px; height: 40px; margin: 10px auto; text-align: center; font-size: 8px;"> Official stamp </div> <p>..... (Signature)</p>		<p>19. DECLARATION BY THE SUPPLIER</p> <p>I, the undersigned, declare that the information on this certificate is accurate</p> <p>..... (Place) <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> (date)</p> <p>..... (Signature)</p>	

REQUEST FOR VERIFICATION	RESULT OF VERIFICATION
The undersigned customs official requests verification of the authenticity and accuracy of this information certificate	Verification carried out by the undersigned customs official shows that this information certificate:
	(a) was issued by the customs office indicated and that the information contained therein is accurate (*) (b) does not meet the requirements as to authenticity and accuracy (see notes appended) (*)
..... (Place and date) (Place and date)
Official stamp	Official stamp
..... (Official's signature) (Official's signature)
	(*) Delete where not applicable.

CROSS REFERENCES

- (*) Name of individual or business and full address.
- (*) Optional information.
- (*) kg, hl, m³ or other measure.
- (*) Packaging shall be considered as forming a whole with the goods contained therein. However, this provision shall not apply to packaging which is not of the normal type for the article packed, and which has a lasting utility value of its own, apart from its function as packaging.
- (*) The value must be indicated in accordance with the provisions on rules of origin.

ANNEX VIII

LIST OF PRODUCTS REFERRED TO IN ARTICLE 33 WHICH ARE TEMPORARILY EXCLUDED FROM THE SCOPE OF THIS PROTOCOL

HS heading No	Description of product
ex 2707	Oils in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents, being oils similar to mineral oils obtained by distillation of high temperature coal tar, of which more than 65 % by volume distills at a temperature of up to 250 °C (including mixtures of petroleum spirit and benzole), for use as power of heating fuels
2709 to 2715	Mineral oils and products of their distillation; bituminous substances; mineral waxes
ex 2901	Acyclic hydrocarbon for use as power or heating fuels
ex 2902	Cyclanes and cyclenes (other than azulenes), benzene, toluene, xylenes, for use as power or heating fuels
ex 3403	Lubricating preparations containing petroleum oils or oils obtained from bituminous minerals, provided they represent less than 70 % by weight
ex 3404	Artificial waxes and prepared waxes with a basis of paraffin, petroleum waxes, waxes obtained from bituminous minerals, slack wax or scale wax
ex 3811	Prepared additives for lubricating oil, containing petroleum oils or oils obtained from bituminous minerals

FORM FOR APPLICATION FOR A DEROGATION

ANNEX IX

<p>1. Commercial description of the finished product:</p> <p>1.1. Customs classification (HS-code)</p>	<p>2. Anticipated annual quantity of exports to the Community (weight, No of pieces, metres or other unit)</p>
<p>3. Commercial description on third country materials</p> <p>Customs classification (HS-code)</p>	<p>4. Anticipated annual quantity of third country materials to be used</p>
<p>5. Value of third country materials</p>	<p>6. Value of finished product</p>
<p>7. Origin of third country materials</p>	<p>8. Reasons, why the rule of origin for the finished product cannot be fulfilled</p>
<p>9. Commercial description of materials originating in the ACP States, EEC or OCT to be used</p>	<p>10. Anticipated annual quantity of ACP, EEC or OCT materials to be used</p>
<p>11. Value of ACP, EEC or OCT materials</p>	<p>12. Working or processing carried out in the EEC or OCT or third country materials without obtaining origin</p>
<p>13. Duration requested for the derogation:</p> <p>from to</p>	
<p>14. Detailed description of working and processing in the ACP States</p>	<p>15. Capital structure of the firm concerned</p>
	<p>16. Amount of investments made/foreseen</p>
	<p>17. Staff employed/expected</p>
<p>18. Value added by the working or processing in the ACP States:</p> <p>18.1. Labour</p> <p>18.2. Overheads</p> <p>18.3. Others</p>	<p>20. Possible developments to overcome the need for a derogation</p>
<p>19. Other possible sources of supply for materials</p>	<p>21. Observations</p>

NOTES

1. If the boxes in the form are not sufficient to contain all relevant information, additional pages may be attached to the form. In this case, the mention 'see annex' shall be entered in the box concerned.
2. If possible, samples or other illustrative material (pictures, designs, catalogues, etc.) of the final product and of the materials should accompany the form.
3. A form shall be completed for each product covered by the request.

Boxes 3, 4, 5, 7: 'third country' meaning any country which is not an ACP or Community State or OCT.

Box 12: If third country materials have been worked or processed in the Community or in the OCT without obtaining origin, before being further processed in the ACP State requesting the derogation, indicate the working or processing carried out in the Community or OCT.

Box 13: The dates to be indicated are the initial and final one of the period in which EUR. 1 certificates may be issued under the derogation.

Box 18: Indicate either the percentage of added value in respect of the ex-works price of the product or the monetary amount of added value for unit of product.

Box 20: Indicate possible further investments or suppliers differentiation which make the derogation necessary for only a limited period of time.

Box 20: If alternative sources of materials exist, indicate here what they are and, if possible, the reasons of cost or other why they are not used.

ANNEX III

FOURTH ACP-EEC CONVENTION

PROTOCOL No 5

on bananas

The Community and the ACP States agree to the objectives of improving the conditions under which the ACP States' bananas are produced and marketed and of continuing the advantages enjoyed by traditional suppliers in accordance with the undertakings of Article 1 of this Protocol and agree that appropriate measures shall be taken for their implementation.

Article 1

In respect of its banana exports to the Community markets, no ACP State shall be placed, as regards access to its traditional markets and its advantages on those markets, in a less favourable situation than in the past or at present.

Article 2

Each of the ACP States concerned and the Community shall confer in order to determine the measures to be implemented so as to improve the conditions for the production and marketing of bananas. This aim shall be pursued through all the means available under the arrangements of the Convention for financial, technical, agricultural, industrial and regional cooperation. The measures in question shall be designed to enable the ACP States, particularly Somalia, account being taken of their individual circumstances, to become more competitive both on their traditional markets and on the markets of the Community. Measures will be implemented at all stages from production to consumption and will cover the following fields in particular:

- improvement of conditions of production and enhancement of quality through action in the areas of research, harvesting packaging and handling,
- internal transport and storage,
- marketing and trade promotion.

Article 3

For the purpose of attaining these objectives, the two parties hereby agree to confer in a permanent joint group, assisted by a group of experts, whose task shall be to keep under continuous review any specific problems arising from application of this Protocol in order to suggest solutions.

Article 4

Should the banana-producing ACP States decide to set up a joint organization for the purpose of attaining the objectives of this Protocol, the Community shall support such an organization and shall give consideration to any requests it may receive for support for the organization's activities which fall within the scope of regional schemes under the heading of development finance cooperation.

ANNEX IV

FOURTH ACP-EEC CONVENTION

PROTOCOL No 6

on rum

Article 1

Until the entry into force of a common organization of the market in spirits, products of subheadings 2208 40 10, 2208 40 90, 2208 90 11 and 2208 90 19 of the combined nomenclature originating in the ACP States shall be imported duty free into the Community under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States.

Article 2

(a) For the purposes of applying Article 167 and by the derogation from Article 168 (1) of the Convention, the Community shall each year, until 31 December 1995, fix the quantities which may be imported free of customs duties.

These quantities shall be established as follows:

— until 31 December 1993, on the basis of the largest annual quantities imported from the ACP States into the Community in the last three years for which statistics are available, increased, in the period 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.

However, the volume of the annual quantity shall in no case be less than 172 000 hectolitres of pure alcohol,

— for 1994 and 1995, the volume of the total quota shall in each case be equal to that of the previous year increased by 20 000 hectolitres of pure alcohol.

(b) For the arrangements applicable from 1996, the Community shall establish, before 1 February 1995,

on the basis of a report that the Commission will send to the Council before 1 February 1994, the modalities for the projected abolition of the Community tariff quota, taking into account the situation and prospects on the Community rum market and of the ACP States' exports.

(c) Where the application of point (a) hampers the development of a traditional trade flow between the ACP States and the Community, the Community shall take appropriate measures to remedy the situation.

(d) To the extent that the consumption of rum increases significantly in the Community, the Community undertakes to carry out a new examination of the annual rate of increase fixed by this Protocol.

(e) The Community declares itself prepared to conduct appropriate consultations before determining the measures provided for in (c).

(f) The Community further declares itself willing to seek with the ACP States concerned measures to allow an expansion of their sales of rum on the Community market.

Article 3

With a view to attaining these objectives, the parties agree to confer within a joint working party whose role shall be to examine continuously any specific problems arising from application of this Protocol.

Article 4

At the request of the ACP States the Community, in accordance with the provisions of Title X, Part Two of the Convention, shall assist the ACP States in promoting and expanding their sales on the Community market.

ANNEX V

(FOURTH ACP-EEC CONVENTION)

PROTOCOL No 7

on beef and veal

The Community and the ACP States agree to take the special measures set out below to enable ACP States which are traditional exporters of beef and veal to maintain their position on the Community market, thus guaranteeing a certain level of income for their producers.

Article 1

Within the limits referred to in Article 2, import duties other than customs duties applicable to beef and veal originating in the ACP States shall be reduced by 90 %.

Article 2

Without prejudice to Article 4, the reduction in import duties provided for in Article 1 shall apply to the following quantities of boneless meat per calendar year and per country:

Botswana:	18 916 tonnes
Kenya:	142 tonnes
Madagascar:	7 579 tonnes
Swaziland:	3 363 tonnes
Zimbabwe:	9 100 tonnes

Article 3

In the event of an actual or foreseeable recession in these exports due to disasters such as drought, cyclones or animal diseases, the Community is willing to consider appropriate measures to ensure that quantities affected for these reasons in any year can be delivered in the preceding year or the following year.

Article 4

If, in the course of a given year, one of the ACP States referred to in Article 2 is not in a position to supply the total quantity fixed and does not wish to benefit from the measures referred to in Article 3, the Commission may share out the amount to be made up among the other ACP States concerned. In such a case, the ACP States concerned shall put forward a proposal to the Commission, not later than 1 October of each year, naming the ACP State or States which will be in a position to supply the new additional quantity, at the same time indicating to it the ACP State which is not in a position to supply the full amount allocated to it, on the understanding that this new temporary allocation will not affect the initial quantities.

Article 5

This Protocol shall be implemented in accordance with the common market organization in the beef and veal sector, which, however, shall not affect the obligations entered into by the Community under this Protocol.

Article 6

Should the safeguard clause in Article 177 (1) of the Convention be applied in the beef and veal sector, the Community will take the necessary measures to maintain the volume of exports from the ACP States to the Community at a level compatible with its obligations under this Protocol.

ANNEX VI

FOURTH ACP-EEC CONVENTION

PROTOCOL No 9

concerning products within the province of the European Coal and Steel Community

Article 1

Products within the province of the European Coal and Steel Community shall, when they originate in the ACP States, on import into the Community be admitted free of customs duties and charges having equivalent effect.

Article 2

Products referred to in Article 1 originating in the Member States shall, on import into the ACP States, be admitted in accordance with the provisions of Part Three, Title I, Chapter 1 of the Convention.

Article 3

If the offers made by firms of the ACP States are likely to be detrimental to the functioning of the common market and if any such detriment is attributable to a difference in the conditions of competition as regards prices, the Community may take appropriate measures, such as withdrawing the concessions referred to in Article 1.

Article 4

Consultations shall take place between the parties concerned in all cases where, in the opinion of one of them, the implementation of Articles 1, 2 and 3 calls for such consultations.

Article 5

The provisions laying down the rules of origin for the application of the Convention of Lomé shall also apply to this Protocol.

Article 6

This Protocol shall not affect the provisions of the Treaty establishing the European Coal and Steel Community, or the powers of jurisdiction conferred by that Treaty.

III – Community Acts relating to the application of the Lomé Convention

A – Safeguard measures

COUNCIL REGULATION (EEC) No 3705/90
of 18 December 1990
on the safeguard measures provided for in the Fourth ACP-EEC Convention

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 detailed rules for implementing the safeguard clauses provided for in Part Three, Title I, Chapter 1 of the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989, hereinafter referred to as 'the Convention', should be laid down in such a way as to enable the Community and the Member States to comply with the obligations they have under the Convention;

Whereas this Regulation lays down specific provisions concerning the general rules set out in Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports⁽¹⁾, as last amended by Regulation (EEC) No 2727/90⁽²⁾, where the Convention makes this necessary;

Whereas account should be taken of the undertakings set out in Article 177 (2), (3), and (4) and Articles 178 and 180 and in Protocol 4 when examining whether a safeguard measure should be introduced;

Whereas the procedures concerning safeguard clauses provided for in the Treaty and in the Regulations on the common organization of the agricultural markets are also applicable;

Whereas, with a view to the completion of the single market in 1992, national safeguard measures should be abolished and replaced with a Community procedure in accordance with Council Decision 87/373/EEC of 13 July 1987 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽³⁾;

Whereas the provisions of this Regulation replace those of Council Regulation (EEC) No 1316/87 of 11 May 1987 on the safeguard measures provided for in the Third ACP-EEC Convention⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. Where a Member State requests the Commission to apply safeguard measures as provided for in Article 177 of

the Convention and if the Commission decides not to apply them, the Commission shall inform the Council and the Member States accordingly within three working days of receipt of the request from the Member State.

Member States shall provide the Commission with the information needed to justify their requests to apply safeguard measures.

Any Member State may refer this decision of the Commission to the Council within 10 working days of its notification.

In such a case, the Commission shall notify the ACP States and inform them of the opening of consultations as referred to in Article 178 (1) of the Convention and implemented in accordance with Protocol 4.

The Council, acting by a qualified majority, may adopt a different decision within 20 working days after the conclusion of the consultations with the ACP States.

2. Where the Commission, at the request of a Member State or on its own initiative, decides that the safeguard measures provided for in Article 177 of the Convention should be applied:

- it shall inform the Member States forthwith or, if it is responding to a Member State's request, within three working days of the date of receipt of that request,
- it shall consult a committee made up of representatives of the Member States and chaired by a Commission representative,
- at the same time it shall inform the ACP States and notify them of the opening of consultations as referred to in Article 178 (1) of the Convention and implemented in accordance with Protocol 4 thereto,
- at the same time it shall provide the ACP States with all the information necessary for these consultations.

3. In any event, the consultations shall be deemed to be completed 21 days after the notification referred to in the fourth subparagraph of paragraph 1 and in paragraph 2.

At the end of the consultations or on expiry of the period of 21 days, and if no other arrangement proves possible, the Commission, after consulting the committee referred to in paragraph 2, may take appropriate measures to implement Article 177 of the Convention.

4. The decision referred to in paragraph 3 shall be notified forthwith to the Council, the Member States and the ACP States.

It shall be immediately applicable.

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 262, 26. 9. 1990, p. 11.

⁽³⁾ OJ No L 197, 18. 7. 1987, p. 33.

⁽⁴⁾ OJ No L 125, 14. 5. 1987, p. 1.

5. Any Member State may refer the Commission decision referred to in paragraph 3 to the Council within 10 working days of receiving notification of the decision.

6. If the Commission has not taken a decision within 10 working days following the end of the consultations with the ACP States or, as the case may be, the end of the period of 21 days, any Member State which has referred the matter to the Commission in accordance with paragraph 2 may refer it to the Council.

7. In the cases referred to in paragraph 5 and 6 the Council, acting by a qualified majority, may adopt a different decision within 20 working days.

Article 2

1. Where special factors arise within the meaning of Article 178 (3) of the Convention, the Commission may take, or authorize a Member State to apply immediate safeguard measures.

2. If the Commission receives a request from a Member State it shall take a decision thereon within three working days following receipt of the request.

It shall notify the Council and the Member States of its decision.

3. Any Member State may refer the Commission's decision to the Council in accordance with the procedure provided for in Article 1 (5).

The procedure set out in Article 1 (7) shall be applicable.

If the Commission has not taken a decision within the time limit mentioned in paragraph 2, any Member State which has referred the matter to the Commission may refer it to the Council in accordance with the procedure laid down in the preceding subparagraphs.

The provisions of this Article shall not preclude the consultations referred to in Article 178 (1) of the Convention.

Article 3

Implementation of this Regulation shall not preclude the application of the regulations establishing a common organization of the agricultural markets or related Community or national administrative provisions or the specific rules adopted under Article 235 of the Treaty for processed agricultural products.

Article 4

Community notifications to the ACP-EEC Council of Ministers pursuant to Article 177 of the Convention shall be made by the Commission.

Article 5

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

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

Done at Brussels, 18 December 1990.

For the Council
The President
G. DE MICHELIS

III – Community Acts relating to the application of the Lomé Convention

B – Trade

(a) Agricultural products

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)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to Council Regulation (EEC) No 3033/30 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, as last amended by Regulation (EEC) No 3743/87⁽²⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission⁽³⁾,

Having regard to the opinion of the European Parliament⁽⁴⁾,

Whereas the Fourth ACP-EEC Convention, hereinafter referred to as the 'Convention' was signed at Lomé on 15 December 1989;

Whereas Article 168 (2) (a) of the Convention lays down that products originating in the ACP States and:

- listed in Annex II to the Treaty, when they come under a common organization of the market within the meaning of Article 40 of the Treaty, or
- subject, on importation into the Community, to specific rules introduced as a result of the implementation of the common agricultural policy,

shall be imported into the Community, notwithstanding the general arrangements applied in respect of third countries, in accordance with the following provisions:

- (i) those products shall be imported free of customs duties for which Community provisions in force at the time of import do not provide, apart from customs duties, for the application of any measure relating to their import;

- (ii) for products other than those referred to under (i), the Community shall take the necessary measures to ensure more favourable treatment than that granted to third countries benefiting from the most-favoured-nation clause for the same products;

Whereas Article 168 (2) (d) of the Convention lays down that the arrangements referred to under point (a) of that paragraph shall enter into force at the same time as the Convention and shall remain applicable for its duration;

Whereas it has been agreed to apply the arrangements on trade in agricultural products and foodstuffs set out in Article 168 (2) (a) of the Convention to the ACP States signatories to the Convention as from 1 March 1990, that is to say before the Convention enters into force;

Whereas the Regulations on the common organization of the markets in the sectors concerned establish trade arrangements with third countries;

Whereas for the purposes of this Regulation, the term 'import duties' shall be interpreted in accordance with Article 1 (2) (a) of Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duties⁽⁵⁾ as last amended by Regulation (EEC) No 4235/88⁽⁶⁾;

Whereas, on the one hand, these trade arrangements provide for the application of customs duties only on the import of a number of products; whereas, on the other hand, they involve the application of customs duties and/or import levies especially on certain kinds of meat and products processed from fruit and vegetables, the charging of levies in respect of cereals, rice and products processed from cereals and rice, the charging of an *ad valorem* duty and a variable component on certain goods resulting from the application of customs duties and other measures in respect of imports of fishery products, certain fruit and vegetables, and oils and fats; whereas the obligations of the Community towards the ACP States under Article 168 (2) (a) of the Convention may be fulfilled by granting total or partial exemption from import duties for the products in question where they originate in the ACP States;

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1.

⁽²⁾ OJ No L 352, 15. 12. 1989, p. 29.

⁽³⁾ OJ No C 44, 24. 2. 1990, p. 16.

⁽⁴⁾ OJ No C 68, 19. 3. 1990.

⁽⁵⁾ OJ No L 105, 23. 4. 1983, p. 1.

⁽⁶⁾ OJ No L 273, 31. 12. 1988, p. 1.

Whereas it should be specified that the advantages resulting from Article 168 (2) (a) of the Convention are accorded only to originating products within the meaning of Protocol 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, annexed to the Convention, the early application of which was approved in Regulation (EEC) No 714/90 (*);

Whereas, furthermore, these advantages should be combined with certain conditions and limited to certain annual and multinational quantities on a case-by-case basis;

Whereas there have traditionally been trade flows from the ACP States to the French overseas departments; whereas measures should therefore be introduced to encourage the importation of certain products originating in the ACP into these French overseas departments to cover local consumption requirements, including consumption following processing; whereas provision should be made for altering the arrangements governing access to the markets in products originating in the ACP States referred to in Article 168 (2) of the Convention, particularly in the light of the said departments' economic development requirements;

Whereas it should be stipulated that the safeguard clauses provided for in the Regulations on the common organization of the agricultural markets and in specific rules introduced as a result of the implementation of the common agricultural policy are applicable; whereas by virtue of the early application of the trade cooperation provisions of the Convention, Article 177 thereof shall be applied as a complement to Council Regulation (EEC) No 1316/87 of 11 May 1987 on the safeguard measures provided for in the Third ACP-EEC Convention (*), which remains applicable during the transitional period and will be replaced by an implementing regulation valid for the duration of the Fourth Convention;

Whereas the association of the Community with the overseas countries and territories, hereinafter referred to as 'the countries and territories', is governed by Decision 86/283/EEC (*) as last amended by Decision 90/146/EEC (*) and Decision 86/47/EEC (*), as last amended by Decision 86/645/EEC (*), in respect of the import arrangements for agricultural products and certain goods resulting from the processing of agricultural products and in respect of the rules of origin,

with its safeguard clauses applying as complementary measures; whereas, upon the entry into force of a new Decision, the provisions which it lays down will be applicable;

Whereas fishery products are subject to the provisions of Article 1 of the Protocol on special arrangements for Greenland, annexed to the Treaty amending, with regard to Greenland, the Treaties establishing the European Communities signed on 13 March 1984 (*), and to those of Council Regulation (EEC) No 225/85 of 29 January 1985 laying down certain specific measures in connection with the special arrangements on fisheries applicable to Greenland (*);

Whereas, pursuant to 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 (*), the transitional measures applicable to imports into Spain and Portugal of products originating in the ACP States, as laid down in the said Protocol, shall, for the periods provided for in that Protocol, also be applicable in the framework of the Convention,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply to products originating in the ACP States listed in Annex I or in the countries and territories listed in Annex II.
2. The rules of origin applicable to products imported from the ACP States on the one hand and the countries and territories on the other shall be those in Protocol 1 to the Convention and those laid down in Article 2 of Decision 90/146/EEC respectively. These provisions shall cease with effect from the entry into force of the similar rules contained in the Decision to be taken on the association of the countries and territories.
3. Should there be a change in the status of the countries and territories listed in Annex II, the list of States, countries and territories referred to in Annexes I and II shall be adapted accordingly by the Commission.

(*) See page 1 of this Official Journal.

(*) OJ No L 125, 14. 5. 1987, p. 1.

(*) OJ No L 175, 1. 7. 1986, p. 1.

(*) See page 108 of this Official Journal.

(*) OJ No L 63, 5. 3. 1986, p. 95.

(*) OJ No L 380, 31. 12. 1986, p. 66.

(*) OJ No L 29, 1. 2. 1985, p. 1.

(*) OJ No L 29, 1. 2. 1985, p. 18.

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

TITLE I

Beef and veal

Article 2

The products referred to in Article 1 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal (*) as last amended by Regulation (EEC) No 571/89 (*), shall be imported free of customs duties.

Where, in the course of a year, imports into the Community of products falling within CN codes 0201, 0202, 0206 10 95, 0206 29 91, 1602 50 10 or 1602 90 61, originating in an ACP State or country or territory exceed a quantity equivalent to imports into the Community during whichever year between 1969 and 1974 Community imports of products of that origin were highest, plus an annual growth rate of 7 %, exemption from customs duties on the products of that origin shall be partially or totally suspended in accordance with the procedure laid down in Article 27.

In that event the Commission shall report to the Council which, acting by a qualified majority on a proposal from the Commission, shall determine the arrangements to be applied to the imports in questions.

Article 3

Within the country-by-country and overall limits referred to in Article 4, import duties other than customs duties, applied to products originating in the ACP States and referred to in Article 1 (a) of Regulation (EEC) No 805/68 shall be reduced by an amount to be fixed quarterly by the Commission, corresponding to 90 % of the average import duties applicable during a reference period.

Article 4

1. The reduction in import duties provided for in Article 3 shall apply on a country-by-country basis per calendar year to the following quantities of boneless meat:

Botswana:	18 916 tonnes,
Kenya:	142 tonnes,
Madagascar:	7 579 tonnes,
Swaziland:	3 363 tonnes,
Zimbabwe:	9 100 tonnes.

2. The reduction applies to 39 100 tonnes against which the quantities exported by the countries in question will be charged up to the limit of the annual quotas indicated in paragraph 1.

If deliveries do not exceed this amount, the procedure provided for under paragraph 3 shall apply.

3. If an ACP State is not able to supply its annual quota as set out in paragraph 1 or if, as a result of an actual or predicted contraction of exports due to a disaster such as drought, a cyclone or disease affecting livestock, it does not wish to benefit from the possibility of delivery in the previous or the following year, a decision may be taken at its request, submitted by 1 October of each year at the latest, and in accordance with the procedure referred to in Article 27, to reallocate the quantities laid down in paragraph 1 among the other States concerned, up to the limit of 39 100 tonnes.

TITLE II

Sheepmeat and goatmeat

Article 5

1. The products referred to in Article 1 of Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat (*) shall be imported free of customs duties.

2. No levy shall be applied to imports of the following products, specified in Article 1 (a) of Regulation (EEC) No 3013/89:

- live sheep and goats, other than pure-bred breeding animals, falling within CN code 0104 10 90 or 0104 20 90,
- meat of sheep and goats, fresh, chilled or frozen, falling with CN code ex 0204, other than that of domestic sheep,
- meat of sheep and goats, salted, in brine, dried or smoked, falling within CN code ex 0210 90 11 or ex 0210 90 19, other than that of domestic sheep.

3. The levy applicable to imports of meat from domestic sheep falling within CN code ex 0204, ex 0210 90 11 or ex 0210 90 19 shall be reduced by 50 % within the limits of a quota of 250 tonnes per calendar year to be charged against the quantities fixed in Article 1 of Regulation (EEC) No 3643/85 (*), as last amended by Regulation (EC) No 3939/87 (*).

(*) OJ No L 148, 28. 6. 1968, p. 24.

(*) OJ No L 61, 4. 3. 1989, p. 43.

(*) OJ No L 289, 7. 10. 1989, p. 1.

(*) OJ No L 348, 23. 12. 1985, p. 2.

(*) OJ No L 373, 31. 12. 1987, p. 1.

TITLE III

Poultry meat

Article 6

1. The levy applicable to imports of poultry meat falling within CN code 0207 shall be reduced by 50 % within the limits of a quota of 200 tonnes per calendar year.

2. The levy applicable to imports of prepared or preserved meat or offal falling within CN code 1602 31 or 1602 39 and obtained from poultry falling within CN code 0105 shall be reduced by 50 % within the limits of a quota of 250 tonnes per calendar year.

TITLE IV

Milk products

Article 7

The levy applicable to imports of milk and cream, concentrated or containing added sugar or other sweetening matter, falling within CN code 0402 and to cheese and curd falling within CN code 0406 shall be that fixed in accordance with Article 14 of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products (*), as last amended by Regulation (EEC) No 3879/89 (**), reduced by 50 % within the limits of a quota of 500 tonnes per calendar year for all products in each of CN codes 0402 and 0406.

TITLE V

Pigmeat

Article 8

The levy applicable to imports of sausages and similar products of pigmeat, meat offal or blood falling within CN code 1601 00 shall be reduced by 50 % within the limits of a quota of 250 tonnes per calendar year.

TITLE VI

Fisheries

Article 9

Without prejudice to the conditions laid down in Article 1 of the Protocol on special arrangements for Greenland, and to the decisions which may be taken pursuant to Regulation (EEC) No 225/86 as regards fisheries products originating in Greenland, the products specified in Article 1 of Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the

market in fishery products (*), as last amended by Regulation (EEC) No 1495/89 (**), shall be imported free of customs duties.

TITLE VII

Oils and fats

Article 10

The products referred to in Article 1 (2) (a) and (b) of Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats (*), as last amended by Regulation (EEC) No 2902/89 (**), shall be imported free of customs duties.

TITLE VIII

Cereals

Article 11

1. The levy applicable to imports of maize falling within CN code 0709 90 60, 0712 90 19, 1005 10 90 or 1005 90 00 shall be that fixed in accordance with Article 13 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (*), as last amended by Regulation (EEC) No 201/90 (**), reduced by ECU 1,81 per tonne.

2. The levy applicable to imports of grain sorghum falling within CN code 1007 00 shall be that fixed in accordance with Article 13 of Regulation (EEC) No 2727/75, reduced by 60 % within the limits of a quota of 100 000 tonnes per calendar year and by 50 % beyond that quota.

3. No levy shall be charged on imports of millet falling under CN code 1008 20 00 within the limits of a quota of 60 000 tonnes per calendar year. Where that quota is exceeded, the levy applicable shall be reduced by 50 %.

TITLE IX

Rice

Article 12

1. Within the limits of the quantities laid down in Article 13, the levy applicable to imports of rice falling within CN code 1006 shall be equal, per 1 000 kilograms of product, to the levy applicable to imports of rice from third countries, reduced as follows:

(*) OJ No L 379, 31. 12. 1981, p. 1.

(**) OJ No L 148, 1. 6. 1989, p. 1.

(*) OJ No L 172, 30. 9. 1966, p. 3025/66.

(**) OJ NO L 280, 29. 9. 1989, p. 2.

(*) OJ No L 281, 1. 11. 1975, p. 1.

(**) OJ No L 22, 27. 1. 1990, p. 7.

(*) OJ No L 148, 28. 6. 1968, p. 13.

(**) OJ No L 378, 27. 12. 1989, p. 1.

(a) in the case of paddy rice within CN codes 1006 10 21 to 1006 10 98:

— by 50 % and

— by ECU 3,6;

(b) in the case of husked rice falling within CN code 1006 20:

— by 50 %, and

— by ECU 3,6;

(c) in the case of semi-milled rice falling within CN codes 1006 30 21 to 1006 30 48:

— by the amount for the protection of the industry referred to in Article 14 (3) of Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 1806/89⁽²⁾, converted at the conversion rate between milled rice and semi-milled rice referred to in the third indent of Article 19 (a) of that Regulation,

— by 50 % of the levy thus reduced, and

— by ECU 5,4;

(d) in the case of wholly milled rice falling within CN codes 1006 30 61 to 1006 30 98:

— by the amount for the protection of the industry referred to in Article 14 (3) of Regulation (EEC) No 1418/76,

— by 50 % of the levy thus reduced, and

— by ECU 5,4;

(e) in the case of broken rice falling within CN code 1006 40 00:

— by 50 %, and

— by ECU 3,0.

2. Paragraph 1 shall apply only to imports for which the importer provides proof that an export charge of an amount equivalent to the reduction referred to in the said paragraph has been collected by the exporting country.

Article 13

1. The reduction in the levy provided for in Article 12 shall be subject, per calendar year, to a maximum expressed as husked rice, of 125 000 tonnes of rice

falling within CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30 and 20 000 tonnes of broken rice falling within CN code 1006 40 00.

Quantities of rice at other stages of processing than husked rice shall be converted at the rates laid down in Article 1 of Commission Regulation No 467/67/EEC⁽³⁾, as last amended by Regulation (EEC) No 2325/88⁽⁴⁾.

2. Depending on the dates of entry into force and expiry of this Regulation, the quantities provided for in paragraph 1, expressed per calendar year, shall be calculated *pro rata temporis*.

3. The Commission shall suspend the application of Article 12 for the remainder of the year if it finds during the current year that imports under the above provisions have reached the levels referred to in paragraph 1.

TITLE X

Cereal substitutes and products processed from cereals and rice

Article 14

1. Customs duties and fixed components of levies applicable to imports of the products listed in Annex A to Regulation (EEC) No 2727/75 or in Article 1 (1) (c) of Regulation (EEC) No 1418/76 shall not be charged on any of those products.

2. The variable component shall be reduced:

— by ECU 1,81 per 1 000 kilograms for products falling within CN code 0714 10 99 or ex 0714 90 19, excluding arrowroot,

— ECU 3,63 per 1 000 kilograms for products falling within CN code 0714 10 10 or ex 1106 20, excluding flour and meal of arrowroot,

— by 50 % for products falling within CN code 1108 14 00 or ex 1108 19 90, excluding arrowroot starch.

3. The variable component of the levy shall not be charged in respect of imports of:

— arrowroot and arrowroot flour, meal and starch falling within CN code ex 0714 90 11, ex 0714 90 19, ex 1106 20 10, ex 1106 20 91, ex 1106 20 99 or ex 1108 19 90,

— products falling within CN code ex 0714 10 91 or ex 0714 90 11, excluding arrowroot.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 204, 24. 8. 1967, p. 1.

⁽⁴⁾ OJ No L 202, 27. 7. 1988, p. 41.

TITLE XI

Fruit and vegetables

Article 15

1. The products listed below shall be imported free of customs duties:

CN code	Description
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled:
0706 90	– Other:
ex 0706 90 90	– – Other: – Radishes (<i>Raphanus sativus</i>) termed 'Mooll' radishes
0708	Leguminous vegetables, shelled or unshelled, fresh or chilled:
0709	Other vegetables, fresh or chilled:
0709 30 00	– Aubergines (egg plants)
0709 40 00	– Celery, other than celeriac
0709 60	– Fruits of the genus <i>Capicum</i> or of the genus <i>Pimenta</i> :
0709 60 10	– – Sweet peppers
0709 90	– Other:
0709 90 70	– – Courgettes
0709 90 90	– – Other
0802	Other nuts, fresh or dried, whether or not shelled or peeled:
0802 50 00	– Pistachios
0802 90	– Other:
0802 90 10	– – Pecans
0802 90 90	– – Other
0805	Citrus fruit, fresh or dried:
0805 30	– Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) and limes (<i>Citrus aurantifolia</i>):
0805 30 90	– – Limes (<i>Citrus aurantifolia</i>)
0805 40 00	– Grapefruit
0805 90 00	– Other
0807	Melons (including watermelons) and pawpaws (papayas), fresh:
0807 10	– Melons (including watermelons)
0807 20 00	– Pawpaws (papayas)
0810	Other fruit, fresh:
0810 40	– Cranberries, bilberries and other fruits of the genus <i>Vaccinium</i> :
0810 40 30	– – Myrtilles (fruits of the species <i>Vaccinium myrtillus</i>)
0810 90	– Other

2. For the products listed below, customs duties shall be reduced as follows:

CN code	Description	Reduction
0702 00	Tomatoes excluding cherry tomatoes, fresh or chilled:	
ex 0702 00 10	– From 1 November to 14 May: – From 15 November to 30 April (within the limits of a Community tariff quota of 2 000 tonnes per year)	60 %
0709	Other vegetables, fresh or chilled:	
ex 0709 20 00	– Asparagus: – From 16 January to 31 January	40 %
0805	Citrus fruit, fresh or dried:	
0805 10	– Oranges	80 %
0805 20	– Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids	80 %

3. Imports of the products listed below shall attract the customs duty indicated:

CN code	Description	Duty (%)
0810 40	– Cranberries, bilberries and other fruits of the genus <i>Vaccinium</i> :	
0810 40 50	– – Fruits of the species <i>Vaccinium macrocarpon</i> and <i>Vaccinium corymbosum</i>	3
0810 40 90	– – Other	5

Article 16

1. The customs duties applicable to imports into the Community of the products listed below shall be progressively reduced within the limits indicated, according to the rules set out in paragraph 2:

CN code	Description	Reduction (%)	Quota (TQ) Reference Quantity (RQ) (t.)
0702 00	Tomatoes, fresh or chilled: Cherry tomatoes		
ex 0702 00 10	– From 15 November to 30 April	100	TQ 2 000

CN code	Description	Reduction (%)	Quota (TQ) Reference Quantity (RQ) (t)
0703	Onions, shallots, garlic, leeks and other allieaceous vegetables, fresh or chilled:		
0703 10	- Onions and shallots:		
	- - Onions:		
ex 0703 10 19	- Other From 1 February to 15 May	100	RQ 800
ex 0703 20 00	- Garlic: - From 1 February to 31 May	100	RQ 500
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled:		
0704 90	- Other:		
ex 0704 90 90	- - Other: - Chinese cabbage, from 1 November to 31 December	100	RQ 1 000
0705	Lettuce (<i>Lactuca sativa</i>) and chicory (<i>Cichorium spp.</i>), fresh or chilled:		
	- Lettuce:		
0705 11	- - Cabbage lettuce: - - - From 1 April to 30 November:	100	RQ 1 000
ex 0705 11 10	- Iceberg lettuce, from 1 July to 31 October		
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots fresh or chilled:		
ex 0706 10 00	- Carrots and turnips - Carrots, from 1 January to 31 March	100	RQ 800
0706 90	- Other:		
0706 90 30	- - Horseradish (<i>Cochlearia armoracia</i>)	100	—
ex 0706 90 90	- - Other: - Salad beetroot	100	RQ 100
0707 00	- Cucumbers, and gherkins, fresh or chilled:		
	- - Cucumbers		
ex 0707 00 11	- Small winter cucumbers (*)	100	RQ 100
ex 0707 00 19			
0709	Other vegetables, fresh or chilled:		
ex 0709 10 00	- Globe artichokes: - From 1 October to 31 December	100	RQ 1 000
ex 0709 20 00	- Asparagus: - From 15 August to 15 January - Mushrooms and truffles:	100	—

(*) 'Small cucumbers' means cucumbers whose length does not exceed 15 cm.

CN code	Description	Reduction (%)	Quota (TQ) Reference Quantity (RQ) (t)
0709 51	-- Mushrooms:		
0709 51 90	-- -- Other	100	—
0802	Other nuts, fresh or dried, whether or not shelled or peeled:		
	— Walnuts:		
0802 31 00	-- In shell	100	RQ 700
0802 32 00	-- Shelled		
0804	Dates, figs, pineapples, avocados, guavas, mangoes and mangosteens, fresh or dried:		
	— Figs:		
ex 0804 20 10	-- Fresh, from 1 November to 30 April	100	TQ 200
0805	Citrus fruit, fresh or dried:		
ex 0805 10	— Oranges, from 15 May to 30 September	100	RQ 25 000
ex 0805 20	— Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids, from 15 May to 30 September	100	RQ 4 000
0808	Apples, pears and quinces, fresh:		
0808 10	— Apples	50	TQ 1 000
0808 20	— Pears and quinces:		
ex 0808 20	-- Pears	50	TQ 1 000
0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh:		
ex 0809 10 00	— Apricots:		
	— From 1 September to 30 April	100	RQ 2 000
0809 20	— Cherries:		
ex 0809 20 90	-- From 16 July to 30 April:		
	— From 1 November to 31 March	100	RQ 2 000
ex 0809 30 00	— Peaches, including nectarines:		
	— From 1 December to 31 March	100	RQ 2 000
0809 40	— Plums and sloes:		
	— Plums:		
ex 0809 40 19	-- -- From 1 October to 30 June:		
	— From 15 December to 31 March	100	RQ 2 000
0809 40 90	— Sloes	100	RQ 500
0810	Other fruit, fresh:		
0810 10	— Strawberries:		
ex 0810 10 90	-- From 1 August to 30 April:		
	— From 1 November to end February	100	TQ 1 500

CN code	Description	Reduction (%)	Quota (TQ) Reference Quantity (RQ) (t)
0813	Fruit, dried, other than that of heading Nos 0801 to 0806; mixtures of nuts or dried fruits of this chapter:		
0813 50	- Mixtures of nuts or dried fruits of this chapter:		
0813 50 30	- - Mixtures exclusively of dried nuts of heading Nos 0801 and 0802	100	

2. The duty reduction indicated in paragraph 1 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.

During this period of gradual reduction where the customs duties applied to imports of products from Spain and Portugal into the Community as constituted on 31 December 1985 differ, the higher of the two customs duties shall be applied to products originating in the ACP States or countries and territories. Where, pursuant to Regulation (EEC) No 486/85 (*), as last amended by Regulation (EEC) No 3530/89 (**), customs duties on the products listed in paragraph 1 are lower for the ACP States than for Spain and Portugal, the provisions of Regulation (EEC) No 486/85 shall be retained beyond 28 February 1990 and dismantling shall begin once the duties applied to the same products originating in Spain and Portugal fall below the duties applied to those originating in ACP States or countries and territories.

3. If imports of a product referred to in paragraph 1 exceed the reference quantity, a decision may be taken in accordance with the procedure provided for in Article 27 to make it subject to a ceiling equal to the reference quantity, having regard to the annual balance of trade in the product.

If a ceiling fixed in accordance with paragraph 3 is reached during the course of a year, the Commission may, by means of a Regulation, reintroduce the customs duties applicable to third countries.

TITLE XII

Sugar

Article 17

The levy applicable to imports of molasses falling within CN code 1703 shall be reduced by ECU 0,5 per 100 kg. Where the said levy is ECU 0,5 per 100 kg or less it shall not be charged. These provisions shall apply to amounts up to an overall limit of 600 000 tonnes per marketing year.

(*) OJ No L 61, 1. 3. 1985, p. 2.

(**) OJ No L 347, 28. 11. 1989, p. 3.

TITLE XIII

Products processed from fruit and vegetables

Article 18

1. The products listed in Article 1 of Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables (*), as last amended by Regulation (EEC) No 1125/89 (†), shall be imported free of customs duties.

2. Levies shall not be charged on imports of the products listed below:

CN code	Description
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter:
2007 10	– Homogenized preparations:
2007 10 10	– – With a sugar content exceeding 13 % by weight
	– Other:
2007 99	– – Other:
	– – – With a sugar content exceeding 30 % by weight:
2007 99 10	– – – – Plum purée and plum paste in immediate packings of a net content exceeding 100 kg, for industrial processing
2007 99 20	– – – – Chestnut purée and paste
	– – – – Other:
2007 99 31	– – – – – Of cherries
2007 99 33	– – – – – Of strawberries
2007 99 35	– – – – – Of raspberries
2007 99 39	– – – – – Other
	– – – With a sugar content exceeding 13 % but not exceeding 30 %:
2007 99 51	– – – – Chestnut purée and paste
2007 99 59	– – – – Other
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:
2008 20	– Pineapples:
	– – Containing added spirit:
	– – – In immediate packings of a net content exceeding 1 kg:
2008 20 11	– – – – With a sugar content exceeding 17 % by weight
	– – – In immediate packings of a net content not exceeding 1 kg:
2008 20 31	– – – – With a sugar content exceeding 19 % by weight
	– – Not containing added spirit:
	– – – Containing added sugar, in immediate packings of a net content exceeding 1 kg:

(*) OJ No L 49, 27. 2. 1986, p. 1.

(†) OJ No L 118, 29. 4. 1989, p. 29.

CN code	Description
2008 20 51	<ul style="list-style-type: none"> ---- With a sugar content exceeding 17 % by weight ---- Containing added sugar, in immediate packings of a net content not exceeding 1 kg:
2008 20 71	<ul style="list-style-type: none"> ---- With a sugar content exceeding 19 % by weight
2008 30	<ul style="list-style-type: none"> - Citrus fruit: -- Containing added spirit: ---- With a sugar content exceeding 9 % by weight:
ex 2008 30 11	<ul style="list-style-type: none"> ---- Of an actual alcoholic strength by mass not exceeding 11,85 % mas: - Grapefruit segments
ex 2008 30 19	<ul style="list-style-type: none"> ---- Other: - Grapefruit segments -- Not containing added spirit: ---- Containing added sugar, in immediate packings of a net content exceeding 1 kg:
2008 30 51	<ul style="list-style-type: none"> ---- Grapefruit segments ---- Containing added sugar, in immediate packings of a net content not exceeding 1 kg:
2008 30 71	<ul style="list-style-type: none"> ---- Grapefruit segments
2008 40	<ul style="list-style-type: none"> - Pears: -- Containing added spirit: ---- In immediate packings of a net content exceeding 1 kg: ---- With a sugar content exceeding 13 % by weight:
2008 40 11	<ul style="list-style-type: none"> ---- Of an actual alcoholic strength by mass not exceeding 11,85 % mas
2008 40 19	<ul style="list-style-type: none"> ---- Other ---- In immediate packings of a net content not exceeding 1 kg:
2008 40 31	<ul style="list-style-type: none"> - With a sugar content exceeding 15 % by weight -- Not containing added spirit: ---- Containing added sugar, in immediate packings of a net content exceeding 1 kg:
2008 40 51	<ul style="list-style-type: none"> ---- With a sugar content exceeding 13 % by weight ---- Containing added sugar, in immediate packings of a net content not exceeding 1 kg:
2008 40 71	<ul style="list-style-type: none"> ---- With a sugar content exceeding 15 % by weight
2008 80	<ul style="list-style-type: none"> - Strawberries: -- Containing added spirit: ---- With a sugar content exceeding 9 % by weight:
2008 80 11	<ul style="list-style-type: none"> ---- Of an actual alcoholic strength by mass not exceeding 11,85 % mass
2008 80 19	<ul style="list-style-type: none"> ---- Other: -- Not containing added spirit:
2008 80 50	<ul style="list-style-type: none"> ---- Containing added sugar, in immediate packings of a net content exceeding 1 kg
2008 80 70	<ul style="list-style-type: none"> ---- Containing added sugar, in immediate packings of a net content not exceeding 1 kg

CN code	Description
2008 92	<ul style="list-style-type: none"> -- Mixtures: --- Containing added spirit: ---- With a sugar content exceeding 9 % by weight:
ex 2008 92 11	<ul style="list-style-type: none"> ----- Of an actual alcoholic strength by mass not exceeding 11,85 % mass: ----- - Mixtures of pineapple, pawpaw and passion fruit
ex 2008 92 19	<ul style="list-style-type: none"> ----- Other: ----- - Mixtures of pineapple, pawpaw and passion fruit --- Not containing added spirit:
ex 2008 92 50	<ul style="list-style-type: none"> ---- Containing added sugar: ----- In immediate packings of a net content exceeding 1 kg ----- Other:
ex 2008 92 71	<ul style="list-style-type: none"> ----- Mixtures of fruit in which no single fruit exceeds 50 % of the total weight of the fruits: ----- - Mixtures of pineapple, pawpaw and passion fruit
ex 2008 92 79	<ul style="list-style-type: none"> ----- Other: ----- - Mixtures of pineapple, pawpaw and passion fruit
2008 99	<ul style="list-style-type: none"> -- Other: --- Containing added spirit: ---- Grapes:
2008 99 21	<ul style="list-style-type: none"> ----- With a sugar content exceeding 13 % by weight ----- Other: ----- With a sugar content exceeding 9 % by weight: ----- - Of an actual alcoholic strength by mass not exceeding 11,85 % mass:
2008 99 25	<ul style="list-style-type: none"> ----- - Passion fruit and guavas ----- Other:
2008 99 32	<ul style="list-style-type: none"> ----- - Passion fruit and guavas --- Not containing added spirit: ---- Containing added sugar, in immediate packings of a net content not exceeding 1 kg:
2008 99 43	<ul style="list-style-type: none"> ----- Grapes
2008 99 45	<ul style="list-style-type: none"> ----- Plums
2008 99 46	<ul style="list-style-type: none"> ----- Other: ----- - Passion fruit, guavas and tamarinds ---- Containing added sugar, in immediate packings of a net content not exceeding 1 kg:
2008 99 53	<ul style="list-style-type: none"> ----- Grapes
2008 99 55	<ul style="list-style-type: none"> ----- Plums
2008 99 61	<ul style="list-style-type: none"> ----- Other: ----- - Passion fruit and guavas
2009	<ul style="list-style-type: none"> Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter:

CN code	Description
2009 20	- Grapefruit juice: -- Of a density exceeding 1,33 g/cm ³ at 20 °C:
2009 20 11	--- Of a value not exceeding ECU 30 per 100 kg net weight -- Of a density not exceeding 1,33 g/cm ³ at 20 °C:
2009 20 91	--- Of a value not exceeding ECU 30 per 100 kg net weight and with an added sugar content exceeding 30 % by weight
2009 40	- Pineapple juice: -- Of a density exceeding 1,33 g/cm ³ at 20 °C:
2009 40 11	--- Of a value not exceeding ECU 30 per 100 kg net weight --- Of a value exceeding ECU 30 per 100 kg net weight, containing added sugar
2009 40 30	--- Of a value exceeding ECU 30 per 100 kg net weight --- Other:
2009 40 91	--- - With an added sugar content exceeding 30 % by weight
2009 40 93	--- With an added sugar content not exceeding 30 % by weight
2009 80	- Juice of any other fruit or vegetable: -- Of a density exceeding 1,33 g/cm ³ at 20 °C: --- Other:
2009 80 32	----- Of a value not exceeding ECU 30 per 100 kg net weight: ----- Passion fruit and guavas ----- Other:
2009 80 83	----- With an added sugar content exceeding 30 % by weight: ----- Passion fruit and guavas
2009 90	- Mixtures of juices: -- Of a density exceeding 1,33 g/cm ³ at 20 °C: --- Other:
ex 2009 90 21	----- Of a value not exceeding ECU 30 per 100 kg net weight: - Pineapple, pawpaw and passion fruit juice --- Other: ----- Of a value not exceeding ECU 30 per 100 kg net weight: ----- Other:
ex 2009 90 91	----- With an added sugar content exceeding 30 % by weight - Pineapple, pawpaw and passion fruit juice

TITLE XIV

Wine

Article 19

The products listed below shall be imported free of customs duties:

CN code	Description
2009 60	- Grape juice (including grape must): -- Of a density exceeding 1,33 g/cm ³ at 20 °C:

CN code	Description
ex 2009 60 11	--- Of a value not exceeding ECU 22 per 100 kg net weight: - With an added sugar content exceeding 30 % by weight
ex 2009 60 19	--- Other: - With an added sugar content exceeding 30 % by weight --- Of a density not exceeding 1,33 g/cm ³ at 20 °C: --- Of a value exceeding ECU 18 per 100 kg net weight:
2009 60 51	----- Concentrated
2009 60 59	----- Other --- Of a value not exceeding ECU 18 per 100 kg net weight: ----- With an added sugar content exceeding 30 % by weight:
2009 60 71	----- Concentrated
2009 60 79	----- Other
2009 60 90	----- Other
2204 30	- Other grape must: -- Other:
2204 30 91	--- Of a density of 1,33 g/cm ³ or less at 20 °C and of an actual alcoholic strength by volume not exceeding 1 % vol
2204 30 99	--- Others

TITLE XV

Raw tobacco

Article 20

The tobacco products listed in Article 1 of Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco (*), as last amended by Regulation (EEC) No 203/90 (**), shall be imported free of customs duties.

Article 21

If serious disturbances occur as a result of a large increase in duty-free imports of products falling within CN code 2401, originating in the ACP States or in the countries and territories, or if these imports create difficulties which bring about a deterioration in the economic situation of a region of the Community, the Council may, without prejudice to Article 30, and acting by a qualified majority on a proposal from the Commission, take measures to counteract any deflection of trade.

(*) OJ No L 94, 28. 4. 1970, p. 1.

(**) OJ No L 22, 27. 1. 1990, p. 10.

TITLE XVI

Goods to which Regulation (EEC) No 3033/80 applies

Article 22

1. No fixed component shall be charged on imports of goods to which Regulation (EEC) No 3033/80 applies.

2. The variable component shall not be charged on imports of the goods listed below:

CN code	Description
1702 50 00	- Chemically pure fructose
1704	Sugar confectionery (including white chocolate), not containing cocoa:
1704 90	- Other:
1704 90 30	- - White chocolate
1806	Chocolate and other food preparations containing cocoa:
1806 20	- Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg:
1806 20 10	- - Containing 31 % or more by weight of cocoa butter or containing a combined weight of 31 % or more of cocoa butter or milk fat
1806 20 30	- - Containing a combined weight of 25 % or more, but less than 31 % of cocoa butter and milk fat
	- - Other:
1806 20 50	- - - Containing 18 % or more by weight of cocoa butter
1806 20 90	- - - Other
	- Other, in blocks, slabs or bars:
1806 31 00	- - Filled
1806 32	- - Not filled
1806 90	- Other:
	- - Chocolate and chocolate products:
	- - - Chocolates, whether or not filled:
1806 90 11	- - - - Containing alcohol
1806 90 19	- - - - Other
	- - - Other:
1806 90 31	- - - - Filled
1806 90 39	- - - - Not filled
1806 90 50	- - Sugar confectionary and substitutes therefor made from sugar substitution products, containing cocoa

CN code	Description
ex 1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing powder in a proportion by weight of less than 50 %, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included: - Whether or not containing less than 1,5 % by weight of milk fat, with a starch or flour content of 50 % or over but of less than 75 % by weight, excluding malt extract
1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:
ex 1905 30	- Sweet biscuits, waffles and wafers: -- Biscuits
ex 1905 40 00	- Rusks, toasted bread and similar toasted products: - Excluding ships' biscuits
ex 1905 90	- Other: -- Biscuits
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:
2008 99	-- Other: --- Containing added spirit --- Not containing added spirit:
2008 99 85	---- Maize (corn), other than sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)

TITLE XVII

Other markets subject to common organization

Article 23

The products referred to in the following Regulations shall be admitted free of customs duties:

- Council Regulation (EEC) No 234/68 of 27 February 1968 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage (⁽¹⁾), as last amended by Regulation (EEC) No 3991/87 (⁽²⁾).
- Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty (⁽³⁾), as last amended by Regulation (EEC) No 789/89 (⁽⁴⁾).

(⁽¹⁾) OJ No L 55, 2. 3. 1968, p. 1.

(⁽²⁾) OJ No L 377, 31. 12 1987, p. 19.

(⁽³⁾) OJ No L 151, 30. 6. 1968, p. 16.

(⁽⁴⁾) OJ No L 85, 30. 3. 1989, p. 3.

- Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp (*), as last amended by Regulation (EEC) No 3995/87 (*).
- Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops (*), as last amended by Regulation (EEC) No 3808/89 (*).
- Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds (*), as last amended by Regulation (EEC) No 1239/89 (*).
- Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder (*), as last amended by Regulation (EEC) No 2275/89 (*).

TITLE XVIII

Provisions relating to the French overseas departments

Article 24

1. Subject to paragraphs 3 and 4, the levies shall not be applied to direct imports into the French overseas departments of the products listed below originating in the ACP States or in the countries or territories:

CN code	Description
0102	Live bovine animals:
0102 90	— Other:
	— — Domestic species:
0102 90 10	— — — Of a weight not exceeding 220 kg
	— — — Of a weight exceeding 220 kg:
0102 90 31	— — — — Heifers (female bovines that have never calved)
0102 90 33	— — — — Cows
0102 90 35	— — — — Bulls
0102 90 37	— — — — Steers (bullocks)
0201	Meat of bovine animals, fresh or chilled
0202	Meat of bovine animals, frozen
0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen:
0206 10	— Of bovine animals, fresh or chilled:
	— — Other:

(*) OJ No L 146, 4. 7. 1970, p. 1.

(*) OJ No L 377, 31. 12. 1987, p. 34.

(*) OJ No L 175, 4. 8. 1971, p. 1.

(*) OJ No L 371, 20. 12. 1989, p. 1.

(*) OJ No L 246, 5. 11. 1971, p. 1.

(*) OJ No L 128, 11. 5. 1989, p. 35.

(*) OJ No L 142, 30. 5. 1978, p. 1.

(*) OJ No L 218, 28. 7. 1989, p. 1.

CN code	Description
0206 10 95	--- Thick skirt and thin skirt
0206 29	-- Other:
	--- Other:
0206 29 91	---- Thick skirt and thin skirt
0709	Other vegetables, fresh or chilled:
0709 90	- Other:
0709 90 60	-- Sweetcorn
0712	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared:
0712 90	- Other vegetables; mixtures of vegetables:
	-- Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>):
0712 90 19	--- Other
0714	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or insulin content, fresh or dried, whether or not sliced or in the form of pellets; sago pith:
0714 10	- Manioc (cassava):
	-- Other:
0714 10 91	--- Of a kind used for human consumption, in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced
0714 90	- Other:
	-- Arrowroot, salep and similar roots and tubers with high starch content:
0714 90 11	--- Of a kind used for human consumption, in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced (within the limits of a Community tariff quota of 2 000 tonnes per year)
1005	Maize (corn):
1005 10	- Seed:
1005 10 90	-- Other
1005 90 00	- Other

2. Subject to paragraph 4, the levy shall not be applied to direct imports into the overseas department of Réunion of rice falling within CN code 1006, excluding rice for sowing falling within CN code 1006 10 10.

3. If imports into the French overseas departments of maize originating in the ACP States or in the countries and territories have exceeded 25 000 tonnes in a year and are causing or are likely to cause serious disturbances on those markets, the Commission shall, at the request of a Member State or on its own initiative, take the necessary measures.

Any Member State may, within three working days of notification of the measure taken by the Commission, refer that measure to the Council. The Council, acting by a qualified majority, may take a different decision within one month.

4. This Article shall apply to products which are intended for use in the overseas departments and are released on the market there. If necessary, measures to ensure this may be taken in accordance with the procedure laid down in Article 27.

TITLE XIX

General and final provisions

Article 25

The reductions provided for by this Regulation shall be calculated by reference to:

- the variable component of levies, where the levies contain such components,
- in other cases, the levies,

applicable to imports from third countries into the Community.

However, during the period of application of any Accession, compensatory amounts in intra-Community trade measures to prevent deflection of trade shall be taken in accordance with the procedure laid down in Article 27 if this proves necessary.

Article 26

In so far as the import regime set out in this Regulation provides for quantitative limits, imports of the products concerned which originate in the countries and territories will be counted against these quantities. The using-up of these quantities will not however prevent placing in free circulation the products in question originating in the ACP States within the limits of the global quantities set out in this Regulation.

Article 27

1. If necessary, detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 or in the corresponding Articles of the other Regulations on the common organization of agricultural markets, as the case may be.

2. In the case of meat and rice, these detailed rules shall relate in particular to:

- (a) the basis for calculation and the reference period to be used for fixing the amount by which the import duties are to be reduced;
- (b) the arrangements for fixing the corresponding amount to be collected by the exporting country;
- (c) the issue of import licences and/or the introduction of an import licence arrangement;
- (d) the forms of proof acceptable and checking procedures.

Article 28

In the light of the economic development requirements of the French overseas departments, the Council, acting in accordance with the procedure laid down in Article 43 of the Treaty, may alter the arrangements governing access to those departments' markets for the products covered by this Regulation.

Article 29

This Regulation shall be without prejudice to the application either of Articles 89, 90, 234 and 257 of the Act of Accession of Spain and Portugal or of the corresponding Articles of the Acts of Accession of other acceding countries. Within the framework of this Regulation, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the provisions of the Protocol to the Third ACP-EEC Convention consequent on the Accession of Spain and Portugal to the European Communities.

Article 30

1. The safeguard clauses provided for in the Regulations on the common organization of the agricultural markets and in the specific rules introduced as a result of the implementation of the common agricultural policy shall be applicable to the products covered by this Regulation.

2. As regards relations with the ACP States, the provisions of Regulation (EEC) No 1316/87 shall apply as complementary measures to the implementation of safeguard clauses pursuant to Chapter 1 of the third part of the Convention until the date given in the second paragraph of Article 31 hereof.

3. As regards the countries and territories, the provisions of Decision 86/283/EEC and of Annex III thereto shall apply as complementary measures, as shall the provisions which replace them as from the entry into

force of the new Decision on the association of the countries and territories.

It shall apply from 1 March 1990 and not later than 28 February 1991.

Article 31

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

The Council, acting by a qualified majority on a proposal from the Commission, may decide to extend this Regulation beyond that date.

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

Done at Brussels, 5 March 1990.

For the Council

The President

G. COLLINS

ANNEX I

LIST OF THE ACP STATES REFERRED TO IN ARTICLE 1

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

ANNEX II

LIST OF THE COUNTRIES AND TERRITORIES REFERRED TO IN ARTICLE 1

(This list is without prejudice to the status of these countries and territories now or in the future)

1. **Overseas countries of the Kingdom of the Netherlands:**
 - Aruba, the Netherlands Antilles (Bonaire, Curaçao, St Maarten, Saba, St Eustatius),
 2. **Overseas territories of the French Republic:**
 - New Caledonia and Dependencies,
 - Wallis and Futuna Islands,
 - French Polynesia,
 - French Southern and Antarctic Territories.
 3. **Territorial collectivities of the French Republic:**
 - Mayotte,
 - St Pierre and Miquelon.
 4. **Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland:**
 - Anguilla,
 - Cayman Islands,
 - Falkland Islands,
 - Sandwich Islands and their Dependencies,
 - Turks and Caicos Islands,
 - British Virgin Islands,
 - Montserrat,
 - Pitcairn,
 - St Helena and Dependencies,
 - British Antarctic Territory,
 - British Indian Ocean Territory.
 5. **Overseas country of the Kingdom of Denmark:**
 - Greenland.
-

CORRIGENDA

Corrigendum 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)

(Official Journal of the European Communities No L 84 of 30 March 1990)

Page 98, Article 18 (2); in the table, column 'Description':

— CN code 2009 40 11 reads as follows:

- ' — — — Of a value not exceeding ECU 30 per 100 kg net weight
- — — Of a density not exceeding 1,33 g/cm³ at 20 °C:
- — — Of a value exceeding ECU 30 per 100 kg net weight';

— CN code 2009 40 30, first sub-indent, reads as follows .

- ' — — — Of a value exceeding ECU 30 per 100 kg net weight, containing added sugar'.

Page 101, Article 22:

for:

'2008 99	— — — Other:
	— — — Containing added spirit
	— — — Not containing added spirit:
2008 99 85	— — — — Maize (corn), other than sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)'

read:

'2008 99	— — — Other:
	— — — Not containing added spirit:
	— — — — Not containing added sugar:
2008 99 85	— — — — — Maize (corn), other than sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)'

CORRIGENDA

Corrigendum 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)

(Official Journal of the European Communities No L 84 of 30 March 1990)

On page 89, Article 14 (3), second indent:

for: '... CN code ex 0714 10 91 ...',

read: '... CN code 0714 10 91 ...'.

COMMISSION REGULATION (EEC) No 825/90
of 6 March 1990

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1990)

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 the overseas countries and territories (OCT) (1), and in particular Article 16 and 27 thereof,

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

- 200 tonnes of fresh figs falling within CN code ex 0804 20 10, for the period 1 November to 30 April,
- 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 the date of entry into force of Regulation (EEC) No 715/90 does not coincide with the beginning of the calendar year or of the season of these products, the volumes opened for the quotas in question should be set, by virtue of the *pro rata temporis* clause, at the levels indicated in Article 1.

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 quota for fresh figs, and,
- at 50 % of the duties of the Common Customs Tariff for the tariff quotas for fresh apples and pears; and whereas this maximum rate of reduction is applicable from 1 March 1990 ;

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 Acces-

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

sion of the Kingdom of Spain and the Portuguese Republic to the European Communities (2), Portugal to postpone implementation of the preferential arrangements for fruit and vegetables falling within Regulation (EEC) No 1035/72 of the Council (3) as last amended by Regulation (EEC) No 1119/89 (4) until 31 December 1990 ;

whereas, consequently, the abovementioned tariff concession does apply in the Community with the exception of Portugal ; that in the limit of these tariff quotas Spain must apply ; customs duties calculated according to the Protocol to the aforementioned Third ACP-EEC Convention ;

Whereas all Community importers should be ensured equal and continuous access to the aid quotas and the duty rates laid down for the quotas should be applied consistently to all imports of the products in question into all Member States until the quotas are exhausted ; whereas the necessary measures should be taken to provide for effective Community management of the quotas, so that the Member States may draw against the quotas such quantities as they may need, corresponding to actual imports ; whereas this method of administration requires close cooperation between the Member States and the Commission ;

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 these 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 excluding Portugal of the following products originating in the African, Caribbean and Pacific States of the overseas countries and territories shall be suspended at the levels indicated and within the limits of the Community tariff quotas as shown below :

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

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

(4) OJ No L 118, 29. 4. 1989, p. 12

Order No	CN code (*)	Description	Amount of quota (tonnes)	Quota duty (%)
09.1607	ex 0804 20 10	Fresh figs, from 1 March to 30 April 1990	66	2,6
09.1609	0808 10 10	Fresh apples, from 1 March to 31 December 1990	833	4,9 min ECU 0,24/100 kg/netto
	0808 10 91			7 min ECU 1,2/100 kg/netto
	ex 0808 10 93			4 min ECU 1,1/100 kg/netto
	0808 10 99			3 min ECU 0,7/100 kg/netto
09.1611	0808 20 10	Fresh pears, from 1 March to 31 December 1990	833	4,9 min ECU 0,24/100 kg/netto
	ex 0808 20 31			5 min ECU 0,75/100 kg/netto
	0808 20 33			2,5 min ECU 1/100 kg/netto
	0808 20 35			5 min ECU 0,75/100 kg/netto
	0808 20 39			6,5 min ECU 1/100 kg/netto

(*) Taric codes appear in the Annex.

2. Within the limits of the tariff quotas Spain 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 authori-

ties 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 permit.

Article 5

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

Article 6

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

It shall apply with effect from 1 March 1990.

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

Done at Brussels, 6 March 1990.

For the Commission
Christiane SCRIVENER
Member of the Commission

ANNEX

Taric Codes (*)

Order No	CN code	Taric
09.1607	ex 0804 20 10	0804 20 10 *30
09.1609	0808 10 10	
	0808 10 91	
	ex 0808 10 93	0808 10 93 *50
	0808 10 99	
09.1609	0808 20 10	
	ex 0808 20 31	0808 20 31 *18 0808 20 31 *98
	0808 20 33	
	0808 20 35	
	0808 20 39	

(*) The Taric codes shown are those applicable on the date of entry into force of the present Regulation.

COMMISSION REGULATION (EEC) No 826/90

of 28 March 1990

on the arrangement applicable to agricultural products subject to reference quantities and originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1990)

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), and in particular Articles 16 and 27 thereof,

Whereas Article 16 of Regulation (EEC) No 715/90 stipulates for certain agricultural products, covered by the said Regulation and originating in those countries, the progressive reduction, subject to reference quantities laid down within a set timetable, of the customs duties;

Whereas the entry into force of Regulation (EEC) No 715/90 does not coincide with the beginning of the calendar year or of the season of these products, the volumes opened for the quota in question should be set, by virtue of the *pro rata temporis* clause, at the levels indicated in the Annex thereto;

Whereas, under the provisions of Council Regulation (EEC) No 486/85 (2), as last amended by Regulation (EEC) No 3530/89 (3), when the rate of customs duty applied to imports into the Community of Ten of a product subject to a reference quantity is lower than that applying in respect of Spain, Portugal or both of these Member States, the process of dismantling begins once duty on imports of that product from Spain and Portugal falls below that applied to imports of the product in question from the other countries; whereas, for this reason, the Annex to this Regulation lists only products in respect of which tariff dismantling begins or continues in 1990;

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, products are subject to a statistical surveillance;

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 (4) consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities, Portugal is to postpone implementation of the preferential arrangements for fruit and vegetables falling within Council Regulation (EEC) No 1035/72 (5), as last amended by Regulation (EEC) No 1119/89 (6), until 31 December 1990 whereas, consequently, the above tariff concession does not apply in Portugal; whereas, within the limits of the quantities of reference, Spain will apply customs duties calculated in accordance with the provisions of the abovementioned Third ACP-EEC Convention;

Whereas Regulation (EEC) No 486/85 will expire at the end of the month of February; whereas, in consequence, all Community tariff ceilings provided for under Regulation (EEC) No 486/85 and established for 1990 under Commission Regulation (EEC) No 1734/89 (7) and (EEC) No 3062/89 (8), should be abrogated and replaced by the reference quantities established under the present Regulation; 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, from 1 March 1990, 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 of the products listed in the Annex originating in the African, Caribbean and Pacific States or in the overseas countries and territories shall, in the Community

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

(2) OJ No L 61, 1. 3. 1985, p. 2.

(3) OJ No L 347, 28. 11. 1989, p. 3.

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

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

(6) OJ No L 118, 29. 4. 1989, p. 12.

(7) OJ No L 171, 20. 6. 1989, p. 20.

(8) OJ No L 293, 12. 10. 1989, p. 32.

with exception of Portugal, be subject to reference quantities and statistic 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 said Annex.

2. From 1 March 1990 and within the limits of the quantities of reference the Kingdom of Spain will apply customs duties calculated in accordance with the provisions of the Third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities.

3. Quantities shall be charged against the reference quantities as and when products are entered with customs authorities for free circulation and accompanied by a movement certificate. If the movement certificate is submitted *a posteriori*, the goods shall be charged against the corresponding reference quantity at the moment when the goods are entered for free circulation.

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.

Article 2

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

Article 3

Regulations (EEC) No 1734/89 and 3062/89 are hereby repealed.

Article 4

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

It shall apply with effect from 1 March 1990.

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

Done at Brussels, 28 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Serial No	CN code	Taric code (*)	Description (a)	Timetable	Reference quantity (in tonnes)
12.0020	ex 0703 10	0703 10 11 * 20 0703 10 11 * 30 0703 10 11 * 92 0703 10 11 * 93	Onions, fresh or chilled	1. 3-15. 5. 1990	571
12.0040	ex 0703 20 00	0703 20 00 * 20 0703 20 00 * 30	Garlic, fresh or chilled	1. 3-31. 5. 1990	375
12.0050	ex 0705 11 10	0705 11 10 * 21 0705 11 10 * 33	'Iceberg' lettuce, (<i>Lactuca Sativa L.</i> , var. <i>capitata L.</i>)	1. 7-31. 10. 1990	1 000
12.0010	ex 0706 10 00	0706 10 00 * 22	Carrots, fresh or chilled	1. 3-31. 3. 1990	266
12.0120	ex 0706 90 90	0706 90 90 * 28	Salad beetroot fresh or chilled	1. 3-31. 12. 1990	83
12.0130	ex 0707 00 11 ex 0707 00 19	0707 00 11 * 18 0707 00 19 * 10	Small cucumbers	1. 3-31. 12. 1990	83
12.0060	ex 0709 10 00	0709 10 00 * 10 0709 10 00 * 20	Globe artichokes fresh or chilled	1. 10-31. 12. 1990	1 000
12.0070	ex 0802 31 00 ex 0802 32 00	0802 31 00 * 80 0802 32 00 * 80	Walnuts, in shell or shelled	1. 3-31. 12. 1990	583
12.0080	ex 0809 10 00	0809 10 00 * 40	Apricots, fresh	1. 3-30. 4. 1990	500
12.0090	ex 0809 20 90	0809 20 90 * 41 0809 20 90 * 45 0809 20 90 * 49	Cherries, fresh	1. 3-31. 3. 1990	400
12.0100	ex 0809 30 00	0809 30 00 * 13 0809 30 00 * 93	Peaches, including nectarines, fresh	1. 3-31. 3. 1990	500
12.0110	ex 0809 40 19	0809 40 19 * 51	Plums, fresh	1. 3-31. 3. 1990	571

(*) The Taric codes shown are those applicable on the date of entry into force of the present Regulation

COMMISSION REGULATION (EEC) No 1597/90
of 14 June 1990

on the arrangement applicable to agricultural products subject to reference quantities and originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1990/91)

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 or in the overseas countries and territories⁽¹⁾, and in particular Articles 16 and 27 therein,

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 laid down within a set time-table, of the customs duties.

Whereas, under the provisions of Council Regulation (EEC) No 486/85⁽²⁾, as last amended by Regulation (EEC) No 3530/89⁽³⁾, when the rate of customs duty applied to imports into the Community of Ten of a product subject to a reference quantity is lower than that applying in respect of Spain, Portugal or both of these Member States, the process of dismantling begins once duty on imports of that product from Spain and Portugal falls below that applied to imports of the product in question from the other countries; whereas, for this reason, the Annex to this Regulation lists only products in respect of which tariff dismantling begins or continues in 1990.

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⁽⁴⁾ consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities, Portugal is to postpone implementation of the preferential arrangements for fruit and vegetables falling within Council Regulation (EEC) No 1035/72⁽⁵⁾, as last amended by Regulation (EEC) No 1193/90⁽⁶⁾ until 31 December 1990 whereas, consequently, the above tariff concession does not apply until this date in 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 Regulation (EEC) No 715/90 above-

mentioned, of the products are subject to a statistical surveillance;

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 or in the overseas countries and territories 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. The provisions of this Regulation shall apply until 31 December 1990 throughout the Community with the exclusion of Portugal.

3. Quantities shall be charged against the reference quantities as and when products are entered with customs authorities for free circulation and accompanied by a movement certificate. If the movement certificate is submitted *a posteriori*, the goods shall be charged against the corresponding reference quantity at the moment when the goods are entered for free circulation.

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.

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 1 September 1990.

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 61, 1. 3. 1985, p. 2.

⁽³⁾ OJ No L 347, 28. 11. 1989, p. 3.

⁽⁴⁾ OJ No L 172, 30. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁶⁾ OJ No L 119, 11. 5. 1990, p. 43.

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

Done at Brussels, 14 June 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

Order No	CN code	Tanc codes	Description	Period	Reference quantities <i>(tonnes)</i>
12.0030	ex 0704 90 90	0704 90 90 *92	Cabbages, fresh or chilled	1. 11 - 31. 12. 1990	1 000
12.0080	ex 0809 10 00	0809 10 00 *10 0809 10 00 *20 0809 10 00 *30 0809 10 10 *40 0809 10 00 *80	Apricots, fresh	1. 9. 1990 - 30. 4. 1991	2 000
12.0090	ex 0809 20 90	0809 20 90 *21 0809 20 90 *25 0809 20 90 *29 0809 20 90 *31 0809 20 90 *33 0809 20 90 *39 0809 20 90 *41 0809 20 90 *45 0809 20 90 *49	Cherries, fresh	1. 11. 1990 - 31. 3. 1991	2 000
12.0100	ex 0809 30 00	0809 30 00 *11 0809 30 00 *12 0809 30 00 *13 0809 30 00 *91 0809 30 00 *92 0809 30 00 *93	Peaches (including nectarines), fresh	1. 12. 1990 - 31. 3. 1991	2 000
12.0110	ex 0809 40 19	0809 40 19 *30 0809 40 19 *40 0809 40 19 *51	Plums, fresh	15. 12. 1990 - 31. 3. 1991	2 000

COMMISSION REGULATION (EEC) No 1664/90
of 20 June 1990

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1990/91)

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 or the overseas countries and territories⁽¹⁾, and in particular Articles 15, 16 and 27 thereof,

Whereas the Articles 15 and 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,
- 1 000 tonnes of fresh apples falling within CN code 0808 10, for the period 1 January to 31 December,
- 1 000 tonnes of fresh pears falling within CN codes 0808 20 10 to 0808 20 39, for the period 1 January to 31 December, and
- 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
- at 50 % of the duties of the Common Customs Tariff for the tariff quotas for fresh apples and pears ; and
- 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 ,

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⁽²⁾, Portugal may postpone implementation of the preferential arrangements for fruit and vegetables covered by Regulation (EEC) No 1035/72⁽³⁾, as last amended by Regulation (EEC) No 1193/90⁽⁴⁾, whereas, consequently, the abovementioned tariff concession ; it will apply throughout the Community except in Portugal until 31 December 1990 , whereas within the limits of its tariff quotas Spain and, from 1 January 1991, Portugal must 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,

⁽¹⁾ OJ No L 172, 30. 6. 1987, p. 1.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 119, 11. 5. 1990, p. 43.

⁽⁴⁾ OJ No L 84, 30. 3. 1990, p. 85.

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 of the overseas countries and territories shall be suspended at the levels indicated and within the limits of the Community tariff quotas as shown below:

Order No	CN code (*)	Description	Amount of quota (tonnes)	Quota duty (%)
09.1601	ex 0702 00 10	Tomatoes, fresh or chilled, from 15 November 1990 to 30 April 1991	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 1990 to 30 April 1991	2 000	— from 15 November to 31 December 1990 : 4,4 min 0,8 ECU/100 kg/net — from 1 January to 28 February 1991 : 1,8 min 0,33 ECU/100 kg/net — from 1 March to 30 April 1991 3,6 min 0,66 ECU/100 kg/net
09.1608	ex 0804 20 10	Fresh figs, from 1 November 1990 to 30 April 1991	200	— from 1 November to 31 December 1990 : 2,6 — from 1 January to 30 April 1991 2,2
09.1610	0808 10 10 0808 10 91 0808 10 93 0808 10 99	Fresh apples, from 1 January to 31 December 1991	1 000	4,5 min 0,22 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	0808 20 10 0808 20 31 0808 20 33 0808 20 35 0808 20 39	Fresh pears, from 1 January to 31 December 1991	1 000	4,5 min 0,22 ECU/100 kg/net 7 min 0,75 ECU/100 kg/net 2,5 min 1 ECU/100 kg/net 5 min 0,75 ECU/100 kg/net 6,5 min 1 ECU/100 kg/netto
09.1603	ex 0810 10 90	Fresh strawberries, from 1 November 1990 to 28 February 1991	1 500	5,6

(*) Tarric codes appear in the Annex.

2. The provisions of this Regulation shall apply throughout the Community except for Portugal from 1 January 1990.

3. From that date and within the limits of the tariff quotas Spain and, from 1 January, 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.

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

Done at Brussels, 20 June 1990.

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 1990

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX
Taric codes

Order No	CN code	Taric code (*)
09.1601	ex 0702 00 10	0702 00 10 * 29 0702 00 10 * 39 0702 00 10 * 49 0702 00 10 * 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
09.1603	ex 0810 10 90	0810 10 90 * 30

(*) The Taric codes shown are those applicable on the date of entry into force of the present Regulation

COMMISSION REGULATION (EEC) No 1881/90
of 3 July 1990
amending Regulation (EEC) No 1596/70 on preventive withdrawals of apples and pears

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 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1193/90 ⁽²⁾, and in particular Article 15a (2) thereof,

Whereas the basic production referred to in Commission Regulation (EEC) No 1596/79 ⁽³⁾, as last amended by Regulation (EEC) No 2935/88 ⁽⁴⁾, relates to the production in the Community as constituted at 31 December 1985;

Whereas to take account of production in Spain the basic production of apples and pears should be amended;

Whereas the provisions are not to apply in Portugal during the first stage, as provided in Article 261 (2) of the Act of Accession;

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

Regulation (EEC) No 1596/79 is hereby amended as follows:

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

Done at Brussels, 3 July 1990.

1. Article 1 is replaced by the following:

'Article 1

Preventive withdrawals may be authorized only if the crop is expected to exceed by 5 % or more a basic production of:

— 7 500 000 tonnes for apples,

— 2 350 000 tonnes for pears.'

2. Article 3 (1) is replaced by the following:

'1. Preventive withdrawals of apples may not exceed 30 % of an expected surplus of up to 750 000 tonnes; they may not exceed 40 % of an expected surplus of between 750 000 and 1 200 000 tonnes and not exceed 50 % of an expected surplus of over 1 200 000 tonnes, the expected surplus being the difference between the expected crop and the basic production of 7 500 000 tonnes.

Preventive withdrawals of pears may not exceed 30 % of an expected surplus of up to 235 000 tonnes; they may not exceed 40 % of an expected surplus of between 235 000 and 420 000 tonnes and not exceed 50 % of an expected surplus of over 420 000 tonnes, the expected surplus being the difference between the expected crop and the basic production of 2 350 000 tonnes.'

Article 2

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

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 43.

⁽³⁾ OJ No L 189, 27. 7. 1979, p. 47.

⁽⁴⁾ OJ No L 264, 24. 9. 1988, p. 41.

COMMISSION REGULATION (EEC) No 2245/90

of 31 July 1990

laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes 0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT)

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), and in particular Article 27 thereof,

Whereas, under Article 14 (1) and (3) of Regulation (EEC) No 715/90, levies are not charged on imports of products falling within CN codes 0714 10 90 and 0714 90 11 originating in the ACP States or in the OCT; whereas the detailed rules for the application of such arrangements should be limited to imposing an obligation to import from the ACP State or OCT indicated in the import licence the product released for free circulation and exempted from the levy, and to setting up a regular notification system;

Whereas, under Article 24 (1) of Regulation (EEC) No 715/90, levies are not applied to direct imports into the French overseas departments (ODs) of products falling within CN code 0714 90 11 within the limits of a Community tariff quota of 2 000 tonnes; whereas the detailed rules for the application of such arrangements should relate to the lodging of applications for import licences and the issue of such licences and guarantee direct importation into the ODs and observance of the maximum quantity laid down; whereas, in order to comply with the objective of the measure and to ensure the management and supervision of the quota, the use of licences for release for free circulation into the abovementioned departments should be strictly limited; whereas these detailed rules either supplement or derogate from, as the case may be, Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (2), as last amended by Regulation (EEC) No 1599/90 (3), or Commission Regulation (EEC) No 891/89 of 5 April 1989 on special detailed rules for

the application of the system of import and export licences for cereals and rice (4), as amended by Regulation (EEC) No 1105/90 (5);

Whereas, so that the actual use made of licences can be monitored better, the provision of Regulation (EEC) No 3719/88 on early submission of proof of release for free circulation should apply;

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 the detailed rules for importing:

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

TITLE I

Article 2

1. For the purposes of Article 14 (1) and (3) of Regulation (EEC) No 715/90 and with a view to the release for free circulation into the Community of products falling within CN codes 0714 10 91 and 0714 90 11, the licence application and the import licence shall contain in box 8 the name of the ACP State or OCT in which the product originates. The licence shall constitute an obligation to import from that country and/or territory.

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

- Producto ACP/PTU :
 - no hay lugar a exacción reguladora
 - apartados 1 y 3 del artículo 14 y apartado 2 del artículo 1 del Reglamento (CEE) n° 715/90 ;

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

(2) OJ No L 331, 2. 12. 1988, p. 1.

(3) OJ No L 151, 15. 6. 1990, p. 29.

(4) OJ No L 94, 7. 4. 1989, p. 13.

(5) OJ No L 111, 1. 5. 1990, p. 48.

- AVS/OLT-produkt :
 - fritagelse for afgift
 - forordning (EØF) nr. 715/90 : artikel 1, stk. 2, og artikel 14, stk. 1 og 3;
- Erzeugnis AKP/ÜLG :
 - Freistellung von der Abschöpfung
 - Verordnung (EWG) Nr. 715/90, Artikel 1 Absatz 2 und Artikel 14 Absätze 1 und 3;
- Προϊόν ΑΚΕ/ΥΧΕ :
 - απαλλαγή από την εισφορά
 - κανονισμός (ΕΟΚ) αριθ. 715/90, άρθρο 1 παράγραφος 2 και άρθρο 14 παράγραφοι 1 και 3;
- ACP/OCT product :
 - exemption from the levy
 - Regulation (EEC) No 715/90, Article 1 (2) and Article 14 (1) and (3);
- Produit ACP/PTOM :
 - exemption du prélèvement
 - règlement (CEE) n° 715/90 : article 1^{er} paragraphe 2 et article 14 paragraphes 1 et 3;
- Prodotto ACP/PTOM :
 - esenzione dal prelievo
 - regolamento (CEE) n. 715/90, articolo 1, paragrafo 2 e articolo 14, paragrafi 1 e 3;
- Produkt ACS/LGO :
 - vrijstelling van heffing
 - Verordening (EEG) nr. 715/90 : artikel 1, lid 2, en artikel 14, leden 1 en 3;
- Produto ACP/PTU :
 - isenção do direito nivelador
 - Regulamento (CEE) n° 715/90 : n° 2 do artigo 1° e n° 1 e 3 do artigo 14°

Article 3

Member States shall notify the Commission before the end of each month of the quantities in respect of which import licences for products originating in the ACP States/OCT have been applied for, during the preceding four weeks, broken down by tariff nomenclature code and country of origin.

TITLE II

Article 4

With a view to the release for free circulation into the French overseas departments in accordance with Article 24 of Regulation (EEC) No 715/90 of products falling within CN code 0714 90 11, the following special provisions shall apply :

1. Licence applications shall be for a quantity not exceeding 500 tonnes per individual applicant acting on his own account.

2. The licence application and the import licence shall contain in box 8 the name of the ACP State or the overseas country or territory (OCT) in which the product originates. The licence shall constitute an obligation to import from that country or territory.

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

- Producto ACP/PTU :
 - no ha lugar a exacción reguladora
 - apartado 1 del artículo 24 del Reglamento (CEE) n° 715/90
 - exclusivamente válido para el despacho a libre práctica en los D.U.;
- AVS/OLT-produkt :
 - fritagelse for afgift
 - forordning (EØF) nr. 715/90 : artikel 24, stk. 1
 - gælder udelukkende for overgang til fri omsætning i de overøiske departementer ;
- Erzeugnis AKP/ÜLG :
 - Freistellung von der Abschöpfung
 - Verordnung (EWG) Nr. 715/90, Artikel 24 Absatz 1
 - gilt ausschließlich für die Abfertigung zum freien Verkehr in den französischen überseeischen Departements ;
- Προϊόν ΑΚΕ/ΥΧΕ :
 - απαλλαγή από την εισφορά
 - κανονισμός (ΕΟΚ) αριθ. 715/90, άρθρο 24 παράγραφος 1
 - ισχύει αποκλειστικά για θέση σε ελεύθερη κυκλοφορία στα υπερπόντια διαμερίσματα;
- ACP/OCT product :
 - exemption from the levy
 - Regulation (EEC) No 715/90, Article 24 (1)
 - valid only for release for the circulation in the OD ;
- Produit ACP/PTOM :
 - exemption du prélèvement
 - règlement (CEE) n° 715/90 : article 24 paragraphe 1
 - exclusivement valable pour une mise en libre pratique dans les départements d'outre-mer ;
- Prodotto ACP/PTOM :
 - esenzione dal prelievo
 - regolamento (CEE) n. 715/90 : articolo 24, paragrafo 1
 - valido solamente per l'immissione in libera pratica nei DOM ;
- Produkt ACS/LGO :
 - vrijstelling van heffing
 - Verordening (EEG) nr. 715/90 : artikel 24, lid 1
 - geldt uitsluitend voor het in het vrije verkeer brengen in de Franse overzeese departementen ;

— Produto ACP/PTU :

- isenção do direito nivelador
- Regulamento (CEE) n.º 715/90 : n.º 1 do artigo 24.º
- válido exclusivamente para uma introdução em livre prática nos DU.

Article 5

1. Licence applications shall be lodged with the competent authorities of the Member States every Monday before 1 p.m. or, if that day is not a working day, on the first working day following.
2. Member States shall, by telex not later than 1 p.m. on the working day following the day on which the application is lodged, notify the Commission of the origin of the product, the quantity applied for and the name of the applicant.
3. Not later than the third working day following the day on which the applications are lodged, the Commission shall determine and inform the Member States by telex to what extent the licence applications are accepted.
4. Subject to paragraph 3, licences shall be issued on the fifth working day following the day on which the applications were lodged, in the case of applications notified in accordance with paragraph 2.
5. The licences issued shall be valid exclusively for the release for free circulation into the French overseas departments from the day of effective issue until the end of the second month following that date. However, they shall not be valid beyond 31 December of the year in which they are issued.

Article 6

Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not

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

Done at Brussels, 31 July 1990.

be greater than that entered in boxes 17 and 18 of the import licence; the figure 0 shall be entered for this purpose in box 19 of the licence.

Article 7

Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.

TITLE III

General Provisions

Article 8

1. Notwithstanding Article 12 of Regulation (EEC) No 891/89, the amount of the security in respect of the import licence shall be ECU 0,5 per tonne.
2. In cases where, as a result of the application of Article 5 (3), the quantity for which the licence is issued is less than that for which it was applied for, the amount of the security corresponding to the difference shall be released.
3. The fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88 shall not apply.

Article 9

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

For the Commission

Ray MAC SHARRY

Member of the Commission

**COMMISSION REGULATION (EEC) No 3598/90
of 13 December 1990**

on the arrangements applicable to agricultural products subject to reference quantities and originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1991)

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 or in the overseas countries and territories⁽¹⁾, 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 laid down within a set timetable, of the customs duties;

Whereas, under the provisions of Council Regulation (EEC) No 486/85⁽²⁾, as last amended by Regulation (EEC) No 3530/89⁽³⁾, when the rate of customs duty applied to imports into the Community of Ten of a product subject to a reference quantity is lower than that applying in respect of Spain, Portugal or both of these Member States, the process of dismantling begins once duty on imports of that product from Spain and Portugal falls below that applied to imports of the product in question from the other countries; whereas, for this reason, the Annex to this Regulation lists only products in respect of which tariff dismantling begins or continues in 1991;

Whereas by Commission Regulation (EEC) No 2573/90 of 5 September 1990 totally suspending certain customs duties applicable by the Community of Ten to imports from Spain and Portugal⁽⁴⁾ of the products listed in Annex II to the Treaty, the said duties shall be totally suspended when they reach a level of 2% or less; whereas the same rates of duties should be applied to imports of these products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers

on the advance implementation of the Protocol to the Third ACP-EEC Convention⁽⁵⁾ consequent on the Accession 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⁽⁶⁾ and (EEC) No 1736/75⁽⁷⁾;

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 or in the overseas countries and territories 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 61, 1. 3. 1985, p. 2.

⁽³⁾ OJ No L 347, 28. 11. 1989, p. 3.

⁽⁴⁾ OJ No L 243, 6. 9. 1990, p. 19.

⁽⁵⁾ OJ No L 172, 30. 6. 1987, p. 1.

⁽⁶⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽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 Statis-

tical Office of the European Communities in application of Regulations (EEC) No 2658/87 and (EEC) No 1736/75.

Article 2

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

Article 3

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 13 December 1990.

For the Commission
Christiane SCRIVENER
Member of the Commission

ANNEX

<i>(tonnes)</i>					
Order No	CN code	Taric code (*)	Description	Period	Reference quantities
12.0020	ex 0703 10 19	0703 10 19 * 91 0703 10 19 * 92 0703 10 19 * 93	Onions, fresh or chilled	1. 2 — 15. 5. 1991	800
12.0040	ex 0703 20 00	0703 20 00 * 10 0703 20 00 * 20 0703 20 00 * 30	Garlic, fresh or chilled	1. 2 — 31. 5. 1991	500
12.0010	ex 0706 10 00	0706 10 00 * 11	Carrots, fresh or chilled	1. 1 — 31. 3. 1991	800
12.0120	ex 0706 90 90	0706 90 90 * 20	Salad beetroot, fresh or chilled	1. 1 — 31. 12. 1991	100
12.0130	ex 0707 00 11 ex 0707 00 19	0707 00 11 * 11 0707 00 11 * 18 0707 00 19 * 10	Small cucumbers	1. 1 — 31. 12. 1991	100
12.0070	0802 31 00 0802 32 00	0802 31 00 * 00 0802 32 00 * 00	Walnuts, in shell or shelled	1. 1 — 31. 12. 1991	700
12.0140	ex 0805 10 21 ex 0805 10 25 ex 0805 10 29 ex 0805 10 31 ex 0805 10 35 ex 0805 10 39 ex 0805 10 70	0805 10 21 * 0805 10 25 * 0805 10 29 * 0805 10 31 * 10 0805 10 35 * 10 0805 10 39 * 10 0805 10 70 * 12 0805 10 70 * 92	Oranges, fresh or dried	15. 5 — 30. 9. 1991	25 000
12.0160	0809 40 90	0809 40 90 * 00	Sloes	1. 1 — 31. 12. 1991	500

(*) The Taric codes shown are those applicable on the date of entry into force of the present Regulation.

III – Community Acts relating to the application of the Lomé Convention

B – Trade

(b) Cereals

COMMISSION REGULATION (EEC) No 865/90

of 4 April 1990

laying down detailed rules for the application of the special arrangements for imports of grain sorghum and millet originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)

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⁾, and in particular Article 27 thereof,

Whereas Article 11 of Regulation (EEC) No 715/90 provides that the levy applicable to imports of grain sorghum covered by CN code 1007 00 is to be that fixed pursuant to Article 13 of Council Regulation (EEC) No 2727/75 ⁽²⁾, as last amended by Regulation (EEC) No 201/90 ⁽³⁾, reduced by 60 % within the limit of a quota of 100 000 tonnes per calendar year and reduced by 50 % in excess of that quota; whereas that Regulation provides that no import levy is to be collected on millet covered by CN code 1008 20 00 within the limit of a quota of 60 000 tonnes per calendar year and that the levy applicable in excess of that quota is to be reduced by 50 %;

Whereas detailed rules on the administration of those quotas should first be laid down; whereas, in this context, it should be provided that licences for the importation of the products in question are to be issued after a period for reflection and after, where appropriate, the fixing of a single coefficient for reducing the quantities applied for; whereas, in addition, in the interests of the operators, the possibility of withdrawing licence applications after the fixing of the reduction coefficient should be provided for;

Whereas detailed rules relating additionally to imports outside the quotas are also required;

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

HAS ADOPTED THIS REGULATION :

I. Provisions on quotas

Article 1

1. Import licence applications under the quotas for grain sorghum covered by CN code 1007 00 and millet

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 22, 27. 1. 1990, p. 7.

covered by CN code 1008 20 00 fixed by Regulation (EEC) No 715/90 shall be lodged with the competent authorities in any Member State up to 1 p.m. (Brussels time) on Mondays or, if that day is not a working day, on the first following working day.

2. Import licence applications may not relate to a quantity exceeding the quota.

3. The Member States shall transmit information concerning the import licence applications to the Commission by telex or telefax by 6 p.m. (Brussels time) at the latest on the day laid down in paragraph 1. That information must be communicated separately from that regarding other import licence applications for cereals.

4. If import licence applications exceed the quantities in the annual quota, the Commission shall fix a single coefficient for reducing the quantities applied for on the third working day at the latest following the submission of the applications. Licence applications may be withdrawn within one working day following the date on which the reduction coefficient was fixed.

5. Without prejudice to the application of paragraph 4, a licence shall be issued on the fifth working day following the day on which the application for the licence was lodged.

6. By way of derogation from Article 8 (4) of Commission Regulation (EEC) No 3719/88 ⁽⁴⁾, the quantity imported may not exceed that indicated in sections 17 and 18 of the import licence. The figure zero shall be entered to that effect in section 19 of the licence.

Article 2

For grain sorghum, import licence applications and licences shall bear :

(a) under the heading 'Notes' and in section 24, the words 'levy reduced by 60 % (ACP/OCT quota) — Regulation (EEC) No 715/90';

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

- (b) the letters 'ACP' or 'OCT', as the case may be, in section 8.

Licences shall entail an obligation to import from those countries. In addition, the import levy must be fixed in advance.

Article 3

For millet, import licence applications and licences shall bear :

- (a) under the heading 'Notes' and in section 24, the words 'non-application of the levy (ACP/OCT quota) — Regulation (EEC) no 715/90';
- (b) the letters 'ACP' or 'OCT', as the case may be, in section 8.

Licences shall entail an obligation to import from those countries. In addition, the import levy must be fixed in advance. The levy shall neither be increased nor adjusted.

II. Provisions on imports outside quotas

Article 4

For quantities to be imported outside the quotas, import licence applications and licences shall bear :

- (a) under the heading 'Notes' and in section 24, the words 'levy reduced by 50 % (ACP/OCT) — Regulation (EEC) No 715/90';
- (b) the letters 'ACP' or 'OCT', as the case may be, in section 8.

Licences shall entail an obligation to import from those countries. In addition, the import licence must be fixed in advance.

Article 5

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

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

Done at Brussels, 4 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 999/90

of 20 April 1990

laying down detailed implementing rules for imports of rice originating in the African, Caribbean and Pacific States (ACP), and 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 products originating in the African, Caribbean and Pacific States or in the overseas and territories (OCT) (1), and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy (2), as last amended by Regulation (EEC) No 1636/87 (3), and in particular Article 12 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Regulation (EEC) No 715/90 provides that the levy calculated in accordance with Article 11 of Council Regulation (EEC) No 1418/76 (4), as last amended by Regulation (EEC) No 1806/89 (5), shall be reduced by an amount of 50 % of the said levy and by a flat-rate component, which differs according to the extent to which the rice has been milled, provided that an equivalent charge has been collected on export from the non-member country concerned;

Whereas this export charge cannot be collected in a precise manner unless the levy that will be applied on import into the Community is known; whereas, for this purpose, the import levy must be fixed in advance, thereby enabling the trade to know the amount that will be deducted from the levy and, consequently, the amount that must be collected on export;

Whereas it is necessary to ascertain that the exporting country has actually collected the export charge of an amount equivalent to the reduction on the levy applied;

Whereas suitable administrative measures should be laid down in order to ensure that the volume of the quota fixed is not exceeded;

Whereas, in order to enable the Commission, should the need arise, to implement Article 13 of Regulation (EEC) No 715/90, it should be laid down that the Member States should notify the Commission daily of the quantities in respect of which applications for import licences in

respect of rice originating in the ACP States and the overseas countries and territories (OCT) have been made;

Whereas for the year 1990, the quantities to be imported should be established pro rata with the quantities fixed respectively under the old and new regime by application of Article 13 of Regulation (EEC) No 715/90.

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

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the levies referred to in Article 12 (1) of Regulation (EEC) No 715/90 shall be calculated each week by the Commission on the basis of the levies fixed according to the criteria set out Article 11 of Regulation (EEC) No 1418/76.

Article 2

1. Article 12 (1) of Regulation (EEC) No 715/90 shall apply only to imports of rice in respect of which an export charge equivalent to the difference between the levy applicable to imports of rice from non-member countries and the amounts referred to in Article 1 has been collected by the country of exportation.

2. One of the following indications shall be placed in the 'Remarks' box of the EUR 1 movement certificate by the customs authorities of the country of exportation as proof that the amount has been collected:

- Tasa especial percibida a la exportación del arroz
- Særafgift der opkræves ved eksport af ris
- Bei der Ausfuhr von Reis erho-bene Sonderabgabe
- Ειδικός φόρος που εισπράτ-τεται κατά την εξαγωγή ορυζης
- Special charge collected on export of rice
- Taxe spéciale perçue à l'exporta-tion du riz
- Tasa speciale ricossa all'esporta-zione del riso
- Bij uitvoer van de rijst opgelegde bijzondere heffing

(amount in national cur-rency)

(signature and stamp of office).

(1) OJ No L 84, 30. 3. 1990, p. 85.
(2) OJ No L 164, 24. 6. 1985, p. 1.
(3) OJ No L 153, 13. 6. 1987, p. 1.
(4) OJ No L 166, 25. 6. 1976, p. 1.
(5) OJ No L 177, 24. 6. 1989, p. 1.

3. Where the charge collected by the country of exportation is less than the reduction referred to in Article 12 (1) of Regulation (EEC) No 715/90, the reduction shall not exceed the amount collected.

4. Where the amount of the export charge collected is expressed in a currency other than that of the Member State of importation, the exchange rate to be used to determine the amount of the charge actually collected shall be the rate recorded on the most representative foreign exchange market or markets in that Member State on the day of the advance fixing of the levy.

Article 3

1. In addition to the other conditions laid down by Community rules, in order to qualify for the reduced levy referred to in Article 12 of Regulation (EEC) No 715/90, the application for a licence and the import licence itself shall include:

(a) under the heading 'Notes' and in section 24, respectively one of the following indications:

- Exacción reguladora reducida ACP/PTU
- Reduceret afgift AVS/OLT
- Verringerte Abschöpfung AKP/ÜLG
- Μειωμένη εισφορά ΑΚΕ/ΥΧΕ
- Reduced levy ACP/OCT
- Prélèvement réduit ACP/PTOM
- Prelievo ridotto ACP/PTOM
- Verminderde heffing ACS-Staten/LGO,

(b) In box 8, the name of the State, country or territory in which the product originates.

2. The licence shall require importation to be made from the country of origin stated. In addition, the import levy must be fixed in advance.

3. The import licence referred to in paragraph 1 shall be issued on the fifth working day following the date on which the application was submitted, provided that no measure suspending the advance fixing of the levy has been taken during that period and that the quantity qualifying for the reduced levy has not already been reached.

4. On the day when the quantities applied for exceed the quantities for which a reduced levy is granted, the

Commission shall fix a single percentage reduction in respect of the quantities applied for.

Article 4

The Member States shall communicate to the Commission each day by telex the following information:

- (a) the quantities of each type of rice that have been the subject of an application for a licence for importation from ACP States and the overseas countries and territories (OCT), stating in each case the country of exportation;
- (b) the quantities of each type of rice in respect of which an import licence has actually been issued, stating in each case the date and the country of exportation;
- (c) the quantities of each type of rice for which a licence was issued but not used;
- (d) the quantities of each type of rice for which the import licences issued have been cancelled within the meaning of Article 36 of Commission Regulation (EEC) No 3719/88⁽¹⁾.

This information must be communicated separately from the information relating to other applications for import licences for rice.

Article 5

1. The quantities that may be imported into the Community from ACP States and the overseas countries and territories (OCT) from 1 January to 31 December 1990 shall be 124 500 tonnes of husked rice falling within CN code 1006 20 and 19 500 tonnes of broken rice falling within CN code 1006 40 00.

2. Quantities of rice imported in a form other than husked shall be entered into the accounts as husked rice on the basis of the conversion rates referred to in Article 1 Regulation No 467/67/EEC⁽²⁾.

Article 6

Commission Regulation (EEC) No 551/85⁽³⁾ is repealed.

Article 7

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

It shall apply from 1 March 1990.

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

Done at Brussels, 20 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No 204, 24. 8. 1967, p. 1.

⁽³⁾ OJ No L 63, 2. 3. 1985, p. 10.

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

B – Trade

(c) Beef and veal

COMMISSION DECISION

of 18 January 1990

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

(90/40/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,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (¹), as last amended by Regulation (EEC) No 967/89 (²), and in particular Article 22 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 3182/88 (⁴), and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 486/85 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 1990, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland and Zimbabwe, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 February 1990, should be fixed within the scope of the total quantity of 30 000 tonnes to which should be added, where appropriate, automatically, the additional quantity of 8 100 tonnes referred to in Article 5 (2) and (3) of Regulation (EEC) No 486/85;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries (⁵), as last amended by Directive 89/227/EEC (⁶),

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 January 1990 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

United Kingdom

195,0 tonnes originating in Botswana.

Germany

85,0 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 February 1990 in respect of the following quantities of boned beef and veal:

Botswana	18 636,0	tonnes,
Kenya	142,0	tonnes,
Madagascar	7 579,0	tonnes,
Swaziland	3 363,0	tonnes,
Zimbabwe	8 100,0	tonnes.

Article 3

This Decision is addressed to the Member States, with the exception of Portugal.

Done at Brussels, 18 January 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(¹) OJ No L 61, 1. 3. 1985, p. 4.

(²) OJ No L 103, 15. 4. 1989, p. 1.

(³) OJ No L 241, 13. 9. 1980, p. 5.

(⁴) OJ No L 283, 18. 10. 1988, p. 13.

(⁵) OJ No L 302, 31. 12. 1972, p. 28.

(⁶) OJ No L 93, 6. 4. 1989, p. 25.

COMMISSION DECISION

of 20 February 1990

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

(90/81/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,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽¹⁾, as last amended by Regulation (EEC) No 967/89 ⁽²⁾, and in particular Article 22 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 3182/88 ⁽⁴⁾, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 486/85 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 1990, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland and Zimbabwe, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 March 1990, should be fixed within the scope of the total quantity of 30 000 tonnes to which should be added, where appropriate, automatically, the additional quantity of 8 100 tonnes referred to in Article 5 (2) and (3) of Regulation (EEC) No 486/85;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12

December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries ⁽⁵⁾, as last amended by Directive 89/227/EEC ⁽⁶⁾,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 February 1990 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

United Kingdom:

— 300,0 tonnes originating in Botswana.

Germany:

— 210,0 tonnes originating in Botswana,

— 30,0 tonnes originating in Swaziland.

France:

— 60,0 tonnes originating in Swaziland.

The Netherlands:

— 195,0 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 March 1990 in respect of the following quantities of boned beef and veal:

Botswana	17 931,0 tonnes,
Kenya	142,0 tonnes,
Madagascar	7 579,0 tonnes,
Swaziland	3 273,0 tonnes,
Zimbabwe	8 100,0 tonnes.

Article 3

This Decision is addressed to the Member States, with the exception of Portugal.

Done at Brussels, 20 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽²⁾ OJ No L 103, 15. 4. 1989, p. 1.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 283, 18. 10. 1988, p. 13.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁶⁾ OJ No L 93, 6. 4. 1989, p. 25.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 March 1990

concerning animal health conditions and veterinary certification for imports of fresh meat from Madagascar

(90/156/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 animals and swine and fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 89/227/EEC⁽²⁾, and in particular Article 16 thereof,

Whereas, following a veterinary mission of the Community it appears that Madagascar is free from foot-and-mouth disease and does not practise vaccination against this disease;

Whereas, however, exotic foot-and-mouth disease virus exists on the African continent and there is a risk of introduction into the said country;

Whereas the central veterinary authorities of Madagascar have undertaken to inform the Member States and the Commission by telex or telegram, within 24 hours at the latest of the confirmation of the occurrence of any outbreak of foot-and-mouth disease therein;

Whereas animal health conditions and veterinary certification must be adopted according to the animal health situation of the country concerned;

Whereas measures must be adopted to avoid the slaughter in an establishment of animals reacting positively to a tuberculosis test at the same time as animals whose meat is destined for the EEC market,

Whereas this decision will be reviewed in the light of the developing animal health situation in Madagascar and in particular of the possible appearance of foot-and-mouth disease and of a change in the non-vaccination policy;

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 from Madagascar of fresh meat from deboned carcasses of bovine animals conforming to the guarantees laid down in an animal health certificate which accords with the Annex hereto and which must accompany the consignment. This meat shall not enter the importing Member State's territory for at least 21 days from the date of slaughter.

2. Member States shall not authorize the importation of categories of fresh meat from Madagascar other than those mentioned in paragraph 1.

Article 2

This Decision shall not apply to imports of glands and organs, including blood, authorized by the country of destination for pharmaceutical manufacturing purposes.

(1) OJ No L 302, 31. 12. 1972, p. 28.

(2) OJ No L 93, 6. 4. 1989, p. 25.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 March 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

ANIMAL HEALTH CERTIFICATE

for fresh meat⁽¹⁾ from deboned carcasses⁽²⁾ of bovine animals from Madagascar

Reference No of the public health certificate :

Ministry :

Department :

Reference :

(Optional)

I. Identification of meat

Meat⁽³⁾ of : Bovine animals

Nature of cuts⁽⁴⁾ :

Nature of packaging :

Number of cuts or packages :

Net weight :

II. Origin of meat

Address and veterinary approval number of the approved slaughterhouse :

Address and veterinary approval number of the approved cutting plant :

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⁽⁵⁾ :

Name and address of consignor :

Name and address of consignee :

⁽¹⁾ Fresh meat : all parts of domestic bovine animals fit for human consumption which have not undergone any preserving process ; however, chilled and frozen meat shall be considered to be fresh meat.

⁽²⁾ Carcasse : the whole body of a slaughtered animal after bleeding, evisceration, removal of the limbs at the carpus and tarsus, removal of the head, tail and mammary gland and in addition, in the case of bovine animals, after skinning.

⁽³⁾ Only fresh deboned carcasse meat of bovine animals from which the major accessible lymphatic glands have been removed is authorized for importation.

⁽⁴⁾ Fresh carcasse meat is authorized for importation only if all bones have been removed

⁽⁵⁾ For railway wagons or lorries, the vehicle registration number should be stated, for aircraft the flight number and for vessels the name.

IV. Attestation of health

I, the undersigned, official veterinarian, certify that

1 the fresh deboned carcass meat described above

(a) originates from cattle which :

- were born and reared in Madagascar,
- on the way to the slaughterhouse and while awaiting slaughter therein did 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,
- 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 symptom of foot-and-mouth disease.
- have reacted negatively to an official intradermal tuberculosis test carried out in the three months before slaughter in accordance with Annex B of Council Directive 64/432/EEC⁽¹⁾ as last amended by Directive 89/662/EEC⁽²⁾;

(b) was obtained in a slaughterhouse in which no case of exotic foot-and-mouth disease has been detected for at least three months;

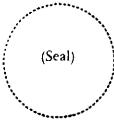
(c) has been kept strictly separate from meat and offals not conforming to the requirements for export to a Member State laid down in the Decisions of the European Economic Community currently in force;

(d) has had the major accessible lymphatic glands removed;

(e) originates from carcasses which were matured at an ambient temperature of more than + 2 °C for at least 24 hours after slaughter and before the deboning;

(f) originates from cattle which were slaughtered between and(dates of slaughter)

2 During the period between arrival of the cattle at the slaughterhouse and completion of the packing of the meat of the same cattle for export to a Member State, in boxes or cartons, no animal or 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 was present in the slaughterhouse or cutting plant



Done at , on

.....

(Signature of official veterinarian)

(Name in capital letters and qualifications of signatory)

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64

⁽²⁾ OJ No L 395, 30. 12. 1989, p. 13

COMMISSION DECISION

of 20 March 1990

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

(90/159/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,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽¹⁾, as last amended by Regulation (EEC) No 967/89 ⁽²⁾, and in particular Article 22 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 3182/88 ⁽⁴⁾, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 486/85 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 1990, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland and Zimbabwe, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 April 1990, should be fixed within the scope of the total quantity of 30 000 tonnes to which should be added, where appropriate, automatically, the additional quantity of 8 100 tonnes referred to in Article 5 (2) and (3) of Regulation (EEC) No 486/85;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12

December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries ⁽⁵⁾, as last amended by Directive 89/227/EEC ⁽⁶⁾,

HAS ADOPTED THIS DECISION.

Article 1

The following Member States shall issue on 21 March 1990 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

United Kingdom:

— 550,08 tonnes originating in Botswana.

Federal Republic of Germany:

— 866,60 tonnes originating in Botswana,

— 150,00 tonnes originating in Swaziland.

France:

— 110,00 tonnes originating in Swaziland.

The Netherlands:

— 280,08 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 April 1990 in respect of the following quantities of boned beef and veal:

Botswana	16 234,24	tonnes,
Kenya	142,00	tonnes,
Madagascar	7 579,00	tonnes,
Swaziland	3 013,00	tonnes,
Zimbabwe	8 100,00	tonnes.

Article 3

This Decision is addressed to the Member States, with the exception of Portugal.

Done at Brussels, 20 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽²⁾ OJ No L 103, 15. 4. 1989, p. 1.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 283, 18. 10. 1988, p. 13.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁶⁾ OJ No L 93, 6. 4. 1989, p. 25.

COMMISSION DECISION
of 28 March 1990
on the list of establishments in Madagascar approved for the purpose of
importing fresh meat into the Community

(90/165/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 animals and swine
and fresh meat or meat products from third countries⁽¹⁾,
as last amended by Directive 89/227/EEC⁽²⁾, and in par-
ticular Articles 4 (1) and 18 (1) thereof,

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

Whereas Commission Decision 84/576/EEC⁽³⁾ prohibited
imports of fresh meat coming from establishments in
Madagascar; whereas however to avoid an abrupt inter-
ruption of existing trade flow, importations were main-
tained until 30 June 1985;

Whereas a further inspection carried out pursuant to
Article 5 of Directive 72/462/EEC and Article 2 (1) of
Commission Decision 86/474/EEC on the implementa-
tion of the on-the-spot inspections to be carried out in
respect of the importation of bovine animals and swine
and fresh meat from non-member countries⁽⁴⁾ has shown
that the standard of hygiene in two establishments has
been raised and can thus be regarded as satisfactory;

Whereas these establishments can, in these circumstances,
be included in a list of establishments authorized to
export to the Community and therefore, Decision
84/576/EEC must be repealed;

Whereas import of fresh meat from the establishments
appearing in the Annex remains subject to Community
provisions laid down elsewhere, in particular concerning
animal health, examination for the presence of residues in

fresh meat, prohibition of the use in livestock farming of
certain substances having a hormonal action;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The establishments in Madagascar appearing in the
Annex are hereby approved for the import of fresh meat
into the Community pursuant to the said Annex.
2. Imports from establishments listed in the Annex
shall remain subject to the Community veterinary provi-
sions laid down elsewhere.

Article 2

Member States shall prohibit imports of fresh meat
coming from establishments not appearing in the Annex.

Article 3

Decision 84/576/EEC is hereby repealed.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 28 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 93, 6. 4. 1989, p. 25.

⁽³⁾ OJ No L 315, 5. 12. 1984, p. 25.

⁽⁴⁾ OJ No L 279, 30. 9. 1986, p. 55.

ANNEX

LIST OF ESTABLISHMENTS

Approval No	Establishment/address	Category (*)							
		SL	CP	CS	B	S/G	P	SP	SR
16/26	Abattoir de Morondava, Morondava, Tulea	x	x		x				(*)
17/27	Abattoir Frigorifique de Majunga, Majunga	x	x		x				(*)

(*) SL = Slaughterhouse B = Bovine meat SR = Special remarks
 CP = Cutting premises S/G = Sheepmeat/Goatmeat
 CS = Cold store P = Pigmeat
 SP = Meat from solipeds

(*) Offal excluded

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 March 1990

amending Decision 84/423/EEC on health protection measures in respect of Botswana

(90/171/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 animals and swine and fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 89/662/EEC⁽²⁾, and in particular Article 15 thereof,

Whereas Commission Decision 84/423/EEC⁽³⁾ granted the Member States the option of authorizing imports into their territory, under certain conditions and from certain regions, of fresh meat from Botswana, taking into account, in particular, the existing health situation in that country and the measures taken by that country's authorities to combat foot-and-mouth disease and to avoid its spreading into unaffected regions;

Whereas the situation concerning foot-and-mouth disease in Botswana continues to improve, no outbreak of the disease having occurred since September 1980; whereas it is now possible to extend the disease-free area by including certain new veterinary disease control zones (zones 5 and 6);

Whereas in order to further clarify the situation with regard to the veterinary disease control zones it is necessary to further define the limits of these zones in a different manner;

Whereas the situation in Botswana will continue to be kept under review by the Commission;

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 84/423/EEC is hereby amended as follows:

1. Article 1 is replaced by the following:

Article 1

The prohibition provided for in Article 14 (2) of Directive 72/462/EEC shall not apply, in respect of deboned carcass meat of bovine animals, to the following veterinary disease control zones of Botswana:

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.

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,

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 395, 30. 12. 1989, p. 13.

⁽³⁾ OJ No L 237, 5. 9. 1984, p. 18.

- 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
- Kgatleng 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.¹

2. The third indent of paragraph 1 of Article 2 is replaced by the following:

‘— the meat shall come from bovine animals coming from the districts mentioned in Article 1 and which have been slaughtered at least seven days after the completion of slaughter of cattle from unauthorized areas of northern Botswana and the cleaning and disinfection of the slaughterhouses at Lobatse and Francistown.’

3. The third indent of paragraph 2 of Article 2 is replaced by the following:

‘— the offal shall come from bovine animals coming from the districts mentioned in Article 1 and which have been slaughtered at least seven days after the completion of slaughter of cattle from unauthorized areas of northern Botswana and the cleaning and disinfection of the slaughterhouses at Lobatse and Francistown.’

Article 2

The Annexes of Decision 84/423/EEC are replaced by the Annex hereto.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 30 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

ANNEX A

ANIMAL HEALTH CERTIFICATE

for fresh meat⁽¹⁾ from de-boned carcasses⁽²⁾ of bovine animals from Botswana

Country of destination :

Reference number of the public health certificate :

Exporting Country :

Ministry :

Department :

Reference :

(Optional)

I Identification of meat :

Meat⁽¹⁾ of bovine animals :

Nature of cuts⁽³⁾ :

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) :

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⁽⁴⁾ :

Name and address of signor :

Name and address of consignee :

⁽¹⁾ 'Fresh meat' means all parts of domestic bovine animals fit for human consumption which have not undergone any preserving process, however, chilled and frozen meat shall be considered to be fresh meat.

⁽²⁾ 'Carcase' means the whole body of a slaughtered animal after bleeding, evisceration, removal of the limbs at the carpus and tarsus, removal of the head, tail and mammary gland and in addition, in the case of bovine animals, after skinning.

⁽³⁾ Only fresh de-boned carcass meat of bovine animals from which the major accessible lymphatic glands have been removed is authorized for importation

⁽⁴⁾ Fresh carcass meat is authorized for importation only if all bones have been removed.

⁽⁵⁾ For railway wagons or lorries, the vehicle registration number should be stated, for aircraft the flight number and for vessels the name

IV. Attestation of health

I, the undersigned, official veterinarian, certify that :

1. The fresh de-boned carcass meat described above :

(a) originates from cattle which

- were born and reared in Botswana and which, in the preceding 12 months or since birth, have remained in one or more of the following veterinary disease control zones :
Zones 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 18,
- bore, in accordance with the legal provisions, a mark indicating their region of origin,
- had not been vaccinated against foot-and-mouth disease within the past 12 months,
- on the way to the slaughterhouse and while awaiting slaughter therein did 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,
- 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 symptom of foot-and-mouth disease,
- were slaughtered during the period mentioned in the third indent of Article 2 (1) of Commission Decision 84/423/EEC (date of slaughter :),

(b) was obtained in a slaughterhouse in which no case of foot-and-mouth disease has been detected for at least three months ;

(c) has been kept strictly separate from meat and offal not conforming to the requirements for export to a Member State laid down in the Decisions of the European Economic Community currently in force ;

(d) has had the major accessible lymphatic glands removed ;

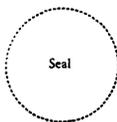
(e) originates from carcasses which were matured at an ambient temperature of more than + 2 °C for at least 24 hours after slaughter and before de-boning.

2. During the period between arrival of the cattle at the slaughterhouse and completion of the packing of the meat of the same cattle for export to a Member State, in boxes or cartons, no animal or 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) was present in the slaughterhouse or cutting plant.

Done at on
(Place) (Date)

.....
(Signature of official veterinarian)

(Name in capital letters, title and qualifications of signatory)



ANNEX B

ANIMAL HEALTH CERTIFICATE
for offal⁽¹⁾ of bovine animals from Botswana

Country of destination :

Reference number of the public health certificate :

Exporting Country :

Ministry :

Department :

Reference :

(Optional)

I Identification of offal :

Offal of bovine animals :

Nature of offal⁽¹⁾ :

Number of packaging :

Number of packaging :

Net weight :

II. Origin of offal :

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) :

III Destination of offal :

The offal will be sent from :

(Place of loading)

to :

(Country and place of destination)

by the following means of transport⁽²⁾ :

Name and address of consignor :

Name and address of consignee :

⁽¹⁾ Only hearts and livers from which lymphatic glands, adhering connective tissue and fat have been completely removed and tongues without bone, cartilage and tonsils of bovine animals are authorized for importation

⁽²⁾ For railway wagons or lorries, the vehicle registration number should be stated, for aircraft the flight number and for vessels the name

IV. Attestation of health

The undersigned, official veterinarian, certify that .

1. The offal described above

(a) originates from cattle which

- were born and reared in Botswana and which, in the preceding 12 months or since birth, have remained in one or more of the following veterinary disease control zones :
Zones 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 18,
- bore, in accordance with the legal provisions, a mark indicating their region of origin,
- had not been vaccinated against foot-and-mouth disease within the past 12 months,
- on the way to the slaughterhouse and while awaiting slaughter therein did 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,
- 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 symptom of foot-and-mouth disease,
- were slaughtered during the period mentioned in the third indent of Article 2 (2) of Commission Decision 84/423/EEC (date of slaughter :);

(b) was obtained in a slaughterhouse in which no case of foot-and-mouth disease has been detected for at least three months;

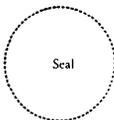
(c) has been kept strictly separate from meat and offal not conforming to the requirements for export to a Member State laid down in the Decisions of the European Economic Community currently in force ,

(d) has matured at an ambient temperature of more than + 2°C for at least three hours.

2. During the period between arrival of the cattle at the slaughterhouse and completion of the packing of the offal of the same cattle for export to a Member State, in boxes or cartons, no animal or meat or offal 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) was present in the slaughterhouse or cutting plant

Done at on
(Place) (Date)

.....
(Signature of official veterinarian)
(Name in capital letters, title and qualification of signatory)*



COMMISSION REGULATION (EEC) No 970/90
of 18 April 1990

laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories and amending Regulation (EEC) No 2377/80

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⁽¹⁾, and in particular Article 27 thereof,

Having regard to Council Regulation (EEC) No 1676/85 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽²⁾, as last amended by Regulation (EEC) No 1636/87⁽³⁾, and in particular Article 3 thereof,

Whereas Article 3 of Regulation (EEC) No 715/90 lays down that the duties on imports of beef and veal originating in the African, Caribbean and Pacific States are to be reduced;

Whereas the amounts of import duties depend upon the level of the levy applicable and that levy may be adjusted by monetary compensatory amounts; whereas, having regard to the trend in the currencies of the individual Member States, the amount of the reduction should be calculated separately for each Member State taking account of the monetary compensatory amount applicable to imports into the Member State concerned;

Whereas it appears useful to outline the manner in which the amount actually to be levied on imports is calculated;

Whereas the amount by which the import duties are reduced is fixed quarterly;

Whereas the amount representing import duties is that applicable on the day of acceptance of the declaration of release for free circulation; whereas these duties are reduced by the reduction applicable on that date;

Whereas Regulation (EEC) No 2377/80⁽⁴⁾, as last amended by Regulation (EEC) No 252/90⁽⁵⁾, lays down special detailed rules for the application of the system of import and export licences in the beef and veal sector; whereas the special detailed rules for licences issued under Regulation (EEC) No 715/90 which replaces

Council Regulation (EEC) No 486/85⁽⁶⁾ should be adapted,

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

HAS ADOPTED THIS REGULATION

Article 1

1. Import licences shall be issued for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland and Zimbabwe under the conditions laid down in this Regulation and within the limits of the quantities, expressed in tonnes of boned meat, fixed in Regulation (EEC) No 715/90.

2. For the purposes of this Regulation, 100 kilograms of boned meat shall be equivalent to 130 kilograms of unboned meat

Article 2

Importation under the arrangements for import duty reduction may take place only if the origin of the products concerned is certified by the competent authorities of the exporting countries in accordance with the rules of origin applicable to the products in question pursuant to Protocol 1 to the fourth ACP-EEC Convention signed at Lomé on 15 December 1989.

Article 3

1. The amount provided for in Article 3 of Regulation (EEC) No 715/90 for each product intended for importation into a Member State shall be equal to 90 % of the amount of the levy, adjusted as appropriate by the monetary compensatory amount valid for imports into that Member State during the week preceding that in which the quarter for which the reduction is calculated begins.

The reduction shall be fixed for each Member State in its national currency.

2. The reduction shall be reduced from the levy valid on the day on which the entry of the goods for free circulation is accepted in the Member State concerned, adjusted as appropriate by the monetary coefficient shown

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1

⁽³⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁴⁾ OJ No L 241, 4. 9. 1980, p. 5

⁽⁵⁾ OJ No L 27, 31. 1. 1990, p. 34

⁽⁶⁾ OJ No L 61, 1. 3. 1985, p. 4

in Annex II to the relevant Commission Regulation fixing the monetary compensatory amounts and by the monetary compensatory amount valid in the Member State concerned on the same date.

3. The amount by which the import duties shall be reduced shall be that applicable on the date on which the entry of the goods for release for free circulation is accepted

4. The application of this Regulation may in no case result in the granting of an amount.

Article 4

Regulation (EEC) No 2377/80 is hereby amended as follows :

1. Article 13 (1) is replaced by the following :

'1. Applications for import licences for products to be imported duty free pursuant to Article 2 of Regulation (EEC) No 715/90 and qualifying, as appropriate, for either a reduction of import duties other than customs duties in accordance with Article 3 of the said Regulation or exemption from levies in accordance

with Article 24 of the said Regulation and the licences themselves shall contain :

(a) the heading 'notes' and section 24 respectively one of the following :

- Producto ACP/PTU — Reglamento (CEE) n° 715/90,
- AVS/OLT-varer — forordning (EØF) nr. 715/90,
- AKP/ÜLG-Erzeugnis — Verordnung (EWG) Nr. 715/90,
- Προϊόν ΑΚΕ/ΥΧΕ — κανονισμός (ΕΟΚ) αριθ. 715/90,
- ACP/OCT-product — Regulation (EEC) No 715/90,
- Produit ACP/PTOM — règlement (CEE) n° 715/90,
- Prodotto ACP/PTOM — regolamento (CEE) n. 715/90,
- ACS/LGO-produkt — Verordening (EEG) nr 715/90.

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

2. Point 1 of Section I of Annex I is replaced by the following :

'1. **ACP/OCT products**
(Under Regulation (EEC) No 715/90)

(expressed in tonnes of boned meat)

CN code		From				
		Madagascar	Botswana	Swaziland	Kenya	Zimbabwe
	Code	370	391	393	346	382
0201 0206 10 95	110					
0202 0206 29 91	120'					

Article 5

Commission Regulation (EEC) No 552/85 (1) is hereby repealed.

Article 6

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

It shall apply from 1 March 1990

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

Done at Brussels, 18 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 63, 2. 3 1985, p 13

COMMISSION REGULATION (EEC) No 985/90
of 19 April 1990
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,

be calculated in conformity with Article 3 of Commission
Regulation (EEC) No 970/90⁽²⁾,

Having regard to the Treaty establishing the European
Economic Community,

HAS ADOPTED THIS REGULATION :

Having regard to Council Regulation (EEC) No 715/90 of
5 March 1990 on the arrangements applicable to agricul-
tural products and certain goods resulting from the
processing of agricultural products originating in the
African, Caribbean and Pacific States (ACP) or in the
overseas countries and territories (OCT)⁽¹⁾, and in par-
ticular Article 3 thereof,

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 1990, be as shown in the Annex hereto.

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

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 April 1990.

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

Done at Brussels, 19 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 99, 19. 4. 1990, p. 8.

ANEXO — ΒΙΛΑΓ — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

	Belgique Luxembourg FB/Fluzr/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δραχ./100 ζυγ	España Pta/100 kg	France FF/100 kg	Irland £. h/100 kg	Italia Lit/100 kg	Nederland FL/100 kg	United Kingdom £/100 kg
Código NC	5 358,5	990,99	260,85	18 773,46	17 354,30	871,34	96,979	189 320	292,73	79,428
KN-kode	5 358,5	990,99	260,85	18 773,46	17 354,30	871,34	96,979	189 320	292,73	79,428
Κωδικός ΣΟ	5 358,5	990,99	260,85	18 773,46	17 354,30	871,34	96,979	189 320	292,73	79,428
CN code	5 358,5	990,99	260,85	18 773,46	17 354,30	871,34	96,979	189 320	292,73	79,428
Code NC	5 358,5	990,99	260,85	18 773,46	17 354,30	871,34	96,979	189 320	292,73	79,428
GIN-code	10 181,2	1 882,88	495,60	35 669,70	32 973,33	1 655,54	184,260	359 709	556,18	150,913
Código NC	10 181,2	1 882,88	495,60	35 669,70	32 973,33	1 655,54	184,260	359 709	556,18	150,913
0201 10 90	10 181,2	1 882,88	495,60	35 669,70	32 973,33	1 655,54	184,260	359 709	556,18	150,913
0201 20 21	10 181,2	1 882,88	495,60	35 669,70	32 973,33	1 655,54	184,260	359 709	556,18	150,913
0201 20 29	10 181,2	1 882,88	495,60	35 669,70	32 973,33	1 655,54	184,260	359 709	556,18	150,913
0201 20 31	8 144,9	1 506,29	396,48	28 535,56	26 378,52	1 324,42	147,407	287 765	444,94	120,729
0201 20 39	1 217,4	2 239,46	594,72	42 803,65	39 367,99	1 986,64	221,112	287 765	444,94	120,729
0201 20 51	12 217,4	2 239,46	594,72	42 803,65	39 367,99	1 986,64	221,112	287 765	444,94	120,729
0201 20 59	15 271,7	2 824,32	743,40	60 851,84	48 865,71	1 986,64	221,112	287 765	444,94	120,729
0201 30 00	17 468,7	3 230,62	850,35	64 847,66	56 280,33	2 840,33	316,130	276 389	594,30	181,095
0202 10 00	8 988,7	1 662,53	437,35	31 422,51	29 116,85	1 461,63	162,678	317 530	491,04	133,073
0202 20 10	8 988,7	1 662,53	437,35	31 422,51	29 116,85	1 461,63	162,678	317 530	491,04	133,073
0202 20 30	7 190,9	1 329,88	350,95	23 393,46	22 092,40	1 097,31	126,675	217 350	324,53	106,545
0202 20 39	11 235,9	2 049,51	529,53	39 278,92	35 199,16	1 897,11	203,348	296 937	466,343	146,343
0202 30 10	13 235,9	2 049,51	529,53	39 278,92	35 199,16	1 897,11	203,348	296 937	466,343	146,343
0202 30 19	13 235,9	2 049,51	529,53	39 278,92	35 199,16	1 897,11	203,348	296 937	466,343	146,343
0202 30 50	11 235,9	2 077,94	546,95	39 278,26	43 146,57	2 192,45	244,016	478 958	716,56	214,872
0202 30 90	15 460,5	2 859,23	732,59	58 434,54	36 396,10	2 514,00	279,348	396 937	613,80	166,343
0206 10 95	15 460,5	2 859,23	732,59	58 434,54	36 396,10	2 514,00	279,348	396 937	613,80	166,343
0206 20 95	15 460,5	2 859,23	732,59	58 434,54	36 396,10	2 514,00	279,348	396 937	613,80	166,343
0210 10 10	15 271,7	2 824,32	850,35	64 847,66	56 280,33	2 840,33	316,130	276 389	594,30	181,095
0210 20 90	17 468,7	3 230,62	850,35	64 847,66	56 280,33	2 840,33	316,130	276 389	594,30	181,095
0210 90 41	17 468,7	3 230,62	850,35	64 847,66	56 280,33	2 840,33	316,130	276 389	594,30	181,095
0210 90 90	17 468,7	3 230,62	850,35	64 847,66	56 280,33	2 840,33	316,130	276 389	594,30	181,095
1602 50 10	17 468,7	3 230,62	850,35	67 223,12	56 088,22	2 840,55	316,130	619 611	954,30	272,994
1602 50 61	17 468,7	3 230,62	850,35	67 223,12	56 088,22	2 840,55	316,130	619 611	954,30	272,994
1602 90 61	17 468,7	3 230,62	850,35	74 404,76	55 507,41	2 840,55	316,130	622 508	954,30	272,994

NB: Los códigos NC, incluidos las notas a pie de página, se definen en el Reglamento (CEE) nº 2658/87 modificado.

NB: KN-kodene, 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 υποκατηγοριών, 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) nº 2658/87 alterado.

COMMISSION DECISION

of 20 April 1990

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

(90/210/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION :

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 originating in the ACP States or in the overseas countries and territories (OCT) (1), 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 (2), as last amended by Regulation (EEC) No 970/90 (3), 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 imports licences submitted between 1 and 10 April 1990, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland and Zimbabwe, the quantities available from these States ; whereas it is therefore possible to issue import licences in respect of the quantities requested ;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 May 1990, should be fixed within the scope of the total quantity of 39 100 tonnes ;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries (4), as last amended by Directive 89/227/EEC (5),

Article 1

The following Member States shall issue on 21 April 1990 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated :

United Kingdom :

— 185,00 tonnes originating in Botswana.

Federal Republic of Germany :

— 250,00 tonnes originating in Botswana,
— 255,00 tonnes originating in Swaziland.

The Netherlands :

— 485,00 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 May 1990 in respect of the following quantities of boned beef and veal :

Botswana	15 314,24 tonnes,
Kenya	142,00 tonnes,
Madagascar	7 579,00 tonnes,
Swaziland	2 758,00 tonnes,
Zimbabwe	9 100,00 tonnes.

Article 3

This Decision is addressed to the Member States, with the exception of Portugal.

Done at Brussels, 20 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(2) OJ No L 241, 13. 9. 1980, p. 5.

(3) OJ No L 99, 19. 4. 1990, p. 8.

(4) OJ No L 302, 31. 12. 1972, p. 28.

(5) OJ No L 93, 6. 4. 1989, p. 25.

COMMISSION DECISION

of 18 May 1990

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

(90/248/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,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), 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 (2), as last amended by Regulation (EEC) No 970/90 (3), 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 imports licences submitted between 1 and 10 May 1990, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland and Zimbabwe, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 June 1990, should be fixed within the scope of the total quantity of 39 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine

and fresh meat from third countries (4), as last amended by Directive 89/227/EEC (5),

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 May 1990 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

United Kingdom:

- 500,00 tonnes originating in Botswana,
- 26,60 tonnes originating in Swaziland;

Federal Republic of Germany:

- 413,00 tonnes originating in Botswana,
- 55,00 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 June 1990 in respect of the following quantities of boned beef and veal:

Botswana	14 401,24 tonnes,
Kenya	142,00 tonnes,
Madagascar	7 579,00 tonnes,
Swaziland	2 676,40 tonnes,
Zimbabwe	9 100,00 tonnes.

Article 3

This Decision is addressed to the Member States, with the exception of Portugal.

Done at Brussels, 18 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(2) OJ No L 241, 13. 9. 1980, p. 5.

(3) OJ No L 99, 19. 4. 1990, p. 8.

(4) OJ No L 302, 31. 12. 1972, p. 28.

(5) OJ No L 93, 6. 4. 1989, p. 25.

COMMISSION REGULATION (EEC) No 1649/90
of 19 June 1990
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 agricul-
tural 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), and in parti-
cular 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 (2),

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 1990, be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 1990.

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

Done at Brussels, 19 June 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(2) OJ No L 99, 19. 4. 1990, p. 8.

ANEXO — ΒΙΛΑΓ — ΑΝΗΛΑΓ — ΠΑΡΑΡΤΗΜΑ — ΑΝΝΕΧ — ΑΝΝΕΧΕ — ΑΛΛΕΓΑΤΟ — ΒΙΛΛΑΓΕ — ΑΝΕΧΟ

Κώδικας NC KN-code KN-Code Κωδικός ΣΟ CN code Code NC Code NC GN-code GN-code Código NC	Belgique Luxembourg FB/Flux/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δραχ/100 χΥΡ	España Pta/100 kg	France FF/100 kg	Irland £ Int/100 kg	Italia Lit/100 kg	Nederland Fl/100 kg	United Kingdom £/100 kg
0102 90 10	5 397,1	998,14	261,68	21 801,39	17 557,29	877,62	97,678	195 789	294,84	88,509
0102 90 31	5 397,1	998,14	261,68	21 801,39	17 557,29	877,62	97,678	195 789	294,84	88,509
0102 90 33	5 397,1	998,14	261,68	21 801,39	17 557,29	877,62	97,678	195 789	294,84	88,509
0102 90 37	5 397,1	998,14	261,68	21 801,39	17 557,29	877,62	97,678	195 789	294,84	88,509
0201 10 10	10 254,6	1 896,46	497,18	41 432,59	33 358,73	1 627,48	185 588	371 998	560,20	168,166
0201 10 90	10 254,6	1 896,46	497,18	41 432,59	33 358,73	1 627,48	185 588	371 998	560,20	168,166
0201 20 10	10 254,6	1 896,46	497,18	41 432,59	33 358,73	1 627,48	185 588	371 998	560,20	168,166
0201 20 29	10 254,6	1 896,46	497,18	41 432,59	33 358,73	1 627,48	185 588	371 998	560,20	168,166
0201 20 31	8 203,7	1 517,17	397,75	33 137,96	26 686,97	1 333,98	148,470	297 598	448,16	134,533
0201 20 39	8 203,7	1 517,17	397,75	33 137,96	26 686,97	1 333,98	148,470	297 598	448,16	134,533
0201 20 51	12 305,5	2 275,75	596,62	49 707,13	40 030,52	2 000,97	222 706	446 398	672,24	201 800
0201 20 59	12 305,5	2 275,75	596,62	49 707,13	40 030,52	2 000,97	222 706	446 398	672,24	201 800
0201 20 90	15 381,9	2 844,68	745,77	66 964,59	48 664,63	2 501,21	278 382	537 997	840,29	255 823
0201 30 00	17 594,6	3 253,91	853,06	73 469,48	56 554,92	2 861,03	318 430	638 269	961,17	290 311
0202 10 00	8 568,4	1 584,61	415,42	34 239,18	27 979,14	1 393,28	155,071	310 829	468,08	140 239
0202 10 00	8 568,4	1 584,61	415,42	34 239,18	27 979,14	1 393,28	155,071	310 829	468,08	140 239
0202 20 30	6 854,7	1 267,69	332,34	27 391,28	22 383,25	1 114,62	124,056	248 662	374,46	112 190
0202 20 30	6 854,7	1 267,69	332,34	27 391,28	22 383,25	1 114,62	124,056	248 662	374,46	112 190
0202 20 90	10 710,5	1 980,77	519,28	42 799,02	34 973,95	1 741,60	193 838	388 535	585,10	175 298
0202 20 90	10 710,5	1 980,77	519,28	42 799,02	34 973,95	1 741,60	193 838	388 535	585,10	175 298
0202 30 10	10 710,5	1 980,77	519,28	42 799,02	34 973,95	1 741,60	193 838	388 535	585,10	175 298
0202 30 50	10 710,5	1 980,77	519,28	42 799,02	34 973,95	1 741,60	193 838	388 535	585,10	175 298
0202 30 90	14 737,6	2 725,53	853,06	61 776,34	56 554,92	2 861,03	318 430	638 269	961,17	290 311
0206 10 95	17 594,6	3 253,91	853,06	73 469,48	56 554,92	2 861,03	318 430	638 269	961,17	290 311
0206 29 91	14 737,6	2 725,53	853,06	61 776,34	56 554,92	2 861,03	318 430	638 269	961,17	290 311
0210 20 10	15 381,9	2 844,68	745,77	66 964,59	48 664,63	2 501,21	278 382	537 997	840,29	255 823
0210 20 90	17 594,6	3 253,91	853,06	75 031,34	56 110,86	2 861,03	318 430	638 269	961,17	291 467
0210 90 41	17 594,6	3 253,91	853,06	75 031,34	56 110,86	2 861,03	318 430	638 269	961,17	291 467
0210 90 90	17 594,6	3 253,91	853,06	75 031,34	56 110,86	2 861,03	318 430	638 269	961,17	291 467
1602 50 10	17 594,6	3 253,91	853,06	75 031,34	56 110,86	2 861,03	318 430	638 269	961,17	291 467
1602 50 61	17 594,6	3 253,91	853,06	79 753,19	54 768,36	2 861,03	318 430	638 269	961,17	294 961

NB - Los códigos NC, incluidos 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, ερμηνεύονται στον ερμηνευτικό 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 zijn de gewijzigde Verordening (EEG) nr. 2658/87

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

COMMISSION DECISION

of 18 July 1990

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

(90/393/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,

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), 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 (2), as last amended by Regulation (EEC) No 1618/90 (3), 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 imports licences submitted between 1 and 10 July 1990, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland and Zimbabwe, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 August 1990, should be fixed within the scope of the total quantity of 39 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine

and fresh meat from third countries (4), as last amended by Directive 89/227/EEC (5),

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 July 1990 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

France:

— 25,00 tonnes originating in Swaziland;

United Kingdom:

— 566,08 tonnes originating in Botswana;

Germany:

— 496,10 tonnes originating in Botswana,

— 55,00 tonnes originating in Swaziland;

Netherlands:

— 616,08 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 August 1990 in respect of the following quantities of boned beef and veal:

— Botswana:	10 945,96 tonnes,
— Kenya:	142,00 tonnes,
— Madagascar:	7 579,00 tonnes,
— Swaziland:	2 546,62 tonnes,
— Zimbabwe:	9 100,00 tonnes.

Article 3

This Decision is addressed to the Member States, with the exception of Portugal.

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(2) OJ No L 241, 13. 9. 1980, p. 5.

(3) OJ No L 152, 16. 6. 1990, p. 39.

(4) OJ No L 302, 31. 12. 1972, p. 28.

(5) OJ No L 93, 6. 4. 1989, p. 25.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 August 1990

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

(90/464/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,

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 (OCI) ⁽¹⁾, 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 ⁽²⁾, as last amended by Regulation (EEC) No 1618/90 ⁽³⁾, 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 1990, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of

products originating from Botswana, Kenya, Madagascar, Swaziland and Zimbabwe, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 September 1990, should be fixed within the scope of the total quantity of 39 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries ⁽⁴⁾, as last amended by Directive 89/227/EEC ⁽⁵⁾;

Whereas, following a material error in Commission Decision 90/344/EEC ⁽⁶⁾, it is necessary to adapt the quantities available for the import of meat originating in Botswana,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 August 1990 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:

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽³⁾ OJ No L 152, 16. 6. 1990, p. 39.

⁽⁴⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁵⁾ OJ No L 93, 6. 4. 1989, p. 25.

⁽⁶⁾ OJ No L 163, 29. 6. 1990, p. 77.

United Kingdom .

- 660,00 tonnes originating in Botswana,
- 81,00 tonnes originating in Swaziland ;

Germany :

- 410,00 tonnes originating in Botswana,
- 62,00 tonnes originating in Swaziland ;

Netherlands :

- 190,00 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 August 1990 in respect of the following quantities of boned beef and veal :

— Botswana :	9 879,96 tonnes,
— Kenya :	142,00 tonnes,
— Madagascar :	7 579,00 tonnes,
— Swaziland :	2 403,62 tonnes,
— Zimbabwe :	9 100,00 tonnes.

Article 3

This Decision is addressed to the Member States, with the exception of Portugal.

Done at Brussels, 24 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 September 1990

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

(90/489/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,

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⁾, 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 ⁽²⁾, as last amended by Regulation (EEC) No 2690/90 ⁽³⁾, 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 1990, expressed in terms of

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

Whereas the remaining quantities, in respect of which licences may be applied for from 1 October 1990, should be fixed within the scope of the total quantity of 39 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries ⁽⁴⁾, as last amended by Directive 89/662/EEC ⁽⁵⁾,

HAS ADOPTED THIS DECISION :

Article 1

The following Member States shall issue on 21 September 1990 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated :

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽³⁾ OJ No L 256, 20. 9. 1990, p. 19.

⁽⁴⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁵⁾ OJ No L 395, 30. 12. 1989, p. 13.

United Kingdom :

— 867,00 tonnes originating in Botswana,

Germany :

— 285,00 tonnes originating in Botswana,

— 105,00 tonnes originating in Swaziland,

Netherlands :

— 115,00 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 October 1990 in respect of the following quantities of boned beef and veal :

— Botswana :	8 612,96 tonnes,
— Kenya :	142,00 tonnes,
— Madagascar :	7 579,00 tonnes,
— Swaziland :	2 298,62 tonnes,
— Zimbabwe :	9 100,00 tonnes.

Article 3

This Decision is addressed to the Member States, with the exception of Portugal.

Done at Brussels, 21 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 October 1990

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

(90/528/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,

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⁾, 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 ⁽²⁾, as last amended by Regulation (EEC) No 2690/90 ⁽³⁾, 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 1990, expressed in terms of

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

Whereas the remaining quantities, in respect of which licences may be applied for from 1 November 1990, should be fixed within the scope of the total quantity of 39 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries ⁽⁴⁾, as last amended by Directive 90/423 ⁽⁵⁾,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 October 1990 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽³⁾ OJ No L 256, 20. 9. 1990, p. 19.

⁽⁴⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁵⁾ OJ No L 224, 18. 8. 1990, p. 13.

United Kingdom :

- 380,00 tonnes originating in Botswana,
- 66,00 tonnes originating in Swaziland

Germany :

- 230,00 tonnes originating in Botswana,
- 100,00 tonnes originating in Swaziland,

Netherlands :

- 20,00 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 November 1990 in respect of the following quantities of boned beef and veal :

— Botswana :	7 982,96 tonnes,
— Kenya :	142,00 tonnes,
— Madagascar :	7 579,00 tonnes,
— Swaziland :	2 132,62 tonnes,
— Zimbabwe :	9 100,00 tonnes.

Article 3

This Decision is addressed to the Member States, with the exception of Portugal.

Done at Brussels, 18 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 November 1990

on health protection measures in respect of Zimbabwe

(90/610/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 animals and swine and fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 90/425/EEC⁽²⁾, and in particular Article 15 thereof,

Whereas animal health conditions and veterinary certification requirements for imports of fresh meat from Zimbabwe were established by Commission Decision 85/472/EEC⁽³⁾, as last amended by Decision 88/559/EEC⁽⁴⁾;

Whereas following outbreaks of foot-and-mouth disease strain SAT reported in Zimbabwe, Commission Decision 89/405/EEC⁽⁵⁾ temporarily suspended imports of meat from Zimbabwe;

Whereas the authorities of Zimbabwe have adopted severe measures to eliminate the disease and avoid its reintroduction;

Whereas these strict measures include, in particular, the prohibition of movements of livestock except for pedigree male bovines under strict movement control from the southern regions of Zimbabwe to the disease-free region of Mashonaland Central and the northern part of Masho-

naland West; whereas the southern regions are clearly demarcated from the disease-free region; whereas measures are applied throughout the country to monitor the movements of livestock and to detect any outbreak of the disease;

Whereas the central veterinary authorities of Zimbabwe have confirmed that Zimbabwe has remained free of foot-and-mouth disease since 9 November 1989 and have undertaken to inform the Member States and the Commission of any new outbreak of foot-and-mouth disease therein within 24 hours, by telex or telegram, or of an alteration to their vaccination policy against it; whereas the competent authorities of Zimbabwe have given assurances that meat intended for the Community will be produced, handled and stored entirely separately from meat which does not fulfil the terms of this Decision;

Whereas the responsible veterinary authorities of Zimbabwe have confirmed that Zimbabwe has for at least 12 months been free of rinderpest and no vaccinations have been carried out against this disease during that time;

Whereas following a Commission mission to Zimbabwe it is now considered suitable to restore the authority to import fresh meat from certain parts of Zimbabwe from 25 October 1990;

Whereas this Decision will be reviewed in the light of the developing animal health situation in Zimbabwe and in particular of the appearance of foot-and-mouth disease, of the vaccination policy employed, of the designation of buffer zones and of the designation of regions from which animals come whose meat is intended for export to the Community;

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽³⁾ OJ No L 278, 18. 10. 1985, p. 31.

⁽⁴⁾ OJ No L 307, 12. 11. 1988, p. 50.

⁽⁵⁾ OJ No L 189, 4. 7. 1989, p. 45.

Whereas the animal health requirements to be established, pursuant to Article 16 of Directive 72/462/EEC for imports of fresh meat from third countries have not yet been laid down at Community level for Zimbabwe; whereas, pending the entry into force of such requirements, the Member States may continue to apply their national animal health rules on imports of fresh meat from this country;

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

Decisions 85/472/EEC and 89/405/EEC are hereby revoked.

Article 2

The prohibition provided for in Article 14 (2) of Directive 72/462/EEC shall not apply, in respect of de-boned meat of bovine animals, to the following areas of Zimbabwe :

- the veterinary region of Mashonaland Central,
- the veterinary region of Mashonaland West northern part only.

Article 3

If a Member State authorizes the import of de-boned fresh meat exclusively of animals of the bovine species coming from Zimbabwe, the following conditions shall apply :

- the meat shall satisfy the requirements of the specimen health certificate annexed hereto ; the certificate shall accompany the meat during transport to the importing Member State,
- the meat shall not enter the importing Member State's territory for at least 21 days from the date of slaughter,
- the meat shall come from bovine animals coming from the regions mentioned in Article 2 and slaughtered in those regions.

Article 4

This Decision shall apply from 25 October 1990.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 20 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

ANIMAL HEALTH CERTIFICATE

for fresh de-boned meat⁽¹⁾ excluding offal of bovine animals, intended for consignment to the European Economic Community

Country of destination

Reference number of the public health certificate

Exporting country : Zimbabwe

Ministry

Department

Reference

(Optional)

I. Identification of meat

Meat of bovine animals

Nature of cuts⁽²⁾

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)

.....

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⁽³⁾

Name and address of consignor

.....

Name and address of consignee

.....

(1) 'Fresh de-boned meat' means all parts from domestic animals of the bovine species, excluding offals, fit for human consumption which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat.

(2) Only fresh de-boned meat from domestic animals of the bovine species from which the major accessible lymphatic glands have been removed is authorized for importation.

(3) For railway wagons or lorries, the vehicle registration number should be stated, for aircraft the flight number and for vessels the name.

IV. Attestation of health

I, the undersigned, official veterinarian, certify that :

1. The fresh, de-boned meat described above :

(a) originates from cattle which :

— were born and reared in the Republic of Zimbabwe and which, in the preceding 12 months or since birth, have remained in one or more of the following areas :

- the veterinary region of Mashonaland Central
- the veterinary region of Mashonaland West, northern part only,

— 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 only brand 'L',

— had not been vaccinated against foot-and-mouth disease within the past 12 months,

— on the way to the slaughterhouse and while awaiting slaughter therein did not come into contact with animals not satisfying the requirements laid down in Decision 90/610/EEC as regards export of their meat to a Member State, and if they were conveyed by vehicle or container, the latter were cleaned and disinfected before loading,

— 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 symptom of foot-and-mouth disease,

— were slaughtered after the entry into force of Decision 90/610/EEC (date of slaughter ...);

(b) was obtained in a slaughterhouse in which no case of foot-and-mouth disease has been detected for at least three months;

(c) has been kept strictly separate from meat not conforming to the requirements for export to a Member State laid down in the Decisions of the European Economic Community currently in force;

(d) has had the major accessible lymphatic glands removed;

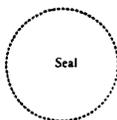
(e) originates from carcasses which were matured at an ambient temperature of more than + 2 °C for at least 24 hours after slaughter and before de-boning.

2. During the period between arrival of the cattle at the slaughterhouse and completion of the packing of the meat of the same cattle for export to a Member State, in boxes or cartons, no animals or 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 was present in the slaughterhouse or cutting plant.

Done at on

(Place)

(Date)



.....
(Signature of official veterinarian)

(Name in capital letters, title, and qualification of signatory)

COMMISSION

COMMISSION DECISION of 16 November 1990

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

(90/620/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,

Having regard to Council Regulation (EEC) No 715/90 of
5 March 1990 on the arrangements applicable to agricul-
tural products and certain goods resulting from the
processing of agricultural products originating in the ACP
States or in the overseas countries and territories (OCT) (1),
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 (2), as last amended by
Regulation (EEC) No 2996/90 (3), 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 1990, 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 from Botswana, Kenya, Madagascar,
Swaziland and Zimbabwe, the quantities available from
these States; whereas it is therefore possible to issue
import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which
licences may be applied for from 1 December 1990,
should be fixed within the scope of the total quantity of
39 100 tonnes;

Whereas it seems expedient to recall that this Decision is
without prejudice to Council Directive 72/462/EEC of 12
December 1972 on health and veterinary inspection
problems upon importation of bovine animals and swine

and fresh meat from third countries (4), as last amended by
Directive 90/425 (5),

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 November
1990 import licences concerning beef and veal products,
expressed in terms of boned meat, originating from
certain African, Caribbean and Pacific States, in respect of
the quantities and the countries of origin stated:

United Kingdom:

- 150,00 tonnes originating in Botswana,
- 400,00 tonnes originating in Zimbabwe,

Germany:

- 50,00 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 November 1990 in respect of
the following quantities of boned beef and veal:

— Botswana:	7 832,96 tonnes,
— Kenya:	142,00 tonnes,
— Madagascar:	7 579,00 tonnes,
— Swaziland:	2 082,62 tonnes,
— Zimbabwe:	8 700,00 tonnes.

Article 3

This Decision is addressed to the Member States, with the
exception of Portugal.

Done at Brussels, 16 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(2) OJ No L 241, 13. 9. 1980, p. 5.

(3) OJ No L 286, 18. 10. 1990, p. 17.

(4) OJ No L 302, 31. 12. 1972, p. 28.

(5) OJ No L 224, 18. 8. 1990, p. 29.

COMMISSION REGULATION (EEC) No 2788/90

of 27 September 1990

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⁾, 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⁽²⁾,

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 1990, be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1990.

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

Done at Brussels, 27 September 1990

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 99, 19. 4. 1990, p. 8.

ANEXO — ΒΙΛΑΓ — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Κώδιο NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC	Belgique Luxembourg FB/Flux/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δραχ/100 χιλρ	España Pta/100 kg	France FF/100 kg	Irlanda £. Irl/100 kg	Ιταλία Lit/100 kg	Niederland Fl/100 kg	United Kingdom £/100 kg
0102 90 10	5 397,1	998,14	261,68	21 819,62	17 517,57	877,62	97,678	195 789	294,84	88,885
0102 90 31	5 397,1	998,14	261,68	21 819,62	17 517,57	877,62	97,678	195 789	294,84	88,885
0102 90 33	5 397,1	998,14	261,68	21 819,62	17 517,57	877,62	97,678	195 789	294,84	88,885
0102 90 35	5 397,1	998,14	261,68	21 819,62	17 517,57	877,62	97,678	195 789	294,84	88,885
0201 10 10	10 254,6	1 896,46	497,18	41 457,06	33 283,29	1 667,48	185,588	371 998	560,20	168,881
0201 10 20	10 254,6	1 896,46	497,18	41 457,06	33 283,29	1 667,48	185,588	371 998	560,20	168,881
0201 20 21	10 254,6	1 896,46	497,18	41 457,06	33 283,29	1 667,48	185,588	371 998	560,20	168,881
0201 20 29	8 203,7	1 896,46	497,18	41 457,06	26 626,61	1 333,98	148,470	297 598	448,16	135,105
0201 30 31	8 203,7	1 517,17	397,75	33 165,59	26 626,61	1 333,98	148,470	297 598	448,16	135,105
0201 30 51	12 305,5	2 275,75	596,62	49 748,54	39 939,98	2 000,97	222,706	446 398	672,24	202,658
0201 50 29	12 305,5	2 275,75	596,62	49 748,54	39 939,98	2 000,97	222,706	446 398	672,24	202,658
0201 90 10	15 381,9	2 844,68	745,77	66 843,86	48 928,49	2 301,21	278,382	557 997	840,29	253,322
0201 90 00	17 594,6	3 253,91	853,06	73 443,15	56 612,57	2 861,03	318,430	638 269	961,17	289,765
0202 10 00	8 568,4	1 584,61	413,42	34 281,32	27 887,06	1 393,28	155,071	310 829	468,08	141,111
0202 20 10	6 854,7	1 267,69	332,34	27 424,93	22 309,63	1 114,62	124,056	248 662	374,46	112,889
0202 20 30	10 710,5	1 980,77	519,28	42 851,62	34 838,85	1 741,60	193,838	388 535	585,10	176,389
0202 20 90	12 852,5	2 376,92	623,14	55 363,42	40 944,34	2 089,93	232,607	466 243	702,12	211,667
0202 30 10	10 710,5	1 980,77	519,28	42 851,62	34 838,85	1 741,60	193,838	388 535	585,10	176,389
0202 30 30	10 710,5	1 980,77	519,28	42 851,62	34 838,85	1 741,60	193,838	388 535	585,10	176,389
0202 30 90	14 374,6	2 725,53	714,28	62 531,62	47 370,52	2 328,44	266,721	534 623	805,10	242,711
0206 10 95	14 694,6	2 725,53	714,28	62 531,62	47 370,52	2 328,44	266,721	534 623	805,10	242,711
0206 10 95	14 694,6	2 725,53	714,28	62 531,62	47 370,52	2 328,44	266,721	534 623	805,10	242,711
0206 20 10	15 381,9	2 844,68	745,77	66 843,86	48 928,49	2 301,21	278,382	557 997	840,29	253,322
0210 20 90	3 253,91	3 253,91	853,06	74 949,21	56 290,41	2 861,03	318,430	638 269	961,17	289,765
0210 90 41	17 594,6	3 253,91	853,06	74 949,21	56 290,41	2 861,03	318,430	638 269	961,17	289,765
0210 90 41	17 594,6	3 253,91	853,06	74 949,21	56 290,41	2 861,03	318,430	638 269	961,17	289,765
1602 90 61	17 594,6	3 253,91	853,06	79 502,40	55 316,43	2 861,03	318,430	638 269	961,17	289,765

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

NB: KN-kodene, herente hervanningen til fodnoter, er fastsat i den endelige forordning (EØF) Nr. 2658/87.

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

NB: O kωδικός της συνδυαστικής ονομασίας/αξ, συμπεριλαμβανομένων των υποσημασιών, καθορίζεται 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.

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

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

COMMISSION REGULATION (EEC) No 3768/90
of 21 December 1990
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⁾, 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 ⁽²⁾,

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 1991, be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 21 December 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 99, 19. 4. 1990, p. 8.

ANEXO — ΒΙΛΑΓ — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

	Belgique Luxembourg FB/Flux/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα ΔΡΥ/100 ΧΥΡ	España Pta/100 kg	France FF/100 kg	Irland £ Irl/100 kg	Italia Lit/100 kg	Niederland Fl/100 kg	Portugal Esc/100 kg	United Kingdom £/100 kg
Código NC	5 427,3	1 003,71	263,13	22 228,77	17 489,22	882,51	98,223	196 882	296,49	23 324,30	88,741
KN-kode	5 427,3	1 003,71	263,13	22 228,77	17 489,22	882,51	98,223	196 882	296,49	23 324,30	88,741
KN-Code	5 427,3	1 003,71	263,13	22 228,77	17 489,22	882,51	98,223	196 882	296,49	23 324,30	88,741
Κωδικός ΣΟ	5 427,3	1 003,71	263,13	22 228,77	17 489,22	882,51	98,223	196 882	296,49	23 324,30	88,741
CN code	5 427,3	1 003,71	263,13	22 228,77	17 489,22	882,51	98,223	196 882	296,49	23 324,30	88,741
Code NC	10 311,8	1 907,04	499,95	42 234,50	33 229,40	1 676,77	186,624	374 075	563,32	44 316,02	168,607
Codice NC	10 311,8	1 907,04	499,95	42 234,50	33 229,40	1 676,77	186,624	374 075	563,32	44 316,02	168,607
GN-code	10 311,8	1 907,04	499,95	42 234,50	33 229,40	1 676,77	186,624	374 075	563,32	44 316,02	168,607
Código NC	8 249,4	1 525,63	399,96	33 787,61	26 583,50	1 341,42	149,298	299 260	450,66	35 452,78	134,885
KN-kode	8 249,4	1 525,63	399,96	33 787,61	26 583,50	1 341,42	149,298	299 260	450,66	35 452,78	134,885
KN-Code	8 249,4	1 525,63	399,96	33 787,61	26 583,50	1 341,42	149,298	299 260	450,66	35 452,78	134,885
Κωδικός ΣΟ	12 374,2	2 288,45	599,94	30 681,48	39 875,31	2 012,13	223,949	448 890	675,98	53 179,26	202,327
CN code	12 374,2	2 288,45	599,94	30 681,48	39 875,31	2 012,13	223,949	448 890	675,98	53 179,26	202,327
Code NC	15 467,7	2 860,56	749,93	69 544,84	49 116,97	2 515,17	279,935	561 112	844,97	66 474,04	254,284
Codice NC	17 692,8	3 272,07	857,81	75 538,67	56 653,75	2 876,99	320,207	641,833	966,54	76 036,86	289,975
GN-code	8 616,2	1 593,45	417,74	34 812,68	27 821,29	1 401,06	155,936	312 564	470,69	37 028,87	140,775
Código NC	6 892,9	1 274,76	334,19	27 830,11	22 256,97	1 120,84	124,748	250 051	376,55	29 623,02	112,620
KN-kode	10 770,2	1 991,82	522,18	43 515,93	34 776,64	1 751,32	194,920	390 704	588,36	46 286,13	175,970
KN-Code	10 770,2	1 991,82	522,18	43 515,93	34 776,64	1 751,32	194,920	390 704	588,36	46 286,13	175,970
Κωδικός ΣΟ	10 770,2	1 991,82	522,18	43 515,93	34 776,64	1 751,32	194,920	390 704	588,36	46 286,13	175,970
CN code	14 815,8	2 740,73	718,52	63 576,33	47 418,30	2 409,81	268,210	537 609	809,59	63 689,59	242,955
Code NC	17 692,8	3 272,07	857,81	75 538,67	56 653,75	2 876,99	320,207	641,833	966,54	76 036,86	289,975
Codice NC	14 815,8	2 740,73	718,52	63 576,33	47 418,30	2 409,81	268,210	537 609	809,59	63 689,59	242,955
GN-code	15 467,7	2 860,56	749,93	69 544,84	49 116,97	2 515,17	279,935	561 112	844,97	66 474,04	254,284
Código NC	17 692,8	3 272,07	857,81	75 540,90	56 418,66	2 876,99	320,207	641,833	966,54	76 036,86	290,419
KN-kode	17 692,8	3 272,07	857,81	75 540,90	56 418,66	2 876,99	320,207	641,833	966,54	76 036,86	290,419
KN-Code	17 692,8	3 272,07	857,81	75 540,90	56 418,66	2 876,99	320,207	641,833	966,54	76 036,86	290,419
Κωδικός ΣΟ	17 692,8	3 272,07	857,81	75 540,90	56 418,66	2 876,99	320,207	641,833	966,54	76 036,86	290,419
CN code	17 692,8	3 272,07	857,81	75 540,90	56 418,66	2 876,99	320,207	641,833	966,54	76 036,86	290,419
Code NC	17 692,8	3 272,07	857,81	83 594,21	53 707,93	2 876,99	320,207	641,833	966,54	76 036,86	291,763
Codice NC	17 692,8	3 272,07	857,81	83 594,21	53 707,93	2 876,99	320,207	641,833	966,54	76 036,86	291,763
GN-code	17 692,8	3 272,07	857,81	83 594,21	53 707,93	2 876,99	320,207	641,833	966,54	76 036,86	291,763

NB - Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) nº 2658/87 modificado.

NB - KN-kodenes, herunder henvisninger til fodnoter, er listet 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 - O kωδικός της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημασιών, καθορίζονται στον προσημασμένο 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) n. 2658/87.

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

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

B – Trade

(d) Pigmeat

COMMISSION REGULATION (EEC) No 904/90
of 9 April 1990

laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

All imports into the Community under Regulation (EEC) No 715/90 of products covered by CN code 1601 00 shall be subject to the presentation of an import licence.

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 concerning the arrangements applied to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT) (1), and in particular Article 27 thereof,

Licences shall be issued under the conditions laid down in this Regulation and within the limit of the quota fixed by Regulation (EEC) No 715/90.

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat (2), as last amended by Regulation (EEC) No 1249/89 (3), and in particular Article 22 thereof,

Article 2

1. The quota shall be staggered over the year as follows :

- 25 % in the period 1 January to 31 March,
- 25 % in the period 1 April to 30 June,
- 25 % in the period 1 July to 30 September,
- 25 % in the period 1 October to 31 December.

Whereas Regulation (EEC) No 715/90 in particular introduces arrangements for reducing import levies on certain products in the pigmeat sectors within the limit of a quota ; whereas detailed rules for the application of that Regulation should be adopted as regards the pigmeat products concerned with a view to administering the quota concerned ; whereas those detailed rules are either supplementary to or derogate from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (4), as last amended by Regulation (EEC) No 1903/89 (5) ;

2. However, the following shall apply for 1990 :

- 50 % in the period 1 April to 30 June 1990,
- 25 % in the period 1 July to 30 September 1990,
- 25 % in the period 1 October to 31 December 1990.

Whereas, in order to ensure proper administration of the quota, a security should be required for applications for import licences and certain conditions be laid down as regards applicants themselves ; whereas the quota should be staggered over the year and the term of validity of licences should be specified ;

Article 3

1. In order to qualify under the import arrangements provided for in Regulation (EEC) No 715/90 :

- (a) applicants for import licences must be natural or legal persons who, at the time applications are submitted must prove to the satisfaction of the competent authorities in the Member States that they have been engaged in the commercial activity in the pigmeat sector for at least the preceding 12 months ;
- (b) licence applications may only relate to the quota provided for in Article 8 of Regulation (EEC) No 715/90. The application may comprise several products covered by CN codes 1601 00 exported from one of the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT). In

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

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

(2) OJ No L 282, 1. 11. 1975, p. 1.

(3) OJ No L 129, 11. 5. 1989, p. 12.

(4) OJ No L 331, 2. 12. 1988, p. 1.

(5) OJ No L 184, 30. 6. 1989, p. 22.

such cases, all the CN codes shall be indicated in section 16 and their description in section 15;

- (c) licence applications must relate to at least to one tonne and not more than 25 % of the quantity available under the quota and the quarter in respect of which licence applications are lodged;
- (d) section 7 of licence applications and licences shall show the exporting country; licences shall carry with them an obligation to import from the country indicated;
- (e) the heading 'notes' and section 24 of licence applications and licences shall show respectively one of the following:
- Exacción reguladora reducida en un 50 %, Producto ACP/PTUM — Reglamento (CEE) n° 904/90;
 - Nedsættelse af importafgiften med 50 %, AVS/OLT-Varer — forordning (EØF) nr. 904/90;
 - Verminderung der Abschöpfung um 50 %, AKP/ÜLG-Erzeugnis — Verordnung (EWG) Nr. 904/90;
 - Μειωμένη εισφορά κατά 50 %, προϊόν ΑΚΕ/ΥΧΕ — κανονισμός (ΕΟΚ) αριθ. 904/90;
 - Levy reduced by 50 %, ACP/OCT-Product — Regulation (EEC) No 904/90;
 - Prélèvement réduit de 50 %, Produit ACP/PTOM — règlement (CEE) n° 904/90;
 - Prelievo ridotto del 50 %, Prodotto ACP/PTOM — regolamento (CEE) n. 904/90;
 - Heffing verminderd met 50 %, ACS/LGO-Produkt — Verordening (EEG) nr. 904/90;
 - Direito nivelador reduzido de 50 %, Produto ACP/PTU — Regulamento (CEE) n° 904/90.

Article 4

1. Licence applications may only be lodged during the first 10 days of each quarter.
2. Licence applications shall only be admissible where the applicant declares in writing that he has not submitted and undertakes not to submit any other applications, in respect of the current quarter, concerning products in to the same quota in the Member State in which his application is lodged nor in other Member States; where the same party submits applications relating to products covered by the same quota, all applications from that person shall be inadmissible.
3. The Member States shall notify the Commission on the third working day following the end of the application submission period, of applications lodged for each of the products covered by the quota in question. Such notification shall comprise a list of applicants, the product code and quantities applied for by quota and the export

ing countries. All notifications, including notifications of nil applications, shall be made by telex or telecopy on the working day stipulated.

4. Subject to a decision on acceptance of applications by the Commission, licences shall be issued on the 21st day of each quarter.

5. The Commission shall decide to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reducing the quantities applied for.

If the overall quantity covered by applications is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following quarter.

Article 5

Pursuant to Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 90 days from the date of actual issue.

However, licences may not be valid after 31 December of the year of issue.

Import licences, issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 30 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, by way of derogation from Article 8 (4) of that Regulation, the quantity imported under Regulation (EEC) No 715/90 may not exceed that indicated in sections 17 and 18 of import licences. The figure 0 shall be entered to that effect in section 19 of licences.

Article 8

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 March 1990.

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

Done at Brussels, 9 April 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1155/90
of 7 May 1990

on import licences for pigmeat 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 products originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, and in particular Article 27 thereof,

Whereas Article 4 (5) of Commission Regulation (EEC) No 904/90 ⁽²⁾ 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 quota;

Whereas no licence applications have been lodged from 1 to 10 April 1990;

Whereas Article 4 (5) of Regulation (EEC) No 904/90 stipulates that if the total quantity for which applications have been submitted is less than that available the

Commission shall calculate the quantity remaining, which is to be added to that available for the following quarter, whereas the quantity available for the third quarter of 1990 of the products referred to in Article 8 of Regulation (EEC) No 715/90 should therefore be determined.

HAS ADOPTED THIS REGULATION :

Article 1

Licence applications may be lodged in accordance with Article 4 of Regulation (EEC) No 904/90 during the first 10 days of July 1990 in respect of an overall quantity of 187,5 tonnes of products falling within CN code 1601 00.

Article 2

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

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

Done at Brussels, 7 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3 1990, p. 85.

⁽²⁾ OJ No L 93, 10. 4 1990, p. 23.

COMMISSION REGULATION (EEC) No 1740/90

of 26 June 1990

amending Regulation (EEC) No 904/90 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

staggering of the quota, the quantity per licence application and the validity of import licences:

Having regard to the Treaty establishing the European Economic Community,

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat;

HAS ADOPTED THIS REGULATION

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) (*), and in particular Article 27 thereof,

Article 1

Regulation (EEC) No 904/90 is hereby amended as follows:

1. Article 2 is replaced by the following:

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat (*), as last amended by Regulation (EEC) No 1249/89 (*), and in particular Article 22 thereof,

Article 2

The overall quota of 250 tonnes referred to in Article 8 of Regulation (EEC) No 715/90 shall be staggered over the year as follows:

- 50 % in the period 1 January to 30 June,
- 50 % in the period 1 July to 31 December.'

Whereas Regulation (EEC) No 715/90 introduces in particular a system for reducing import levies on certain products in the pigmeat sector within the limit of a quota; whereas Commission Regulation (EEC) No 904/90 (*) lays down detailed rules for applying that Regulation as regards the products concerned in the pigmeat sector in order to permit the administration of the quota concerned; whereas those detailed rules supplement the provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (*), as last amended by Regulation (EEC) No 1599/90 (*);

2. Article 3 (1) (c) is replaced by the following:

'(c) licence applications must relate to at least one tonne and not more than 100 % of the quantity available under the quota and the six-monthly period in respect of which licence applications are lodged.'

Whereas Regulation (EEC) No 904/90 should be amended in the light of practical experience gained in implementing the special arrangements provided for in Regulation (EEC) No 715/90, in particular as regards the

3. In Article 4 (1) (2) and (4) and the third subparagraph of Article 4 (5), the word 'quarter' is replaced by 'six-monthly period'.

4. The first and second paragraphs of Article 5 are replaced by the following:

'Pursuant to Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 180 days from the date of actual issue.'

Article 2

This Regulation shall enter into force on 1 July 1990.

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

(*) OJ No L 282, 1. 11. 1975, p. 1.

(*) OJ No L 129, 11. 5. 1989, p. 12.

(*) OJ No L 93, 10. 4. 1990, p. 23.

(*) OJ No L 331, 2. 12. 1988, p. 1.

(*) OJ No L 151, 15. 6. 1990, p. 29.

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

Done at Brussels, 26 June 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1843/90
of 29 June 1990
amending Regulation (EEC) No 1155/90 on import licences for pigment 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,

licence applications may be lodged for the second half of
1990,

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 agricul-
tural products and certain goods resulting from the
processing of agricultural products originating in the ACP
States or in the overseas countries and territories (OCT) (*),
and in particular Article 27 thereof,

Regulation (EEC) No 1155/90 is amended as follows :

Article 1 is replaced by the following :

'Article 1

Licence applications may be lodged in accordance
with Article 4 of Regulation (EEC) No 904/90 during
the first 10 days of July 1990 in respect of an overall
quantity of 250 tonnes of products falling within CN
code 1601 00.'

Article 2

Whereas Article 2 of Commission Regulation (EEC) No
904/90 (*) providing for the staggering of the quota by
three-month periods has been amended by Regulation
(EEC) No 1749/90 (*), which introduces such staggering
by the half year; whereas Commission Regulation (EEC)
No 1155/90 (*) needs accordingly to be amended as
regards the quantity laid down therein in respect of which

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

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

Done at Brussels, 29 June 1990

For the Commission

Ray MAC SHARRY

Member of the Commission

(*) OJ No L 84, 30. 3. 1990, p. 85.
(*) OJ No L 93, 10. 4. 1990, p. 23.
(*) OJ No L 161, 27. 6. 1990, p. 30.
(*) OJ No L 116, 8. 5. 1990, p. 7.

III – Community Acts relating to the application of the Lomé Convention

B – Trade

(e) Poultrymeat

COMMISSION REGULATION (EEC) No 903/90
of 9 April 1990

laying down detailed rules for the application of the arrangements applicable to imports of certain poultrymeat products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

All imports into the Community under Regulation (EEC) No 715/90 of products covered by CN codes 0207, 1602 31 and 1602 39 shall be subject to the presentation of an import licence.

Having regard to Council Regulation (EEC) No 712/90 of 5 March 1990 concerning the arrangements applied to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT) (1), and in particular Article 27 thereof,

Licences shall be issued under the conditions laid down in this Regulation and within the limit of the quota fixed by Regulation (EEC) No 715/90.

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat (2), as last amended by Regulation (EEC) No 1235/89 (3), and in particular Article 15 thereof,

Article 2

1. The quotas for the products covered by CN codes 0207, 1602 31 and 1602 39 shall be staggered over the year as follows :

Whereas Regulation (EEC) No 715/90 in particular introduces arrangements for reducing import levies on certain products in the poultrymeat sector within the limit of quotas ; whereas detailed rules for the application of this Regulation should be adopted as regards the poultrymeat products concerned with a view to administering the quota concerned ; whereas those detailed rules are either supplementary to or derogate from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (4), as last amended by Regulation (EEC) No 1903/89 (5) ;

- 25 % in the period 1 January to 31 March,
- 25 % in the period 1 April to 30 June,
- 25 % in the period 1 July to 30 September,
- 25 % in the period 1 October to 31 December.

2. However, the following shall apply for 1990

- 50 % in the period 1 April to 30 June 1990,
- 25 % in the period 1 July to 30 September 1990,
- 25 % in the period 1 October to 31 December 1990.

Whereas, in order to ensure proper administration of the quotas, a security should be required for applications for import licences and certain conditions be laid down as regards applicants themselves ; whereas the quotas should be staggered over the year and the term of validity of licences should be specified ;

Article 3

1. In order to qualify under the import arrangements provided for in Regulation (EEC) No 715/90 :

- (a) applicants for import licences must be natural or legal persons who at the time applications are submitted must prove to the satisfaction of the competent authorities in the Member States that they have been engaged in commercial activity in the poultrymeat sector for at least the preceding 12 months ;
- (b) licence applications may only relate to the quota provided for in Article 6 of Regulation (EEC) No 715/90. The application may comprise several products covered by CN codes 0207 or 1602 31 and 1602 39 exported from one of the African, Caribbean and Pacific States (ACP) or the overseas countries and

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

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

(2) OJ No L 282, 1. 11. 1975, p. 77.

(3) OJ No L 128, 11. 5. 1989, p. 29

(4) OJ No L 331, 2. 12. 1988, p. 1.

(5) OJ No L 184, 30. 6. 1989, p. 22.

territories (OCT). In such cases, all the CN codes shall be indicated in section 16 and their description in section 15 ;

- (c) licence applications must relate to at least to one tonne and not more than 25 % of the quantity available under the quota and the quarter in respect of which licence applications are lodged ;
- (d) section 7 of licence applications and licences shall show the exporting country ; licences shall carry with them an obligation to import from the country indicated ;
- (e) the heading 'notes' and section 24 of licence applications and licences shall show respectively one of the following :

- Exacción reguladora reducida en un 50 %, Producto ACP/PTUM — Reglamento (CEE) n° 903/90 ;
- Nedsættelse af importafgiften med 50 %. AVS/OLT-Varer — forordning (EØF) nr. 903/90 ;
- Verminderung der Abschöpfung um 50 %, AKP/ÜLG-Erzeugnis — Verordnung (EWG) Nr 903/90 ;
- Μειωμένη εισφορά κατά 50 %, προϊόν ΑΚΕ/ΥΧΕ — κανονισμός (ΕΟΚ) αριθ 903/90 ;
- Levy reduced by 50 %, ACP/OCT-Product — Regulation (EEC) No 903/90 ,
- Prélèvement réduit de 50 %, Produit ACP/PTOM — règlement (CEE) n° 903/90 ;
- Prelievo ridotto del 50 %, Prodotto ACP/PTOM — regolamento (CEE) n. 903/90 ;
- Heffing verminderd met 50 %, ACS/LGO-Produkt — Verordening (EEG) nr. 903/90 ;
- Direito nivelador reduzido de 50 %, Produto ACP/PTU — Regulamento (CEE) n° 903/90.

Article 4

1. Licence applications may only be lodged during the first 10 days of each quarter.
2. Licence applications shall only be admissible where the applicant declares in writing that he has not submitted and undertakes not to submit any other applications, in respect of the current quarter, concerning products in the same quota in the Member State in which his application is lodged nor in other Member States ; where the same party submits applications relating to products covered by the same quota, all applications from that person shall be inadmissible.
3. The Member States shall notify the Commission on the third working day following the end of the application submission period, of applications lodged for each of the products covered by the quotas in question. Such

notification shall comprise a list of applicants, the product code and quantities applied for by quota and the exporting countries. All notifications, including notifications of nil applications, shall be made by telex or telecopy on the working day stipulated.

4. Subject to a decision on acceptance of applications by the Commission, licences shall be issued on the 21st day of each quarter.

5. The Commission shall decide to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reducing the quantities applied for.

If the overall quantity covered by applications is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following quarter.

Article 5

Pursuant to Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 90 days from the date of actual issue

However, licences may not be valid after 31 December of the year of issue.

Import licences, issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 30 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, by way of derogation from Article 8 (4) of that Regulation, the quantity imported under Regulation (EEC) No 715/90 may not exceed that indicated in sections 17 and 18 of import licences. The figure 0 shall be entered to that effect in section 19 of licences.

Article 8

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 March 1990.

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

Done at Brussels, 9 April 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1156/90
of 7 May 1990
on import licences for poultrymeat 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 products originating in the ACP States or in the overseas countries and territories (OCT)⁽¹⁾, and in particular Article 27 thereof,

Whereas Article 4 (5) of Commission Regulation (EEC) No 903/90⁽²⁾ 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 no application for a licence has been lodged from 1 to 10 April 1990;

Whereas Article 4 (5) of Regulation (EEC) No 903/90 stipulates that if the total quantity for which applications have been submitted is less than that available the Commission shall calculate the quantity remaining, which is to be added to that available for the following

quarter; whereas the quantity available for the third quarter of 1990 of the products referred to in Article 6 of Regulation (EEC) No 715/90 should therefore be determined,

HAS ADOPTED THIS REGULATION .

Article 1

Licence applications may be lodged in accordance with Article 4 of Regulation (EEC) No 903/90 during the first 10 days of July 1990 for:

- 150 tonnes of products falling within CN code 0207,
- 187,5 tonnes of products falling within CN codes 1602 31 and 1602 39.

Article 2

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

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

Done at Brussels, 7 May 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85

⁽²⁾ OJ No L 93, 10. 4. 1990, p. 20

COMMISSION REGULATION (EEC) No 1741/90
of 26 June 1990

amending Regulation (EEC) No 903/90 laying down detailed rules for application of the arrangements applicable to imports of certain poultrymeat products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)

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⁾, and in particular Article 27 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽²⁾, as last amended by Regulation (EEC) No 1235/89 ⁽³⁾, and in particular Article 15 thereof.

Whereas Regulation (EEC) No 715/90 introduces in particular a system for reducing import levies on certain products in the poultrymeat sector within the limit of quotas; whereas Commission Regulation (EEC) No 903/90 ⁽⁴⁾ lays down detailed rules for applying that Regulation as regards the products concerned in the poultrymeat sector in order to permit the administration of the quotas concerned; whereas those detailed rules supplement the provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁵⁾, as last amended by Regulation (EEC) No 1599/90 ⁽⁶⁾;

Whereas Regulation (EEC) No 903/90 should be amended in the light of practical experience gained in implementing the special arrangements provided for in Regulation (EEC) No 715/90, in particular as regards the

staggering of quotas, the quantity per licence application and the validity of import licences;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 903/90 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

The overall quota of 200 tonnes referred to in Article 6 (1) of Regulation (EEC) No 715/90 and the overall quota of 250 tonnes referred to in Article 6 (2) of that Regulation shall be staggered over the year as follows:

- 50 % in the period 1 January to 30 June,
- 50 % in the period 1 July to 31 December.'

2. Article 3 (1) (c) is replaced by the following:

'(c) licence applications must relate to at least one tonne and not more than 100 % of the quantity available under the quota and the six-monthly period in respect of which licence applications are lodged.'

3. In Article 4 (1) (2) and (4) and the third subparagraph of Article 4 (5), the word 'quarter' is replaced by 'six-monthly period'.

4. The first and second paragraphs of Article 5 are replaced by the following:

'Pursuant to Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 180 days from the date of actual issue.'

Article 2

This Regulation shall enter into force on 1 July 1990.

⁽¹⁾ OJ No L 84, 30.3.1990, p. 85.

⁽²⁾ OJ No L 282, 11.11.1975, p. 77.

⁽³⁾ OJ No L 128, 11.5.1989, p. 29.

⁽⁴⁾ OJ No L 93, 10.4.1990, p. 20.

⁽⁵⁾ OJ No L 331, 2.12.1988, p. 1.

⁽⁶⁾ OJ No L 151, 15.6.1990, p. 29.

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

Done at Brussels, 26 June 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1842/90

of 29 June 1990

amending Regulation (EEC) No 1156/90 on import licences for poultrymeat 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,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

Regulation (EEC) No 1156/90 is amended as follows :

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), and in particular Article 27 thereof,

Article 1 is replaced by the following :

Article 1

Licence applications may be lodged in accordance with Article 4 of Regulation (EEC) No 903/90 during the first 10 days of July 1990 for :

- 200 tonnes of products falling within CN code 0207,
- 250 tonnes of products falling within CN codes 1602 31 and 1602 39.

Whereas Article 2 of Commission Regulation (EEC) No 903/90 (2) providing for the staggering of the quotas by three-month periods has been amended by Regulation (EEC) No 1741/90 (3), which introduces such staggering by the half year ; whereas Commission Regulation (EEC) No 1156/90 (4) needs accordingly to be amended as regards the quantities laid down therein in respect of which licence applications may be lodged for the second half of 1990 ,

Article 2

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

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

Done at Brussels, 29 June 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(2) OJ No L 93, 10. 4. 1990, p. 20.

(3) OJ No L 161, 27. 6. 1990, p. 32

(4) OJ No L 116, 8. 5. 1990, p. 8.

III – Community Acts relating to the application of the Lomé Convention

B – Trade

(f) Milk products

COMMISSION REGULATION (EEC) No 1150/90
of 4 May 1990

laying down detailed rules for the application of the arrangements applicable to imports of certain 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,

HAS ADOPTED THIS REGULATION:

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) (1), and in particular Article 27(1) thereof,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products (2), as last amended by Regulation (EEC) No 3879/89 (3), and in particular Article 28 thereof,

Whereas Regulation (EEC) No 715/90 established, *inter alia*, arrangements for reducing import levies on certain products in the milk and milk products sector within the limit of a quota; whereas detailed rules for the application of that Regulation should be adopted as regards the milk products concerned with a view to administering the quota concerned; whereas those detailed rules are either supplementary to or derogate from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (4), as last amended by Regulation (EEC) No 1903/89 (5);

Whereas, in order to ensure proper administration of the quota, a security should be required for applications for import licences and certain conditions should be laid down as regards applicants themselves; whereas the quota and the period during which licences one valid should be staggered over the year;

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

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

(2) OJ No L 148, 28. 6. 1968, p. 13.

(3) OJ No L 378, 27. 12. 1989, p. 1.

(4) OJ No L 331, 2. 12. 1988, p. 1.

(5) OJ No L 184, 30. 6. 1989, p. 22.

Article 1

All imports into the Community under Regulation (EEC) No 815/90 of products covered by CN codes 0402 and 0406 shall be subject to the submission of an import licence.

Licences shall be issued under the conditions laid down in this Regulation and within the limit of the quota fixed by Regulation (EEC) No 715/90.

Article 2

1. The overall quota of 500 tonnes referred to in Article 7 of Regulation (EEC) No 815/90 shall be staggered over the year as follows:

- 50 % in the period 1 January to 30 June,
- 50 % in the period 1 July to 31 December.

2. However, the following shall apply for 1990:

- 50 % in the period 1 April to 31 July 1990,
- 50 % in the period 1 August to 31 December 1990.

Article 3

In order to qualify under the import arrangements provided for in Regulation (EEC) No 715/90:

- (a) applicants for an import licence must be natural or legal persons who, at the time the application is submitted must prove to the satisfaction of the competent authorities in the Member States that they have been engaged in commercial activity in the milk and milk products sector for at least the preceding 12 months;
- (b) an application for a licence may relate to the quota provided for in Article 7 of Regulation (EEC) No 715/90 for a licence. It may comprise several products covered by CN codes 0402 and 0406 exported from one of the African, Caribbean and Pacific States (ACP States) or in overseas countries and territories (OCT). In such cases, all the CN codes shall be indicated in section 16 and their description in section 15;
- (c) section 7 of licence applications and licences shall show the country which certified the origin of the product in question; licences shall carry with them an obligation to import from the country indicated;

(d) the heading 'notes' and section 24 of licence applications and licences shall show respectively one of the following :

- Exacción reguladora reducida en un 50 %, Producto ACP/PTUM — Reglamento (CEE) n° 715/90,
- Nedsættelse af importafgiften med 50 %, AVS/OLT-varer — forordning (EØF) nr. 715/90,
- Verminderung der Abschöpfung um 50 %, AKP/ÜLG-Erzeugnis — Verordnung (EWG) Nr. 715/90,
- Μειωμένη εισφορά κατά 50 %, Προϊόν ΑΚΕ/ΥΧΕ — κανονισμός (ΕΟΚ) αριθ. 715/90,
- Levy reduced by 50 %, ACP/OCT-Product — Regulation (EEC) No 715/90,
- Prélèvement réduit de 50 %, produit ACP/PTOM — règlement (CEE) n° 715/90,
- Prelievo ridotto del 50 %, Prodotto ACP/PTOM — regolamento (CEE) n. 715/90,
- Heffing verminderd met 50 %, ACS/LGO-produkt — Verordening (EEG) nr. 715/90,
- Direito nivelador reduzido de 50 %, Produto ACP/PTOM — Regulamento (CEE) n° 715/90.

Section 8 of the EUR 1 movement certificate referred to in Article 12 of Protocol 1 to the Fourth ACP-EEC Convention signed on 15 December 1989 shall indicate the Combined Nomenclature code of the product in question. A separate certificate shall be drawn up for each product.

Article 4

1. Licence applications may be lodged during the first 10 days of each six-monthly period only. However, in the case of the first six months of 1990, applications may be lodged from 7 to 17 May 1990.
2. The Member States shall notify the Commission on the third working day following the end of the application submission period, of applications lodged for each of the products covered by the quota in question. Such notification shall comprise a list of applicants, the product code and quantities applied for by quota and the countries of provenance. All notifications, including notifications of nil applications, shall be made by telex or telecopy on the working day stipulated.
3. Subject to a decision on acceptance of applications by the Commission, licences shall be issued on the 21st

day of each six-monthly period. However, in the case of the first six months of 1990, licences shall be issued on 31 May 1990.

4. The Commission shall decide to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reducing the quantities applied for.

If the overall quantity covered by applications is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following six-monthly period.

Article 5

Pursuant to Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 180 days from the date of actual issue

Import licences issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 30 per 100 kilograms shall be lodged together with import licence applications for all products referred to in Article 1.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, by way of derogation from Article 8 (4) of that Regulation, the quantity imported under Regulation (EEC) No 715/90 may not exceed that indicated in sections 17 and 18 of import licences. The figure 0 shall be entered to that effect in section 19 of such licences.

Article 8

The Member States concerned shall notify the Commission, each six months in respect of the preceding six-monthly period, of the quantities actually imported by country of origin.

Article 9

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

It shall apply from 1 March 1990.

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

Done at Brussels, 4 May 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1880/90

of 3 July 1990

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)⁽¹⁾, and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90⁽²⁾ 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 7 to 17 May 1990;

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 1990 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 7 to 17 May 1990 are hereby accepted.

2. Further licence applications may be lodged during the first ten days of August 1990 for the following quantities:

- 400 tonnes of products falling within CN code 0406,
- 450 tonnes of products falling within CN code 0402.

Article 2

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

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

Done at Brussels, 3 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30.3.1990, p. 85

⁽²⁾ OJ No L 114, 5.5.1990, p. 21.

**COMMISSION REGULATION (EEC) No 2415/90
of 20 August 1990**

**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 agricul-
tural products and certain goods resulting from the
processing of agricultural goods originating in the ACP
States or in the overseas countries and territories (OCT) (1),
and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC)
No 1150/90 (2) 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 greater than that available; whereas a
percentage reduction in the quantities applied for should
therefore be made,

HAS ADOPTED THIS REGULATION :

Article 1

Licence applications lodged pursuant to Article 4 of
Regulation (EEC) No 1150/90 from 1 to 10 August 1990
and notified to the Commission shall be accepted for
95,24 % of the tonnage applied for.

The part of the security corresponding to the difference
between the quantity applied for and the quantity for
which the licence is issued, shall be released.

Article 2

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

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

Done at Brussels, 20 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(2) OJ No L 114, 5. 5. 1990, p. 21.

COMMISSION REGULATION (EEC) No 2975/90

of 15 October 1990

amending Regulation (EEC) No 1150/90 laying down detailed rules for the application of the arrangements applicable to imports of certain 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 products originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, and in particular Article 27 (1) thereof,

Whereas, when Commission Regulation (EEC) No 1150/90 ⁽²⁾ was being drafted, certain errors or inconsistencies found their way into the text; whereas, therefore, these errors should be eliminated and the text of certain Articles of the Regulation in question improved;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1150/90 is hereby amended as follows:

1. In Article 2 (1), the initial sentence is replaced by the following:

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

Done at Brussels, 15 October 1990.

The quotas referred to in Article 7 of Regulation (EEC) No 715/90 shall be staggered over the year as follows:

2. In Article 3:

— points (b) and (c) are replaced by the following:

(b) the application for a licence may only relate to the quotas provided for in Article 7 of Regulation (EEC) No 715/90. It may comprise several products falling within CN codes 0402 and 0406 originating in one of the African, Caribbean and Pacific States (ACP States) or one of the overseas countries and territories (OCT). In such cases, all the CN codes shall be indicated in section 16 and the description of the products in section 15;

(c) section 8 of the licence application and the licence shall show the ACP State or OCT in which the product originated; the licence shall carry an obligation to import from the country indicated;

— the second paragraph is deleted.

3. In Article 4 (2), the words 'countries of provenance' are replaced by 'countries of origin'.

Article 2

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

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 114, 5. 5. 1990, p. 21.

III – Community Acts relating to the application of the Lomé Convention

B – Trade

(g) Origin

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 310/90
of 5 February 1990**

regarding the application of Decision No 1/90 of the ACP-EEC Customs Cooperation Committee derogating from the definition of the concept of originating products to take account of the special situation of Mauritius with regard to its production of canned tuna (1)

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 ACP-EEC Customs Cooperation Committee set up under the Third ACP-EEC Convention, signed at Lomé on 8 December 1984 (2), adopted on 11 January 1990 to Articles 28 (3) and 30 of Protocol 1 to the Convention, Decision No 1/90 derogating from the definition of the concept of 'originating products' to take account of the special situation of Mauritius with regard to its production of canned tuna;

Whereas, in accordance with Article 33 of the said Protocol 1 and with Article 4 of the said Decision, the

measures required to implement that Decision should be taken,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 1/90 of the ACP-EEC Customs Cooperation Committee shall apply in the Community.

The text of the Decision is attached 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*.

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

Done at Brussels, 5 February 1990.

For the Council

The President

G. COLLINS

(1) See Decision N° 1/90 of the Customs Co-Operation Committee on p. 39 of this Compilation.

COUNCIL DECISION

of 8 October 1990

on the procedure concerning derogations from the rules of origin set out in Protocol No 1 to the Fourth ACP-EEC Convention

(90/523/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Fourth ACP-EEC Convention was signed at Lomé on 15 December 1989;

Whereas Article 2 of Decision 2/90 of the ACP-EEC Council of Ministers of 27 February 1990 on transitional measures to be applied from 1 March 1990⁽¹⁾ lays down that Protocol No 1 to the Convention applies from 1 March 1990; whereas Article 31 of the said Protocol provides that requests of the ACP States for derogations from the rules of origin of the same Protocol shall be deemed to have been accepted if the Community does not inform the ACP States of the position on the requests within 60 working days from their receipt by the EEC Co-Chairman of the ACP-EEC Customs Cooperation Committee, set up by Article 30 of Protocol No 1;

Whereas the appropriate procedure ensuring timely decision-making by the Community in this field is procedure II, variant (b) laid down in Article 2 of Council Decision 87/373/EEC of 13 July 1987 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾;

Whereas it is therefore necessary to adopt a procedure ensuring that the Community position can be adopted and communicated to the ACP States within the period of 60 working days;

Whereas Regulation (EEC, Euratom) No 1182/711⁽³⁾ lays down the rules applicable to periods, dates and terms,

HAS DECIDED AS FOLLOWS:

Article 1

The common position of the Community with regard to a request presented by the ACP States for derogation from

the rules of origin laid down in Protocol No 1 to the ACP-EEC Convention shall be adopted by the Commission in accordance with the procedure laid down in Article 2.

Article 2

The representative of the Commission shall submit to the Committee on Origin set up by Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods⁽⁴⁾ as last amended by Regulation (EEC) No 1769/89⁽⁵⁾, hereafter referred to as the 'Committee', a draft common position within 20 working days after the receipt of a request for derogation by the EEC Co-Chairman of the EEC-ACP Customs Cooperation Committee. The Committee shall deliver an opinion on the draft within a time limit which its Chairman may lay down according to the urgency of the matter concerned. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives shall be weighted in the manner set out in that Article. The Chairman shall not vote.

The Commission shall adopt the common position and transmit it immediately to the ACP States. However, if the common position is not in accordance with the opinion of the Committee, it shall be submitted by the Commission to the Council forthwith. In that event the Commission shall defer its transmission to the ACP States for a period of twenty working days from the date of the vote in the Committee.

The Council, acting by a qualified majority, may adopt a different common position within the time limit referred to in the second paragraph.

Article 3

The definition of working days for the purposes of this Decision shall be that laid down in Regulation (EEC, Euratom) No 1182/71.

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 2

⁽²⁾ OJ No L 197, 18. 7. 1987, p. 33.

⁽³⁾ OJ No L 124, 8. 6. 1971, p. 1.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽⁵⁾ OJ No L 174, 22. 6. 1989, p. 11.

Article 4

This Decision shall take effect on the date of its publication in the *Official Journal of the European Communities*.

Done at Luxembourg, 8 October 1990.

For the Council

The President

E. RUBBI

III – Community Acts relating to the application of the Lomé Convention

B – Trade

(h) Rum

COUNCIL REGULATION (EEC) No 1799/90

of 27 June 1990

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 (1990/91)

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 Community signed the Fourth ACP-EEC Convention at Lomé on 15 December 1989; whereas the Community decided, by Council Regulation (EEC) No 714/90 of 5 March 1990 concerning the application of Decision No 2/90 of the ACP-EEC Council of Ministers on transitional measures valid from 1 March 1990 (1), to apply Protocol 6 annexed to the Convention autonomously in advance;

Whereas Protocol 6 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 by an annual growth rate of 37 % on the market of the United Kingdom and 27 % on the other markets of the Community; and whereas the volume of the annual quantity can in no case be less than 172 000 hectolitres of pure alcohol;

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 (2), provision is made for special arrangements for the quota duties to be applied by those two Member States; whereas by reason of the particularities 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 1990 to 30 June 1991 must be fixed at 193 668 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 and can only be justified on a transitional basis; whereas the arrangements should in any event definitively disappear with the prospect of the establishment of the internal market,

Whereas, in these circumstances, it is advisable to increase to 40 % 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, 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	1987	1988	1989
Benelux	6 264	7 389	7 621
Denmark	1 884	2 038	1 748
Germany	33 570	42 523	48 591
Greece	50	—	586
Spain	244	—	156
France	1 929	1 216	19
Ireland	2 060	2 989	2 973
Italy	800	806	431
Portugal	7	—	—
United Kingdom	72 040	63 525	83 773
Total	118 848	119 686	145 898

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

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

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	5,53,
Denmark	1,47,
Germany	32,43,
Greece	0,17,
Spain	0,10,
France	0,83
Ireland	1,88,
Italy	0,53,
Portugal	0,00,
United Kingdom	57,06 ;

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 quota period, 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 5 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 1990 to 30 June 1991, 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
09.1606	2208 40 10 2208 40 90 2208 90 11 2208 90 19	Rum, tafia and arrak	193 668	Free

2. Within the limit of this quota, 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.

Spain	115,
France	955,
Ireland	2 185,
Italy	615,
Portugal	10,
United Kingdom	66 300.

Article 2

1. The tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment of 116 200 hectolitres of pure alcohol shall be allocated amongst the Member States ; the shares which, subject to Article 3, shall apply until 30 June 1991, amount to the following quantities :

	<i>(hectolitres of pure alcohol)</i>
Benelux	6 425,
Denmark	1 710,
Germany	37 685,
Greece	200,

3. A second instalment of 77 468 hectolitres of pure alcohol shall constitute the Community reserve.

Article 3

If a Member State's initial share as specified in Article 2 (2), has been used up entirely, the following provisional 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 paragraph 2, Member States shall be required to return to the reserve all their initial shares which have not been used on that date.

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

Done at Luxembourg, 27 June 1990.

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 permits.

Article 7

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

Article 8

Council Regulation (EEC) No 1316/87 of 11 May 1987 on the safeguard measures provided for in the Third ACP-EEC Convention⁽¹⁾ and the provisions that will replace it under the Fourth ACP-EEC Convention shall apply to the products referred to in this Regulation.

Article 9

This Regulation shall enter into force on 1 July 1990.

For the Council

The President

J. P. WILSON

⁽¹⁾ OJ No L 125, 14.5.1987, p. 1

III – Community Acts relating to the application of the Lomé Convention

C – Sugar

COMMISSION REGULATION (EEC) No 1389/90
of 23 May 1990

providing for the administration of a Community quota for molasses 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 products originating in the ACP States or in the overseas countries and territories (OCT) (1), and in particular Articles 1, 17 and 27 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 (2), as last amended by Regulation (EEC) No 1069/89 (3),

Whereas Article 17 of Regulation (EEC) No 715/90 provides for a reduction of ECU 0,5 per 100 kilograms in the levy applicable to imports of molasses falling within CN code 1703 and originating in the ACP States or the OCT and lays down that it is not to be charged when it is ECU 0,5 per 100 kilograms or less; whereas this preferential system applies up to an overall limit of 600 000 tonnes per marketing year, hereinafter called 'the quota';

Whereas equal and continuous access to the said quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the product in question into all the Member States until the quota is exhausted; whereas the necessary measures should be taken to ensure efficient Community administration of this quota while providing the opportunity to draw from the quota volume the necessary quantities corresponding to actual imports; whereas this method of administration requires close

cooperation between the Member States and the Commission;

Whereas Protocol 1 annexed to the Fourth ACP-EEC Lomé Convention defines the concept of 'originating product' and the methods of administrative cooperation applicable to the product in question;

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 quota may be carried out by any one of its members;

Whereas Article 17 of Regulation (EEC) No 715/90 repeats provisions which have been applied since 2 June 1989; whereas because a system of administration for the quota has not been established, those concerned have until now been unable to request the grant of preferential terms; whereas it is appropriate to lay down measures applicable from that date;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The levy applicable to imports into the Community of molasses originating in the African, Caribbean and Pacific States or the overseas countries and territories shall be reduced to the level laid down in Article 17 of Regulation (EEC) No 715/90, subject to the limit specified therein, as follows:

Order No	CN code	Description	Amount of quota in tonnes per marketing year (1)	Reduction in the levy (2)
09.1631	1703 10 00	Cane molasses	600 000	ECU 0,5 per 100 kg
	1703 90 00	Other molasses		

(1) Amount applicable from 1 July of one year to 30 June of the following year.

(2) The levy shall not be charged when it is ECU 0,5 per 100 kg or less.

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

(2) OJ No L 177, 1. 7. 1981, p. 4.

(3) OJ No L 114, 27. 4. 1989, p. 1.

2. For the application of this Regulation the definitions of the concept of 'originating product' and of the methods of administrative cooperation shall be those laid down in Protocol 1 annexed to the Fourth ACP-EEC Lomé Convention.

Article 2

The quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 3

1. To obtain the preferential benefit, the importer must present the competent authorities of the importing Member State with a declaration of entry into free circulation including a request for the benefit for the product covered by this Regulation. If this declaration is accepted by the competent authorities of that Member State, those authorities shall communicate to the Commission the requests for drawing from the quota involved.

2. The requests for drawing, bearing the date of acceptance of the declaration of entry into free circulation, shall be communicated to the Commission without delay.

3. The drawings are granted by the Commission on the basis of the date of acceptance of the declarations of entry into free circulation by the competent authorities of the importing Member State, to the extent that the available balance so permits.

Any drawing not used shall be returned as soon as possible to the quota for the marketing year for which it was allocated.

When the quantities requested are greater than the available balance of the quota, allocation shall be made on a pro rata basis with respect to the requests. The Commission shall inform Member States of the drawings made as quickly as possible.

Article 4

Each Member State shall ensure that importers of the product concerned have equal and continuous access to

the quota for such time as the residual balance of the quota volume so permits.

Article 5

1. For quantities of molasses originating in the ACP States and in the overseas countries and territories and for which the declaration of entry into free circulation was accepted by the customs authorities of the importing Member State during the periods 2 June 1989 to 30 June 1989 and 1 July 1989 to 30 June 1990, the preferential benefit referred to in Article 17 of Regulation (EEC) No 715/90 shall be granted on written request within the limit of the relevant quota in the form of a repayment within the meaning of Council Regulation (EEC) No 1430/79 (*) providing that the import levy has been paid and that all the conditions covering the preferential benefit are fulfilled.

2. The importer must present the request referred to in paragraph 1 to the competent authorities of the importing Member State within the time limit referred to in Article 2 (2) of Regulation (EEC) No 1430/79 accompanied by the necessary supporting documents.

3. For declarations of entry into free circulation accepted during the period 2 to 30 June 1989 the quota is hereby fixed at 50 000 tonnes.

4. Requests for repayment shall be accepted by the Commission on the basis of the date of presentation of these requests to the competent authorities of the Member States, to the extent that the available balance so permits.

5. The Commission shall inform Member States of the repayments made.

Article 6

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

Article 7

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

It shall apply from 1 July 1990 with the exception of Article 5 which shall apply from 2 June 1989.

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

Done at Brussels, 23 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(*) OJ No L 175, 12. 7. 1979, p. 1.

III – Community Acts relating to the application of the Lomé Convention

D – Financial and technical cooperation

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL RECOMMENDATION

of 12 March 1990

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1975) (Fourth EDF) for the financial year 1988

(90/124/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 206b thereof,

Having regard to the ACP-EEC Convention of Lomé, signed on 28 February 1975,

Having regard to Council Decision 76/568/EEC of 29 June 1976 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid⁽²⁾, signed on 11 July 1975, and in particular Article 31 (3) thereof,

Having regard to the Financial Regulation of 27 July 1976 applicable to the Fourth European Development Fund⁽³⁾, and in particular Articles 64 to 67 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1975) (Fourth EDF) as at 31 December 1988 and the Court of Auditors' report relating to the financial year 1988 together with the Commission's replies⁽⁴⁾,

Whereas, pursuant to Article 31 (3) of the Internal Agreement, the discharge for the management of the European Development Fund (1975) (Fourth EDF) must be given to the Commission according to the procedure provided for in Article 206 of the Treaty;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1975) (Fourth EDF) during the financial year 1988 has been satisfactory,

HEREBY RECOMMENDS,

that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1975) (Fourth EDF) for the financial year 1988.

Done at Brussels, 12 March 1990.

For the Council
The President
A. REYNOLDS

⁽¹⁾ OJ No L 176, 1. 7. 1976, p. 8.

⁽²⁾ OJ No L 25, 30. 1. 1976, p. 168.

⁽³⁾ OJ No L 229, 20. 8. 1976, p. 9.

⁽⁴⁾ OJ No C 312, 12. 12. 1989, pp. 181 and 335.

DECISION OF THE EUROPEAN PARLIAMENT

of 3 April 1990

granting a discharge to the Commission in respect of the financial management
of the fourth European Development Fund during the 1988 financial year

(90/355/EEC)

THE EUROPEAN PARLIAMENT,

- having regard to the Treaty establishing the European Economic Community,
 - having regard to the first ACP-EEC Lomé Convention ⁽¹⁾,
 - having regard to the balance sheets and accounts of the fourth, fifth and sixth European Development Funds for the 1988 financial year (COM(89) 204 final),
 - having regard to the report of the Court of Auditors concerning the financial year 1988 together with the institutions' replies ⁽²⁾,
 - having regard to the Council recommendation of 12 March 1990 relating to the granting of this discharge (C 3-84/90),
 - whereas the Treaty of 22 July 1975 empowers the European Parliament to grant a discharge in respect of the Community's financial activities,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (Doc. A 3-72/90),
1. Grants a discharge to the Commission in respect of the financial management of the fourth European Development Fund during the 1988 financial year on the basis of the following amount :
 - payments: ECU 38 439 596,34;
 2. Records its observations in the resolution accompanying this Decision ⁽³⁾;
 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 ensure that they are published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 3 April 1990.

The Secretary-General

Enrico VINCI

The President

Enrique BARON CRESPO

⁽¹⁾ OJ No L 25, 30. 1. 1976, p. 1.

⁽²⁾ OJ No C 312, 12. 12. 1989, p. 1

⁽³⁾ See page 55 of this Official Journal.

COUNCIL RECOMMENDATION

of 12 March 1990

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1979) (Fifth EDF) for the financial year 1988

(90/125/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 206b thereof,

Having regard to the Second ACP-EEC Convention, signed at Lomé on 31 October 1979,

Having regard to Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾,

Having regard to the 1979 Internal Agreement on the financing and administration of Community aid⁽²⁾, signed on 20 November 1979, and in particular Article 29 (3) thereof,

Having regard to the Financial Regulation of 17 March 1981 applicable to the Fifth European Development Fund⁽³⁾, and in particular Articles 66 to 70 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1979) (Fifth EDF) as at 31 December 1988 and the Court of Auditors' report relating to the financial year 1988 together with the Commission's replies⁽⁴⁾,

Whereas, pursuant to Article 29 (3) of the Internal Agreement, the discharge for the management of the European Development Fund (1979) (Fifth EDF) must be given to the Commission by the European Parliament on a recommendation from the Council ;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1979) (Fifth EDF) during the financial year 1988 has been satisfactory,

HEREBY RECOMMENDS,

that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1979) (Fifth EDF) for the financial year 1988.

Done at Brussels, 12 March 1990.

For the Council

The President

A. REYNOLDS

⁽¹⁾ OJ No L 361, 31. 12. 1980, p. 1.

⁽²⁾ OJ No L 347, 22. 12. 1980, p. 210.

⁽³⁾ OJ No L 101, 11. 4. 1981, p. 12.

⁽⁴⁾ OJ No C 312, 12. 12. 1989, pp. 181 and 335.

DECISION OF THE EUROPEAN PARLIAMENT

of 3 April 1990

granting a discharge to the Commission in respect of the financial management
of the fifth European Development Fund during the 1988 financial year

(90/356/EEC)

THE EUROPEAN PARLIAMENT,

- having regard to the Treaty establishing the European Economic Community,
 - having regard to the second ACP-EEC Lomé Convention⁽¹⁾,
 - having regard to the balance sheets and accounts of the fourth, fifth and sixth European Development Funds for the 1988 financial year (COM(89) 204 final),
 - having regard to the report of the Court of Auditors concerning the financial year 1988 together with the institutions' replies⁽²⁾,
 - having regard to the Council recommendation of 12 March 1990 relating to the granting of this discharge (C 3-86/90),
 - whereas the Treaty of 22 July 1975 empowers the European Parliament to grant a discharge in respect of the Community's financial activities,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (Doc. A 3-72/90),
1. Grants a discharge to the Commission in respect of the financial management of the fifth European Development Fund during the 1988 financial year on the basis of the following amount :
 - revenue : ECU 1 000 426 637,95 ;
 - payments : ECU 350 175 018,87 ;
 2. Records its observations in the resolution accompanying this Decision⁽³⁾;
 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 ensure that they are published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 3 April 1990.

The Secretary-General

Enrico VINCI

The President

Enrique BARON CRESPO

⁽¹⁾ OJ No L 347, 22. 12. 1980, p. 1.

⁽²⁾ OJ No C 312, 12. 12. 1989, p. 1.

⁽³⁾ See page 55 of this Official Journal

COUNCIL RECOMMENDATION

of 12 March 1990

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1984) (Sixth EDF) for the financial year 1988

(90/126/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 206b thereof,

Having regard to the Third ACP-EEC Convention, signed at Lomé on 8 December 1984,

Having regard to Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid⁽²⁾, signed in Brussels on 19 February 1985, as amended by Decision 86/281/EEC⁽³⁾, and in particular Article 29 (3) thereof,

Having regard to the Financial Regulation of 11 November 1986 applicable to the Sixth European Development Fund⁽⁴⁾, and in particular Articles 66 to 73 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1984) (Sixth EDF) as at 31 December 1988 and the Court of Auditors' report relating to the financial year 1988 together with the Commission's replies⁽⁵⁾,

Whereas, pursuant to Article 29 (3) of the Internal Agreement, the discharge for the management of the European Development Fund (1984) (Sixth EDF) must be given to the Commission by the European Parliament on a recommendation from the Council ;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1984) (Sixth EDF) during the financial year 1988 has been satisfactory,

HEREBY RECOMMENDS,

that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1984) (Sixth EDF) for the financial year 1988.

Done at Brussels, 12 March 1990.

For the Council
The President
A. REYNOLDS

⁽¹⁾ OJ No L 175, 1. 7. 1986, p. 1.

⁽²⁾ OJ No L 86, 31. 3. 1986, p. 210.

⁽³⁾ OJ No L 178, 2. 7. 1986, p. 13.

⁽⁴⁾ OJ No L 325, 20. 11. 1986, p. 42.

⁽⁵⁾ OJ No C 312, 12. 12. 1989, pp. 181 and 335.

DECISION OF THE EUROPEAN PARLIAMENT

of 3 April 1990

granting a discharge to the Commission in respect of the financial management of the sixth European Development Fund during the 1988 financial year

(90/357/EEC)

THE EUROPEAN PARLIAMENT,

- having regard to the Treaty establishing the European Economic Community,
 - having regard to the third ACP-EEC Lomé Convention (⁽¹⁾),
 - having regard to the balance sheets and accounts of the fourth, fifth and sixth European Development Funds for the 1988 financial year (COM(89) 204 final),
 - having regard to the report of the Court of Auditors concerning the financial year 1988 together with the institutions' replies (⁽²⁾),
 - having regard to the Council recommendation of 12 March 1990 relating to the granting of this discharge (C 3-84/90),
 - whereas the Treaty of 22 July 1975 empowers the European Parliament to grant a discharge in respect of the Community's financial activities,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (Doc. A 3-72/90),
1. Grants a discharge to the Commission in respect of the financial management of the fifth European Development Fund during the 1988 financial year on the basis of the following amount :
- revenue : ECU 4 314 771,68 ;
 - payments : ECU 807 705 131,85 ;
2. Records its observations in the resolution accompanying this Decision (⁽³⁾);
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 ensure that they are published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 3 April 1990.

The Secretary-General

Enrico VINCI

The President

Enrique BARÓN CRESPO

(¹) OJ No L 86, 31. 3. 1986, p. 1.

(²) OJ No C 312, 12. 12. 1989, p. 1.

(³) See page 55 of this Official Journal.

**IV – 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 22 January 1990

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 1990 to 31 December 1991, 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

(90/41/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 in fisheries relations⁽¹⁾, 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 13 September 1989;

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 1990 to 31 December 1991;

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 1990 to 31 December 1991, 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, 22 January 1990.

For the Council

The President

M. O'KENNEDY

⁽¹⁾ 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 1990 to 31 December 1991, 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

A. Letter from the Government of the People's Republic of Mozambique

Sir,

With reference to the draft Protocol, initialled in Maputo on 13 September 1989, establishing the fishing opportunities and the financial contribution for the two-year period starting 1 January 1990, I have the honour to inform you that the Government of the People's Republic of Mozambique is ready to apply this Protocol on a provisional basis, with effect from 1 January 1990, pending its entry into force in accordance with Article 8 of the Protocol, provided that the European Economic Community is prepared to do the same.

This is on the understanding that a first instalment equal to one half of the financial compensation specified in the Article 2 of the Protocol is to be paid by 31 March 1990.

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 People's Republic of
Mozambique*

B. Letter from the European Economic Community

Sir,

I am in receipt of your letter of today's date, which reads as follows :

'With reference to the draft Protocol, initialled in Maputo on 13 September 1989, establishing the fishing opportunities and the financial contribution for the two-year period starting 1 January 1990, I have the honour to inform you that the Government of the People's Republic of Mozambique is ready to apply this Protocol on a provisional basis, with effect from 1 January 1990, pending its entry into force on accordance with Article 8 of the Protocol, provided that the European Economic Community is prepared to do the same.

This is on the understanding that a first instalment equal to one half of the financial compensation specified in the Article 2 of the Protocol is to be paid by 31 March 1990.

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 Agreement.

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

*On behalf of
the Council of the European
Communities*

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1454/90

of 28 May 1990

relating to the conclusion of the Protocol establishing, for the period 1 January 1990 to 31 December 1991, 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

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 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 Government of the People's Republic of Mozambique on fisheries relations, signed in Maputo on 30 September 1988, the contracting parties held negotiations with a view to determining the amendments to be made to the Protocol to the Agreement at the end of the period of application of the first Protocol;

Whereas, as a result of these negotiations, a new Protocol establishing, for the period 1 January 1990 to 31 December 1991, the fishing opportunities and the financial contribution provided for by the said Agreement, was initialled on 13 September 1989;

Whereas it is in the Community's interest to approve this Protocol,

Article 1

The Protocol establishing, for the period 1 January 1990 to 31 December 1991, 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 Protocol is attached to this Regulation

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 3

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

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

Done at Brussels, 28 May 1990.

For the Council

The President

D. J. O'MALLEY

⁽¹⁾ Opinion delivered on 17 May 1990 (not yet published in the Official Journal)

PROTOCOL

establishing, for the period 1 January 1990 to 31 December 1991, 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

THE CONTRACTING PARTIES,

Having regard to the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations, signed on 30 September 1988,

HAVE AGREED AS FOLLOWS:

Article 3

In the event of an increase in the availability of fishing possibilities the GRT limits set out in Articles 1 (1) and 1 (2) may be increased at the request of the Community. In this case, the financial compensation referred to in Article 2 shall be increased proportionally *pro rata temporis*.

Article 4

Article 1

Pursuant to Article 2 of the Agreement, and for a period of two years beginning on 1 January 1990, the following fishing possibilities shall be accorded:

- 1 shrimp vessels fishing exclusively on deep-water crustaceans: 1 100 GRT per month on a yearly average;
- 2 shrimp vessels fishing on shallow-water and deep water crustaceans: 3 700 GRT per month on a yearly average.

The quantities of crustacea to be fished by Community vessels in 1990 may not exceed:

- 1 200 tonnes of deep-water shrimps
- 1 000 tonnes of shallow-water shrimps and 200 tonnes of deep-water crabs.

These quantitative limits will be reviewed, for the following year, by the Joint Committee referred to in Article 10 of the Agreement. Shrimp tails weight retained on board are converted into whole weight by applying the coefficient 1,67;

3. ocean-going tuna seiners: licences for 44 vessels.

1. The Community shall also contribute, during the period referred to in Article 1, ECU 1 950 000 towards the financing of Mozambican scientific and technical programmes (e.g. equipment and infrastructure) to improve information on the fishery resources within the waters of Mozambique.

At the request of Mozambique, part of this amount not exceeding ECU 60 000 may be used to finance the expenses of participation in international conferences, not necessarily related to the said scientific programme, destined to improve the knowledge of fisheries resources.

2. The competent Mozambican authorities shall send to the Commission a brief report on the utilization of the funds.

3. The Community's contribution to the scientific and technical programmes shall be paid into an account specified on each occasion by the Office of the Secretary of State for Fisheries.

Article 5

Article 2

1. The financial compensation referred to in Article 8 of the Agreement for the period referred to in Article 1 of this Protocol, is fixed at ECU 4 300 000, payable in two annual instalments.

2. If, during the period of application of this Protocol, the amount of tuna caught by Community vessels in Mozambican waters exceeds 6 000 tonnes, the financial compensation will be increased by ECU 50 per tonne caught above this limit.

3. The use to which this compensation is put shall be the competence solely of Mozambique.

4. The compensation shall be paid into an account opened at a financial institution or any other body designated by Mozambique.

1. A reconnaissance campaign to find new resources shall be carried out by two Community trawlers together with research institutes in Mozambique and in the Member States of the Community.

2. The Community shall contribute ECU 600 000 over the duration of this Protocol to finance the campaign. This contribution may be used to cover shipowners' economic losses and the emoluments of Mozambican and Community scientists. Catches by the vessels concerned shall be the property of the shipowners.

3. The results of the campaign must be sent to the Mozambican authorities and the Commission delegation to Mozambique. In the light of these results, licences for the new resources may be granted to Community vessels to fish in Mozambique's waters under conditions to be defined at a meeting of the Joint Committee referred to by Article 10 of the Agreement.

Article 6

Should the Community fail to make the payments provided for in this Protocol, the Agreement on fishing may be suspended.

Article 7

The Protocol to the Agreement between the European Economic Community and the Government of the

People's Republic of Mozambique on fisheries relations is hereby repealed and replaced by this Protocol.

Article 8

This Protocol shall enter into force on the date of its signature.

It shall apply with effect from 1 January 1990.

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1235/90

of 25 April 1990

on the conclusion of the Protocol establishing for the period 16 June 1989 to 15 June 1991 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and 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,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau signed in Bissau on 27 February 1980 ⁽²⁾, as last amended by the Agreement signed in Brussels on 29 June 1987 ⁽³⁾, 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 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 1989 to 15 June 1991 was initialled on 9 June 1989;

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,

⁽¹⁾ OJ No C 113, 7. 5. 1990.

⁽²⁾ OJ No L 226, 29. 8. 1980, p. 33.

⁽³⁾ OJ No L 113, 30. 4. 1987, p. 1

Article 1

The Protocol establishing for the period 16 June 1989 to 15 June 1991 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and 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 interests 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 ⁽⁴⁾.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 4

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

⁽⁴⁾ 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, 25 April 1990.

For the Council
The President
M. O'KENNEDY

PROTOCOL

establishing for the period 16 June 1989 to 15 June 1991 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,

Article 4

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,

The Community shall also contribute during the period referred to in Article 1 the sum of ECU 550 000 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.

HAVE AGREED AS FOLLOWS:

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 1

For a period of two years from 16 June 1989, the fishing rights granted pursuant to Article 4 of the Agreement shall be as follows:

Article 5

1. (a) freezer shrimp trawlers: 10 000 GRT per month, annual average;
- (b) freezer fin fish and cephalopod trawlers: 5 000 GRT per month, annual average;
2. freezer tuna seiners: 45 vessels;
3. pole-and-line tuna vessels: 15 vessels;
4. surface longliners: 35 vessels.

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 550 000. 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 2

1. The financial compensation referred to in Article 9 of the Agreement shall be, for the period referred to in Article 1, ECU 10 830 000, 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 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 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 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.

It shall be applicable from 16 June 1989.

Article 8

This Protocol shall enter into force on the first day of the month following that on which it is signed.

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 (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 referred to in Article 2 of the Protocol.

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.

By way of derogation from Article 4 (3) of the Agreement, licences shall be valid for quarterly, half-yearly or annual periods.

The licence must be held on board at all times.

1. Provisions applicable to trawlers

- (a) For the duration of this Protocol the fees for annual licences shall be as follows:
 - ECU 100 per GRT per year for fin fish trawlers;
 - ECU 116 per GRT per year for cephalopod trawlers;
 - ECU 160 per GRT per year for shrimp trawlers.
- (b) For the duration of this Protocol the fees for half-yearly licences shall be as follows:
 - ECU 57,5 per GRT per half-year for fin fish trawlers;
 - ECU 66,5 per GRT per half-year for cephalopod trawlers;
 - ECU 92 per GRT per half-year for shrimp trawlers.
- (c) The fees for quarterly licenses shall be as follows:
 - ECU 30 per GRT per quarter for fin fish trawlers;
 - ECU 35 per GRT per quarter for cephalopod trawlers;
 - ECU 48 per GRT per quarter for shrimp trawlers.

However, vessels which land only 25 kg of fish per GRT per quarter, in accordance with the provisions of Part C of this Annex, shall be obliged to pay an additional fee of ECU 6 per GRT per quarter.

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 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-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 (Annex 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 Annex 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. Landing of catch

Trawlers authorized to fish in the Guinea-Bissau fishing zone shall, in order to make a contribution towards supplying the local population with fish caught in the Guinea-Bissau fishing zone, be obliged to land the following quantities free of charge, on the basis of the list set out in the Appendix to Annex 1: 50 kg of fish per GRT per quarter, of which 25 kg per GRT per quarter is optional.

Landings may be made individually or collectively, mention being made of the vessels concerned. Any failure to comply with the obligation to land catches shall render the offender liable to the following penalties applied by the Guinea-Bissau authorities:

- fine of ECU 1 500 per tonne not landed, and
- withdrawal and non-renewal of the licence of the vessel concerned or another vessel fitted out by the same shipowner.

D. 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.

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-Bissau nationals, subject to the conditions and limits set out below.

1. each trawler owner shall undertake to employ.
 - two seamen/fishermen on vessels of up to 300 GRT,
 - three seamen /fishermen on vessels of between 300 and 400 GRT,
 - four 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, eight Guinea-Bissau seamen shall be signed on permanently in the Guinea-Bissau fishing zone,
 - for the fleet of pole-and-line tuna vessels, eight 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,
 - for the fleet of surface longliners, eight Guinea-Bissau seamen shall be signed on for the 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

F. 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.
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

G. 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.

H. 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

I. 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 (this mesh shall be applicable from 1 August 1989);
- (d) 16 mm for fishing for live bait.

Outrigger fishing shall be authorized

J. 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) or telegram.

K. Procedure in case of boarding

The authorities of the Commission of the European Communities in Guinea-Bissau shall be notified within 48 hours of any boarding within the Guinea-Bissau fishing zone of a fishing vessel flying the flag of a Member State of the Community and shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

Should the case be brought before a competent judicial body, the Guinea-Bissau authorities may fix a bank security at the request of the Community or the shipowner

In that case, the Guinea-Bissau authorities shall undertake to release the vessel within 24 hours following the lodging of the bank security.

The bank security shall be released by the competent authority once the master of the vessel concerned has been acquitted by the judicial decision.

Should one of the parties consider it necessary, 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

Appendix to Annex 1



REPÚBLICA DA GUINÉ-BISSAU

SECRETARIA DE ESTADO DAS PASCAS

BISSAU

VISTO

(Director da Pesca Industrial)

DECLARAÇÃO

..... Armador/Representante do N/M
(Nome e nº de registo)

com autorização de pesca nº válida de a
..... compromete-se a descarregar no porto de Bissau a favor do

Ministério das Pescas toneladas de peixe diverso, de preferência, das seguintes espécies:
(garoupas (*Epinephelus* spp.; *Serranus* spp.) sinapas (*Sparus* spp.), bicas (*Pagellus bellottii*, *Lethrinus atlanticus*,
Lutjanus spp.), bicuda (*Sphyaena* spp.), barbo (*Galeoides decadactylus*), barbinho (*Pentanemus quinquarum*),
corvinas (*Pseudotolithus* spp.; *Argyrosomus* spp.), cor-cor (*Pomadasy* spp.), sarea (*Caranx* spp., *Chloroscom-
brus* sp., *Decapterus* spp.), bagres (*Arius* spp.)) como complemento da licença de pesca que foi concedida ao navio
acima referenciado.

Mais se declara que nos 15 dias antes de expirada a licença notificará o Ministério das Pescas, através da Direcção
da Pesca Industrial, a data do desembarque do pescado.

Bissau, de de 19

O ARMADOR / REPRESENTANTE

.....
(Assinatura e carimbo)

ICCAT LOGBOOK for TUNA FISHERY

Annex 3

Vessel name		Gross ton		Boat LEFT		Page <input type="text"/> of <input type="text"/> pages	
Flag country		Capacity (M T)		Boat RETURNED		Trip number <input type="text"/>	
Registration No		Captain		Number of fishing days or number of sets made		19	
Company or Owner		No. of crew		Number of days at sea		19	
Address		Reporting date		Number of days at sea made		19	
Reported by		Reported by		Number of days at sea made		19	

Date	Area	Surt	Wind	Temp	Effort (Number of hoops used)	Bluish tuna (Thunnus maculatus or maccoyii)		Yellowfin tuna (Thunnus albacares)		Bigeye tuna (Thunnus obesus)		Albacore (Thunnus albacore)		Swordfish (Xiphias gladius)		Striped marlin (White marlin Tropus medius or albilus)		Black marlin (Makaira indica)		Sailfin (Istiophorus platypterus)		Miscellaneous fishes		Sharks (Keteodon pelamis)		Dolphin (total in weight) Kg only		Bait used			
						Mesh	Weight in Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg		No	Kg	No
Month																															
Day																															
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Landing weight (in Kg.)																															

4. Fishing area refers to the noon position of the boat. Round off minutes and record degrees of latitude and longitude. Be sure to record N/S and E/W.

5. Record N/S and E/W time (landing weight) should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.

6. All information reported herein will be kept strictly confidential.

1. Use one sheet per month and one line per day.
 2. At the end of each trip, forward a copy of this log to your correspondent or to ICCAT, General Mesa 17 Madrid 1 Spain.
 3. "Day" refers to the day you set the line.

COUNCIL REGULATION (EEC) No 1236/90
of 25 April 1990

on the conclusion of the Protocol establishing for the period 27 June 1989 to 26 June 1992 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

THE COUNCIL OF THE EUROPEAN 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,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea, signed in Malabo on 15 June 1984 ⁽²⁾, as amended by the Agreement signed in Brussels on 4 November 1987 ⁽³⁾, the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations, a new Protocol establishing the fishing rights and financial compensation provided for in the abovementioned Agreement for the period 27 June 1989 to 26 June 1992 was initiated on 2 June 1989;

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,

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

Done at Brussels, 25 April 1990.

Article 1

The Protocol establishing, for the period 27 June 1989 to 26 June 1992, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

With a view to taking into consideration the interests 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 sailing 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 570/86 of 24 February 1986 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 ⁽⁴⁾.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 4

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

For the Council
The President
M. O'KENNEDY

⁽¹⁾ OJ No C 113, 7. 5. 1990.

⁽²⁾ OJ No L 188, 16. 7. 1984, p. 1.

⁽³⁾ OJ No L 29, 30. 1. 1987, p. 1.

⁽⁴⁾ OJ No L 56, 1. 3. 1986, p. 1.

PROTOCOL

establishing for the period 27 June 1989 to 26 June 1992 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea, signed at Malabo on 15 June 1984 and amended by the Agreement signed in Brussels on 4 November 1987,

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

HAVE AGREED AS FOLLOWS:

Article 1

For a period of three years from 27 June 1989, the fishing rights granted pursuant to Article 2 of the Agreement shall be as follows:

1. freezer trawlers: 9 000 GRT per month, annual average;
2. tuna seiners: 40 vessels;
3. surface longliners: 30 vessels.

At the Community's request, up to 10 licences may be granted for pole-and-line tuna vessels.

The Community shall also contribute, during the period referred to in Article 1, the sum of ECU 500 000 towards the financing of an Equatorial Guinea scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of Equatorial Guinea.

This sum shall be made available to the Government of the Republic of Equatorial Guinea and paid into the account indicated by the Equatorial Guinea authorities.

Article 5

Article 2

1. The financial compensation referred to in Article 6 of the Agreement shall be, for the period referred to in Article 1, ECU 6 million, payable in three equal annual instalments as follows: the first instalment before 30 September 1989, the second before 30 June 1990 and the third before 30 June 1991.

2. The use to which this compensation is put shall be the sole responsibility of the Government of the Republic of Equatorial Guinea.

3. The compensation shall be paid into account No 4160 of the Treasury of Equatorial Guinea, opened at the 'Banque des Etats d'Afrique Central' (BEAC) in Malabo. Any changes shall be notified to the Commission of the European Communities.

The two Parties agree that improving the skills of those involved in sea fishing is a vital element in the success of their cooperation. To that end, the Community shall make it easier for nationals of Equatorial Guinea to find places in establishments in its Member States and shall provide for that purpose, during the period referred to in Article 1, awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. The awards may also be used in any State linked with the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 665 000. At the request of the Equatorial Guinea authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries.

The sum shall be payable as and when it is used.

Article 6

Article 3

At the request of the Community, the fishing rights referred to in Article 1 (1) may be increased by successive instalments

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 Equatorial Guinea on fishing off the coast of Equatorial Guinea 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 apply with effect from 27 June 1989.

ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN
EQUATORIAL GUINEA'S FISHING ZONE

A. Licence application and issuing formalities

The procedure for applications for, and issue of, the licences enabling vessels flying the flags of the Member States of the Community to fish in Equatorial Guinea's fishing zone shall be as follows:

The relevant Community authorities shall present to the Ministry of Water, Forestry and Reafforestation of the Republic of Equatorial Guinea, via the authorities of the Commission of the European Communities in Equatorial Guinea, an application for each vessel that is to be used for fishing under the Agreement, 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 competent authorities of the Republic of Equatorial 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 referred to in Article 2 of the Protocol.

Fees shall include all national and local charges except those for the performance of services. Once signed, the licences shall be issued by the Equatorial Guinea authorities to the shipowners or their representatives via the authorities of the Commission of the European Communities in Equatorial Guinea within 15 working days of the date on which the proof of payment is received.

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 Ministry of Water, Forestry and Reafforestation of the Republic of Equatorial Guinea via the authorities of the Commission of the European Communities.

The new licence shall indicate:

- the date of issue,
- the fact that the licence cancels and replaces that granted to the previous vessel

The licence must be held on board at all times

1 *Provisions applicable to trawlers*

- (a) The licences for trawlers shall be issued for a year, six months or three months. They shall be renewable.
- (b) The fees for annual licences shall be as follows:
ECU 90 per GRT per year for fin fish trawlers,
ECU 100 per GRT per year for shrimp trawlers.
- (c) The fees for half-year licences shall be as follows:
ECU 55 per GRT per half-yearly period for fin fish trawlers,
ECU 60 per GRT per half-yearly period for shrimp trawlers.
- (d) The fees for quarterly licences shall be set as follows:
ECU 30 per GRT per quarterly period for fin fish trawlers,
ECU 35 per GRT per quarterly period for shrimp trawlers.

2 *Provisions applicable to tuna vessels and surface longliners*

- (a) The fees shall be ECU 20 per tonne caught within Equatorial Guinea's fishing zone.
- (b) Licences for tuna vessels shall be issued following payment to the Ministry of Water, Forestry and Reafforestation of a lump sum of ECU 1 000 a year for each tuna seiner and ECU 200 a year for each pole-and-line tuna vessel and surface longliner, equivalent to the fees for

- 50 tonnes of tuna caught per year in the case of seiners,
- 10 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 data (Orstom and IIO — Spanish Institute of Oceanography). The statement shall be forwarded simultaneously to the Equatorial Guinea authorities and to the shipowners. Any additional payment due shall be made by the shipowners to the Ministry of Water, Forestry and Reafforestation of Equatorial Guinea by 30 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 vessels authorized to fish in Equatorial Guinea's waters under the Agreement, a statement of their catch must be provided to the Ministry of Water, Forestry and Reafforestation, with a copy to the Commission authorities in Equatorial 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 communicated after each tide.
- for tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with Annex 3 (in English), for each fishing period spent in Equatorial Guinea's fishing zone. The form must be completed legibly and be signed by the master of the vessel and sent, within 45 days of the end of the fishing voyage spent in the Equatorial Guinea fishing zone, to the Ministry of Water, Forestry and Reafforestation via the authorities of the Commission of the European Communities in Equatorial Guinea.

Should this provision not be adhered to, the Government of Equatorial Guinea reserves the right to suspend the licence of the offending vessel until the formality has been complied with and to apply the penalties laid down under fisheries law No 2/1987 of 16 February 1987.

C. Landing of catch

Trawlers authorized to fish in the Equatorial Guinea zone shall, after each tide, make a contribution to fish supplies for the local population by landing, on an annual basis:

- fin fish trawlers: 7 000 kg of fish per vessel,
- shrimp trawlers: 5 000 kg of fish per vessel,

at a price set by the Ministry of Water, Forestry and Reafforestation by mutual agreement with the shipowner on the basis of local market prices.

Landings may be made individually or collectively at the ports of Malabo, Bata or Luba.

Any failure to comply with the obligation to land catches shall render the offender liable to the following sanctions applied by the Equatorial Guinea authorities:

- fine of ECU 1 000 per tonne not landed, and
- withdrawal and non-renewal of the licence of the vessel concerned or another vessel belonging to the same shipowner.

D. Signing on of seamen

1. Trawler owners who have been issued fishing licences under the Agreement shall contribute to the on-the-job vocational training of Equatorial Guinea nationals, subject to the conditions and limits set out below:
 - two seamen/fishermen on vessels of up to 300 GRT,
 - three seamen/fishermen on vessels of more than 300 GRT.
2. The wages of these fishermen, to be borne by the shipowners, shall be fixed by mutual agreement between the shipowners and the Equatorial Guinea authorities. Should the fishermen not be signed on, the shipowners shall be obliged to pay a lump sum equivalent to 30% of the seamen's wages. This sum will be used for the training of fishermen in Equatorial Guinea and is to be paid into an account specified by the Equatorial Guinea authorities.

E Taking on board of observers

Each trawler may be obliged to take on board an observer designated by the Ministry of Water, Forestry and Reafforestation. In that case, the observer shall be included in the number of fishermen to be signed on established in point D

The observer shall be offered every facility needed to carry out his duties. The presence and work of this observer must not interrupt or prejudice fishing operations. The salary and the social contributions of the observer shall be borne by the Government of Equatorial Guinea

F Inspection and monitoring

Any Community vessel fishing in Equatorial Guinea's fishing zone shall allow on board any official of Equatorial Guinea responsible for inspection and monitoring and shall assist him in the accomplishment of his duties. The official must not remain on board any longer than is necessary for the verification of catches by random checks and for any other inspection relating to fishing activities.

G Fishing zones

The vessels referred to in Article 1 of the Protocol shall be authorized to fish in waters beyond four nautical miles from the base lines

H Meshes authorized

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be:

- (a) 60 mm for fin fish vessels catching less than 30 % shrimps;
- (b) 25 mm for shrimp vessels catching more than 30 % shrimps.

Outrigger fishing shall be authorized.

I Entering and leaving the zone

All Community vessels fishing under the Agreement in the Equatorial Guinea zone shall communicate to the radio station indicated on the licence the date and time and their position when entering and leaving the Equatorial Guinea fishing zone.

J Procedure in case of boarding

1. The authorities of the Commission of the European Communities in Equatorial Guinea shall be notified within two working days of any boarding within the Equatorial Guinea exclusive economic zone of a fishing vessel flying the flag of a Member State of the Community and holding a valid licence granted under the Agreement. The authorities shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.
2. Before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within one working day from the receipt of the abovementioned information, between the authorities of the Commission of the European Communities in Equatorial Guinea, the Fisheries Department and the inspection authorities, possibly attended by a representative of the Member State concerned. At the meeting, the parties shall exchange any relevant documentation or information helping to clarify the circumstances of the established facts. The shipowner or his representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.
3. Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through a compromise procedure. This procedure shall end no later than three working days after the boarding.
4. Should the case not be settled by means of compromise, and therefore be brought before a competent Equatorial Guinea judicial body, a reasonable bank security shall be fixed by the competent authority within two working days, following the conclusion of the compromise procedure, pending the judicial decision. The bank security shall be released by the competent authority once the master of the vessel concerned has been acquitted by the judicial decision.

5. The vessel and its crew shall be released either
 - at the end of the consultation meeting, if the established facts permit,
or
 - on receipt of payment of a fine (compromise procedure),
or
 - once a bank security is deposited (judicial procedure).

6. Should one of the Parties consider that there is a problem in the application of the abovementioned procedure, it may request urgent consultations under Article 8 of the Agreement

Annex 1

REPUBLIC OF EQUATORIAL GUINEA

APPLICATION FOR A FISHING LICENCE

1. Valid from: to:
2. Name of vessel:
3. Name of shipowner:
4. Port and registration number:
5. Type of fishing:
6. Authorized mesh size:
7. Length of vessel:
8. Width of vessel:
9. Gross registered tonnage:
10. Hold capacity:
11. Engine rating:
12. Type of construction:
13. Usual number of seamen aboard:
14. Radio/electrical equipment:
15. Master's name:

The above information is the sole responsibility of the shipowner or his representative.

Date of application:

COUNCIL REGULATION (EEC) No 1237/90

of 25 April 1990

on the conclusion of the Agreement between the European Economic Community and the Republic of Sierra Leone on fishing off Sierra Leone

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 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 the Community and the Republic of Sierra Leone have negotiated and initialled an Agreement on fishing which provides fishing opportunities for Community fishermen in waters over which Sierra Leone has sovereignty or jurisdiction;

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 said Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement between the European Economic Community and the Republic of Sierra Leone on fishing off

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

Done at Brussels, 25 April 1990.

For the Council
The President
M. O'KENNEDY

Sierra Leone is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

With a view to taking into consideration the interests of the Canary Islands, the Agreement 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 ⁽³⁾, as amended by Regulation (EEC) No 3902/89 ⁽⁴⁾.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement 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 55, 7. 3. 1990, p. 9.

⁽²⁾ OJ No C 113, 7. 5. 1990.

⁽³⁾ OJ No L 114, 2. 5. 1988, p. 1.

⁽⁴⁾ OJ No L 375, 23. 12. 1989, p. 5.

AGREEMENT

between the European Economic Community and the Republic of Sierra Leone on fishing off Sierra Leone

THE EUROPEAN ECONOMIC COMMUNITY,

hereinafter referred to as 'the Community', and

THE REPUBLIC OF SIERRA LEONE,

hereinafter referred to as 'Sierra Leone',

CONSIDERING the spirit of cooperation resulting from the ACP-EEC Convention and the good cooperation relations which exist between the Community and Sierra Leone;

CONSIDERING the wish of Sierra Leone to promote the rational management, exploitation and conservation of its fishery resources by means of intensified cooperation;

RECALLING that Sierra Leone has exclusive management and control over the fishery resources and other aquatic resources within its fishing zone which extends up to 200 nautical miles from its shore, within which it exercises its sovereign rights for the purpose of identifying, exploiting, conserving and managing the resources of the said zone;

TAKING into account the United Nations Convention on the Law of the Sea signed by both parties to this Agreement;

DESIROUS of developing and intensifying mutually advantageous cooperation in the field of fisheries;

DETERMINED to conduct their relations in a spirit of mutual trust and respect for each other's interest in the sphere of sea fishing,

DESIROUS of establishing the terms and conditions governing activities of common interest to both parties,

HAVE AGREED AS FOLLOWS:

Article 1

The purpose of this Agreement is to establish the principles and rules which will in future govern, in all respects, the fishing activities of vessels flying the flag of a Member State of the Community, hereinafter referred to as 'Community vessels', in the waters over which Sierra Leone has sovereignty or jurisdiction in respect of fisheries, hereinafter referred to as 'Sierra Leone's fishing zone'.

Article 2

Sierra Leone shall permit fishing by Community vessels in Sierra Leone's fishing zone in accordance with this Agreement and the laws and regulations in force in Sierra Leone relating to fisheries.

Article 3

1. The Community undertakes to take all necessary steps to ensure that Community vessels observe the provisions of this Agreement and the laws, rules and regulations relating to fishing in Sierra Leone's fishing zone consistent with the

provisions of the United Nations Convention and the Law of the Sea.

2. The authorities of Sierra Leone shall notify the Commission of the European Communities of any change to the said laws, rules and regulations.

Article 4

1. Fishing activities by Community vessels in Sierra Leone's fishing zone under the present Agreement shall be subject to possession of a valid fishing licence issued by the Government of Sierra Leone.

2. Licences will be issued by the authorities of Sierra Leone within the limits laid down in the Protocol attached hereto.

3. The issue of a licence by the authorities of Sierra Leone at the Community's request shall be subject to payment of a licence fee by the shipowner concerned.

4. The formalities for making applications for licences, their period of validity, the amount of the fee, the payment provisions and the permitted fishing zone shall be as specified in the Annex.

Article 5

The Parties undertake to coordinate action, either directly or within international organizations, to ensure the management and conservation of the living resources in the Eastern Central Atlantic and to facilitate the relevant scientific research.

Article 6

Vessels authorized to fish in Sierra Leone's fishing zone under this Agreement shall be obliged to communicate to the authorities of Sierra Leone the statements of catch and other relevant information according to the conditions set out in the Annex.

Article 7

In return for the fishing opportunities accorded pursuant to Article 2, the Community shall make payments to Sierra Leone in accordance with the provisions of the aforesaid Protocol, without prejudice to the financing for which Sierra Leone is eligible under the ACP-EEC Convention.

Article 8

1. Without prejudice to the exercise by Sierra Leone of sovereignty or jurisdiction over Sierra Leone's fishing zone, the Parties agree to consult on questions relating to the implementation and proper functioning of this Agreement. To this effect a joint committee is hereby established. The Committee shall meet at the request of either Party alternatively in Sierra Leone and in the Community.
2. In the event of a dispute concerning the interpretation or application of this Agreement, such dispute shall be the subject of consultation between the Parties.

Article 9

1. Should the authorities of Sierra Leone decide, as a result of developments in the states of stocks, to take conservation measures which affect the activities of Community vessels, consultations shall be held between the Parties in order to adapt the Annex and Protocol attached to this Agreement.
2. The consultations referred to in paragraph 1 will be based on the principle that any substantial reduction of the fishing rights provided for in the Protocol shall lead to an equivalent reduction of the financial compensation to be paid by the Community.

3. Any conservation measures taken by the authorities of Sierra Leone shall be based on objective and scientific criteria and shall apply equally to Community and other third country vessels without prejudice to special arrangements between developing States within the same geographical area, including reciprocal fishing arrangements.

Article 10

Nothing in this Agreement shall affect or prejudice in any manner the view of either Party with respect to any matter relating to the Law of the Sea.

Article 11

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Sierra Leone.

Article 12

The Annex and the Protocol attached to this Agreement form an integral part of the Agreement and, unless otherwise specified, a reference to the Agreement shall also constitute a reference to them.

Article 13

1. This Agreement shall be concluded for an initial period of two years from the date of its entry into force. Unless one of the Parties terminates it by giving notice to that effect at least six months before the date of expiry of the two-year period, it shall remain in force for further periods of one year unless denounced by notice given at least three months before the date of expiry of each such one-year period.
2. In the event of a Contracting Party giving notice denouncing the Agreement, the Contracting Parties shall enter into negotiations.
3. Before the end of the period of validity of the Protocol, the Contracting Parties shall enter into negotiations to determine by common agreement what amendments or addition to the Annex or Protocol are required.

Article 14

This Agreement, drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each of these texts being equally authentic, shall enter into force on the date of its signature.

ANNEX

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN SIERRA LEONE'S FISHING ZONE

1. Licence application and issuing formalities

- (a) The Commission of the European Economic Communities shall present to the Sierra Leone Ministry responsible for Fisheries via the Delegation of the Commission of the European Communities in Sierra Leone the application, made by the shipowner, for each vessel that wishes to fish under the Agreement, at least 30 days before the date of commencement of the period of validity requested. The application shall be made on the forms provided for that purpose by Sierra Leone a specimen of which is annexed hereto (Annex 1). Each application shall be accompanied by documentary proof of payment
- (b) Before receiving a licence and no more than once a year, each trawler and demersal longliner must be presented at the port of Freetown for inspection in accordance with the rules and regulations in force. This inspection shall be carried out within 24 hours of the vessel's arrival in port. The expenses incurred shall be borne by the ship owners and are established at ECU 300 per vessel.
- (c) Every licence shall be issued to the shipowner for one designated vessel. At the request of the Commission of the European Communities, the licence for a vessel may, and, in cases of proven *force majeure*, will, be replaced by a licence for another Community vessel, having the same characteristics. In the latter case, no fee shall be due for the remaining period of validity
In the new licence shall be mentioned
 - its date of delivery,
 - the fact that the licence replaces the previous one issued
- (d) The licences shall be issued by the authorities of Sierra Leone within 30 days of receipt of payment and delivered to the shipowners or their representatives via the Delegation of the Commission of the European Communities in Sierra Leone
- (e) The licence document must be held on board at all times.
- (f) The authorities of Sierra Leone shall communicate, before the date of entry into force of the Agreement, the arrangements for payment of the licence fees, and in particular the details of the bank account and the currency to be used.
- (g) The licence fee shall include all national and local taxes with the exceptions of charges for services

2. Validity of licences and payment provisions for tuna seiners, pole and line vessels and surface longliners

- (a) Licences shall be valid for a period of one year. They shall be renewable.
- (b) The fees shall be set at ECU 20 per tonne caught within Sierra Leone's fishing zone. Applications for licences shall be issued following advance payment to Sierra Leone of a lump sum of ECU 1 000 a year for each seiner, equivalent to the fees for 50 tonnes of tuna caught within Sierra Leone's fishing zone per year and a lump sum of ECU 200 a year for each pole and line, and surface longliner, equivalent to the fees for 10 tonnes of tuna and other migratory species caught within Sierra Leone's fishing zone per year
The final statement of the fees due for the fishing year in respect of each vessel shall be drawn up by the Commission of the European Communities on the basis of the catch statements made by the shipowners, confirmed by the scientific institutes responsible for verification of the catch figures (Orstom and IEQY—Y Spanish Institute of Oceanography). The final statement will be communicated to the authorities of Sierra Leone and notified to the shipowners who shall have 30 days to meet their financial obligations.
If the amount of the sum due for actual fishing operations does not equal the advance payment, the corresponding outstanding sum shall not be recoverable by the shipowner.

3. Validity of licences and payment provisions for trawlers and demersal longliners

Licences shall be valid for six or 12-month periods. The fees shall be fixed in relation to the GRT as follows:

- (a) 12-month licences:
ECU 106 per GRT per year;
- (b) six-month licences:
ECU 60 per GRT per year.

4 Inspection and monitoring

- (a) Trawlers and demersal longliners shall, at the request of the authorities of Sierra Leone, take on board an observer designated by these authorities in order to check catches made in Sierra Leone's fishing zone.

They shall have all facilities necessary for the performance of these duties including access to places and documents. An observer must not be present for longer than the time required to fulfil his duties.

Observers shall be provided with suitable food and accommodation while on board. Should a vessel with an observer of Sierra Leone on board leave Sierra Leone's fishing zone, every step will be taken to ensure that the observer returns to Sierra Leone as soon as possible, at the shipowner's expense.

- (b) All vessels shall allow on board, and assist in the accomplishment of their duties, any other official of Sierra Leone responsible for inspection and monitoring.

5. Signing on of seamen

1. Trawler and demersal longliner owners who have been issued fishing licences under the Agreement shall contribute to the on-the-job vocational training of Sierra Leone nationals, subject to the conditions and limits set out below:

- two seamen/fishermen on vessels of up to 350 GRT.
- three seamen/fishermen on vessels of more than 350 GRT.

2. The wages of these fishermen, to be borne by the shipowners, shall be fixed by mutual agreement between shipowners and the Sierra Leone authorities. Should the fishermen not be signed on, the shipowners shall be obliged to pay a lump sum equivalent to 30% of the seamen's wages. This sum will be used for the training of fishermen in Sierra Leone and is to be paid into an account specified by the Sierra Leone authorities.

6. Catch declarations

Community vessels authorized to fish in Sierra Leone's waters under the Agreement must provide a statement of their catch to the Ministry of Fisheries of Sierra Leone with copies to the Commission Delegation in Sierra Leone in accordance with the procedures set out below:

- every vessel holding a Sierra Leone fishing licence shall maintain a daily fishing log book.
- trawlers and demersal longliners, a monthly statement shall be made out in accordance with Annex 2 and submitted on a quarterly basis.
- tuna seiners, pole and line tuna vessels and surface longliners, a fishing logbook shall be kept, in accordance with Annex 3, for each fishing period spent in Sierra Leone's fishing zone. The form must be sent within 45 days of the end of the fishing voyage spent in Sierra Leone's fishing zone, to the Ministry of Fisheries of Sierra Leone.
- forms must be completed legibly and be signed by the master of the vessel.

7. Landing of catch

Trawlers authorized to fish in Sierra Leone's fishing zone shall, in order to make a contribution towards supplying the local population with fish caught in the Sierra Leone fishing zone, be obliged to land at market price 75 kilos per GRT per year of fish for local consumption.

In addition, a further 25 kilos per GRT per year of fish for local consumption will be landed free of charge to the Department of Fisheries to assist it in meeting its responsibilities under the Fisheries Management and Development Act.

These provisions do not exclude additional landings agreed on a private basis.

Landings may be made individually or collectively, mention being made of the vessels concerned.

8 Fishing zones

Trawlers and demersal longliners referred to in Article 1 of the Protocol shall be authorized to fish in waters beyond five nautical miles from the base lines.

9. Meshes authorized

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be:

- 60 mm for fin fish,
- 40 mm for species other than fin fish.

Outrigger fishing with two nets only shall be authorized.

Tuna pole and line vessels are authorized to fish for live bait with a mesh size of 16 mm

10. Entering and leaving the zone

All Community vessels fishing in the Sierra Leone zone under the Agreement shall communicate to the radio station indicated on the licence the date and time and their position when entering and leaving the Sierra Leone fishing zone

Radio call sign, frequency and the working hours of the radio station shall be annexed to the licence.

In cases of inability to contact the radio station, vessels may use other means of communications (e.g. telex, telegram).

11. Procedure in case of arrest

The Delegation of the Commission of the European Communities in Sierra Leone shall be notified within 48 hours of any arrest within the Sierra Leone exclusive economic zone of a fishing vessel flying the flag of a Member State of the Community and holding a valid licence granted under the Agreement. The authorities shall at the same time receive a brief report of the circumstances and reasons leading to the arrest.

Annex I

APPLICATION FOR A FOREIGN FISHING VESSEL LICENCE

Name of applicant:

Address of applicant:

Name and address of charterer of vessel if different from above:

Name and address of legal representative in Sierra Leone (if any):

Name of vessel:

Type of vessel:

Country of registry:

Port and registration number:

Fishing vessel external identification:

Radio call sign and frequency:

Length of vessel:

Width of vessel:

Engine type and power:

Gross registered tonnage of vessel:

Net registered tonnage of vessel:

Minimum crew complement:

Type of fishing practised:

Period of validity requested:

I certify that the above particulars are correct.

Date: Signature:

ICCAT LOGBOOK for TUNA FISHERY

Annex 3

Vessel name	Gross tons
Flag country	Capacity (M T)
Registration No	Captain
Company or Owner	No. of crew
Address	Reporting date
	Reported by
	Boat LEFT
	Boat RETURNED
	month day year port

- Longline
- Boatboat
- Purse seine
- Trolling
- Others

Page _____ of _____ pages

Date	Area	Effort (Number of Hooks used)	Surf Temp (°C)	No. S	Longitude	Bluefin tuna <i>Thunnus thynnus</i>		Yellowfin tuna <i>Thunnus albacares</i>		Bigeye tuna <i>Thunnus obesus</i>		Albacore <i>Thunnus albacoro</i>		Swordfish <i>Xiphiidae gladius</i>		Striped marlin <i>Tropurus oides</i>		Black marlin <i>Makaira indica</i>		Sailfin <i>Istiophorus</i>		Shipack <i>Xiphiidae</i>		Miscellaneous fishes		Only total (in weight) Kg only	Gear used		
						No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg			No	Kg
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Remarks

1 Use one sheet per month, and one line per day
 2 At the end of each trip, forward a copy of this log to your correspondent or to ICCAT, General Mole 17, Madrid 1, Spain
 3 '00y' refers to the day you set the line

4 Fishing area refers to the moon position of the boat. Round off minute and record degrees of latitude and longitude. Be sure to record N/S and E/W
 5 The bottom line (landing weight) should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded
 6 All information reported herein will be kept strictly confidential

PROTOCOL

on the fishing rights and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Sierra Leone on fishing off Sierra Leone

Article 1

Pursuant to Article 2 of the Agreement, and for a period of two years from the date of its entry into force, the following fishing possibilities shall be accorded:

- for ocean-going tuna seiners:
licences for 46 vessels;
- for pole and line and surface longliners fishing for tuna and other migratory species:
licences for 43 vessels;
- trawlers fishing for crustaceans, cephalopod and fin fish and demersal longliners fishing for fin fish:
10 300 GRT per month on an annual average.

Article 2

1. The financial compensation referred to in the Agreement for the abovementioned period is fixed at ECU 4 990 000, payable in two annual instalments.
2. The use to which this compensation is put shall be the sole competence of Sierra Leone.
3. The financial compensation shall be paid into an account opened at a financial institution or other body designated by Sierra Leone.

Article 3

At the request of the Community, the fishing rights referred to in Article 1 may be increased by successive instalments of 1 000 GRT per month on annual average. In this case, the financial compensation referred to in Article 2 shall be increased proportionately *pro rata temporis*.

Article 4

1. The Community shall also pay a contribution of ECU 360 000 towards the financing of scientific technical programmes (including equipment, infrastructure, etc.) in order to improve knowledge of fish stocks in Sierra Leone's fishing zone.
2. The competent authorities of Sierra Leone shall send to the Commission a brief report on the utilization of the funds.
3. The Community's contribution to the scientific and technical programmes shall be paid on each occasion into an account specified by the Ministry of Fisheries of Sierra Leone.

Article 5

The two Parties hereby agree that an essential condition for the success of their cooperation is that the skills and know-how of persons engaged in sea fishing be improved. To this end, the Community will facilitate nationals of Sierra Leone in finding places in establishments in its Member State or States with which it has concluded cooperation agreements and will make available an amount of ECU 300 000 for study or practical training awards in the various scientific, technical and economic subjects relating to fisheries.

A part of this amount may be used at the request of the authorities of Sierra Leone, to cover the cost of attending international meetings relating to fisheries.

Article 6

Should the Community fail to make the above payments, the application of the present protocol may be suspended.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 25 April 1990

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 18 January 1990 to 17 January 1993 the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off the coast of Seychelles

(90/226/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 Republic of Seychelles on fishing off Seychelles⁽¹⁾, signed in Brussels on 28 October 1987,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Seychelles have held negotiations with a view to determining amendments to be made to the abovementioned Agreement at the end of the period of application of the Protocol in force which is annexed to the said Agreement;

Whereas, as a result of these negotiations, a new Protocol was initialled on 17 January 1990, by virtue of which Community fishermen are to enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Republic of Seychelles for the period 18 January 1990 to 17 January 1993;

Whereas, in order to avoid interruption of fishing activities by Community vessels, both parties have initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the said Protocol from the day following the date of expiry of the Protocol previously in force; whereas the Agreement in the form of an exchange of

letters should be approved subject to a definitive decision pursuant to Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS.

Article 1

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol defining, for the period 18 January 1990 to 17 January 1993, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an exchange of letters and 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, 25 April 1990.

For the Council
The President
M. O'KENNEDY

⁽¹⁾ OJ No L 119, 7. 5. 1987, p. 26.

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol defining, for the period 18 January 1990 to 17 January 1993, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles

A. *Letter from the Republic of Seychelles*

Sir,

With reference to the draft Protocol, initialled in Victoria on 17 January 1990, establishing the fishing opportunities and the financial contribution for the period 18 January 1990 to 17 January 1993, I have the honour to inform you that the Republic of Seychelles is ready to apply this Protocol on a provisional basis, with effect from 18 January 1990, pending its entry into force in accordance with Article 6 of the Protocol, provided that the European Economic Community is prepared to do the same.

This is on the understanding that a first instalment equal to one-third of the financial compensation specified in Article 2 of the Protocol is to be paid by 30 April 1990.

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 Republic of Seychelles

B. *Letter from the European Economic Community*

Sir,

I am in receipt of your letter of today's date, which reads as follows:

'With reference to the draft Protocol, initialled in Victoria on 17 January 1990, establishing the fishing opportunities and the financial contribution for the period 18 January 1990 to 17 January 1993, I have the honour to inform you that the Republic of Seychelles is ready to apply this Protocol on a provisional basis, with effect from 18 January 1990, pending its entry into force in accordance with Article 6 of the Protocol, provided that the European Economic Community is prepared to do the same.

This is on the understanding that a first instalment equal to one-third of the financial compensation specified in Article 2 of the Protocol is to be paid by 30 April 1990.

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.

*For the European
Economic Community*

PROTOCOL

defining for the period 18 January 1990 to 17 January 1993 the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles

THE CONTRACTING PARTIES,

Having regard to the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles, signed on 28 October 1987,

particularly in respect of highly migratory species, and the purchase or maintenance or both, as Seychelles may think fit, of equipment to improve the administrative structure relating to fisheries in Seychelles.

HAVE AGREED AS FOLLOWS:

Article 1

1. Pursuant to Article 2 of the Agreement, and notwithstanding Article 12 of the Agreement relating to further periods of the Agreement, licences to fish simultaneously in Seychelles waters shall be granted to 40 ocean-going tuna seiners for a period of three years beginning on 18 January 1990.

2. In addition, and at the request of the Community, authorizations may be granted for additional fishing vessels on terms to be established within the joint committee referred to in Article 7 of the Agreement.

Article 2

The amount of the contribution referred to in Article 6 of the Agreement shall be fixed at a flat-rate of ECU 6 900 000 for the duration of this Protocol, payable in three equal annual instalments.

Article 3

The Community shall also pay, during the period referred to in Article 1, a contribution of ECU 2 700 000 towards the financing of scientific programmes in the Seychelles to gain greater knowledge of fish stocks concerning the region of the Indian Ocean surrounding the Seychelles islands,

Article 4

The two Parties hereby agree that an essential condition for the success of their cooperation is that the skills and know-how of persons engaged in sea fishing be improved. To this end, the Community will assist Seychellois nationals in finding places in establishments in its Member States or States with which it has concluded cooperation agreements and will make available an amount of ECU 300 000 for study or practical training awards with a maximum duration of five years in the various scientific, technical and economic subjects relating to fisheries. Of this amount, up to ECU 100 000 may be used, at the request of the Seychelles' authorities, to cover the cost of attending international meetings relating to fisheries.

Article 5

The Protocol and Annex I to the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles are hereby repealed and replaced by this Protocol and Annex I.

Article 6

This Protocol and Annex I shall enter into force on the date of their signature.

This Protocol and Annex I shall be applicable from 18 January 1990.

—

ANNEX I

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN SEYCHELLES' WATERS

1. Licence application and issuing formalities

The procedure for applications for, and issue of, licences enabling Community vessels to fish in Seychelles' waters shall be as follows:

- (a) the Commission of the European Communities shall present to the Seychelles Fishing Authority, via the representative of the Commission of the European Communities in the Seychelles, an application, made by the shipowner, for each vessel that wishes to fish under this Agreement, at least 20 days before the date of commencement of the period of validity requested. The application shall be made on the form provided for that purpose by the Seychelles, a specimen of which is annexed hereto;
- (b) every licence shall be issued for one designated vessel. At the request of the Commission of the European Communities, the licence for a vessel may, and, in cases of *force majeure*, will, subject to the payment of the licence fee, be replaced by a licence for another Community vessel;
- (c) the licences shall be delivered by the authorities of the Seychelles to the shipowners, or their representatives or agents. The representative of the Commission of the European Communities shall be notified of the licences granted by the authorities of Seychelles;
- (d) the licence document must be held on board at all times;
- (e) the authorities of the Seychelles shall communicate before the date of entry into force of the Agreement the arrangements for payment of the licence fees, and in particular the details of the bank accounts and the currencies to be used

2. Validity of licences and payment

- (a) Licences shall be valid for a period of one year. They are renewable.
- (b) As far as tuna vessels are concerned, the fees shall be set at ECU 20 per tonne caught within Seychelles' waters. Applications for licences for tuna vessels shall be issued following advance payment to Seychelles of a lump sum of ECU 10 000 per year for each tuna seiner, equivalent to the fees for 500 tonnes of tuna caught within the Seychelles' waters per year. A provisional statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by the shipowners and forwarded simultaneously to the Seychelles' authorities and the Commission of the European Communities. The corresponding amount shall be paid by the shipowners to the Seychelles' treasury not later than 31 March of the following year. The final statement of the fees due in respect of a fishing year shall be drawn up by the Commission of the European Communities, taking into account available scientific opinion, particularly of FAO, Orstom and IEO — Spanish Institute of Oceanography experts established in the Seychelles, and any statistical data which can be gathered by an international fishing organization in the Indian Ocean. The shipowners shall be notified by the Commission of the European Communities of the statement and shall have 30 days in which to meet their financial obligations. If the amount of the sum due for actual fishing operations does not equal the advance payment, the corresponding outstanding sum shall not be recoverable by the shipowner.
- (c) As far as vessels other than tuna vessels are concerned, the fees shall be fixed in relation to the GRT of the vessel.

3. Observers

Tuna vessels shall, at the request of the Seychelles' authorities, take on board an observer designated by the said authorities in order to check catches made in Seychelles' waters. Observers shall have all facilities necessary for the performance of these duties, including access to places and documents. An observer must not be present for longer than the time required to fulfil his duties. Observers shall be provided with suitable food and accommodation while on board. Should a tuna boat with a Seychellois observer on board leave Seychelles' waters, every step will be taken to ensure that the observer returns to Seychelles as soon as possible, at the shipowner's expense.

4. Employment of fishermen

Each tuna vessel shall take on board at least two Seychellois fishermen designated by the Seychelles' authorities, in agreement with the shipowners, during its fishing campaign. The employment contracts of the fishermen shall be drawn up in Victoria between the shipowner's representatives and the fishermen in agreement with the Seychelles Fishing Authority. This contract shall cover the social security arrangements applicable to the fishermen including life, accident and sickness insurance

5. Landing

Tuna vessels landing in the port of Victoria will endeavour to make their by-catches available to the Seychelles authorities at the local market prices. Moreover, Community tuna vessels shall participate in securing the need of the Seychellois tuna canning industry as provided under the agreement between Community shipowners and the Government of Seychelles.

The amount paid under any agreement between the Community shipowners and the Government of Seychelles must be paid in convertible currency. The programme of landings shall be determined in common agreement between the Community shipowners and the Seychelles Fishing Authority. In case of landings or transshipments, the shipowners will deliver to the Seychelles Fishing Authority fish they do not retain on board.

6. Radio communications

While they are engaged in fishing activities in the Seychelles' waters, vessels shall communicate their position and catches every three days to the Seychelles' authorities via Victoria radio station and, at the end of each trip, the result of their catches.

7. Fishing zone

To avoid any adverse effect on small-scale fisheries in Seychelles' waters, fishing by Community tuna vessels shall not be authorized in the zones defined in Annex III, nor within three miles around any fish-aggregating device placed by the Seychelles authorities, the geographical positions of which have been communicated to the shipowners' representative or agent.

8. Port equipment and use of supplies and services

Community vessels shall endeavour to procure in Seychelles all supplies and services required for their operations. The Seychelles' authorities will lay down, in agreement with the shipowners, the conditions for using port equipment and, if necessary, supplies and services.

9. Catch statements

Community vessels shall be required to complete a fishing log book for each fishing period in Seychelles' waters. Failure to complete this log book, duly proven falsification of the details required to be entered therein or failure to pay any fees due by any Community vessel under this Agreement may be penalized by suspension, revocation or non-renewal of the vessel's fishing licence. Suspension or revocation of a fishing licence shall be regarded as *force majeure* for the purposes of point 1 (b) of this Annex.

Before any licence is suspended or revoked, the Commission of the European Communities will be fully informed of all the relevant facts.

APPLICATION FOR A FOREIGN FISHING VESSEL LICENCE

Name of applicant:

Address of applicant:

Name and address of charterer of vessel if different from above:

Name and address of other legal representative in Seychelles:

Name and address of master of vessel:

Name of vessel:

Type of vessel:

Length and registered net tonnage of vessel.

Engine type, horse power and gross registered tonnage:

Port and country of registry:

Registration number:

Fishing vessel external identification:

Radio call sign/signal letters:

Frequency:

Particulars of equipment:

Number and nationality of crew:

Proposed fishing area and species of fish.

Description of fishing operations, joint ventures and other contractual arrangements:

I certify that the above particulars are correct.

Date: Signature:

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3193/90
of 29 October 1990**

on the conclusion of the Protocol defining, for the period from 18 January 1990 to 17 January 1993, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles

THE COUNCIL OF THE EUROPEAN 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 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 Republic of Seychelles on fishing off Seychelles, signed in Brussels on 28 October 1987 (²), the Contracting Parties held negotiations with a view to determining amendments to be made to that Agreement at the end of the period of application of the Protocol attached to the said Agreement;

Whereas, as a result of these negotiations, a new Protocol defining for the period from 18 January 1990 to 17 January 1993 the fishing opportunities and the financial contribution provided for by the abovementioned Agreement was initialled on 17 January 1990;

Whereas it is in the Community's interest to approve that Protocol,

Article 1

The Protocol defining, for the period from 18 January 1990 to 17 January 1993, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 3

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

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

Done at Luxembourg, 29 October 1990.

For the Council
The President
G. RUFFOLO

(¹) Opinion delivered on 12 October 1990 (not yet published in the Official Journal).

(²) OJ No L 119, 7.5.1987, p. 26.

PROTOCOL

defining, for the period from 18 January 1990 to 17 January 1993, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles

THE CONTRACTING PARTIES,

Having regard to the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles, signed on 28 October 1987,

HAVE AGREED AS FOLLOWS:

Article 1

1. Pursuant to Article 2 of the Agreement, and notwithstanding Article 12 of the Agreement relating to further periods of the Agreement, licences to fish simultaneously in Seychelles waters shall be granted to 40 ocean-going tuna seiners for a period of three years beginning on 18 January 1990.

2. In addition, and at the request of the Community, authorizations may be granted for additional fishing vessels on terms to be established within the Joint Committee referred to in Article 7 of the Agreement.

Article 2

The amount of the contribution referred to in Article 6 of the Agreement shall be fixed at a flat rate of ECU 6 900 000 for the duration of this Protocol, payable in three equal annual instalments.

Article 3

The Community shall also pay, during the period referred to in Article 1, a contribution of ECU 2 700 000 towards the financing of scientific programmes in the Seychelles to gain greater knowledge of fish stocks concerning the

region of the Indian Ocean surrounding the Seychelles islands, particularly in respect of highly migratory species, and the purchase or maintenance or both, as Seychelles may think fit, of equipment to improve the administrative structure relating to fisheries in Seychelles.

Article 4

The two Parties hereby agree that an essential condition for the success of their cooperation is that the skills and know-how of persons engaged in sea fishing be improved. To this end, the Community will assist Seychellois nationals in finding places in establishments in its Member States or States with which it has concluded cooperation agreements and will make available an amount of ECU 300 000 for study or practical training awards with a maximum duration of five years in the various scientific, technical and economic subjects relating to fisheries. Of this amount, up to ECU 100 000 may be used, at the request of the Seychelles' authorities, to cover the cost of attending international meetings relating to fisheries.

Article 5

The Protocol and the Annex to the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles are hereby repealed and replaced by this Protocol and Annex.

Article 6

This Protocol and the Annex shall enter into force on the day of their signature.

This Protocol and the Annex shall be applicable from 18 January 1990.

ANNEX

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN SEYCHELLES' WATERS

1. Licence application and issuing formalities

The procedure for applications for, and issue of, licences enabling Community vessels to fish in Seychelles' waters shall be as follows :

- (a) the Commission of the European Communities shall present to the Seychelles Fishing Authority, via the representative of the Commission of the European Communities in the Seychelles, an application, made by the shipowner, for each vessel that wishes to fish under this Agreement, at least 20 days before the date of commencement of the period of validity requested. The application shall be made on the form provided for that purpose by the Seychelles, a specimen of which is annexed hereto ;
- (b) every licence shall be issued for one designated vessel. At the request of the Commission of the European Communities, the licence for a vessel may, and, in cases of *force majeure*, will, subject to the payment of the licence fee, be replaced by a licence for another Community vessel ;
- (c) the licences shall be delivered by the authorities of the Seychelles to the shipowners, or their representatives or agents. The representative of the Commission of the European Communities shall be notified of the licences granted by the authorities of Seychelles ;
- (d) the licence document must be held on board at all times ;
- (e) the authorities of the Seychelles shall communicate before the date of entry into force of the agreement the arrangements for payment of the licence fees, and in particular the details of the bank accounts and the currencies to be used.

2. Validity of licences and payment

- (a) Licences shall be valid for a period of one year. They are renewable.
- (b) As far as tuna vessels are concerned, the fees shall be set at ECU 20 per tonne caught within Seychelles' waters. Applications for licences for tuna vessels shall be issued following advance payment to Seychelles of a lump sum of ECU 10 000 a year for each tuna seiner, equivalent to the fees for 500 tonnes of tuna caught within the Seychelles' waters per year. A provisional statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by the shipowners and forwarded simultaneously to the Seychelles' authorities and the Commission of the European Communities. The corresponding amount shall be paid by the shipowners to the Seychelles' Treasury no later than 31 March of the following year. The final statement of the fees due in respect of a fishing year shall be drawn up by the Commission of the European Communities, taking into account available scientific opinion, particularly of FAO, Orstom and the Spanish Institute of Oceanography (IEO) experts established in the Seychelles, and any statistical data which can be gathered by an international fishing organization in the Indian Ocean. The shipowners shall be notified by the Commission of the European Communities of the statement and shall have 30 days in which to meet their financial obligations. If the amount of the sum due for actual fishing operations does not equal the advance payment, the corresponding outstanding sum shall not be recoverable by the shipowner.
- (c) As far as vessels other than tuna vessels are concerned, the fees shall be fixed in relation to the GRT of the vessel.

3. Observers

Tuna vessels shall, at the request of the Seychelles' authorities, take on board an observer designated by the said authorities in order to check catches made in Seychelles' waters. Observers shall have all facilities necessary for the performance of these duties, including access to places and documents. An observer must not be present for longer than the time required to fulfil his duties. Observers shall be provided with suitable food and accommodation while on board. Should a tuna boat with a Seychellois observer on board leave Seychelles' waters, every step will be taken to ensure that the observer returns to Seychelles as soon as possible, at the shipowner's expense.

4. Employment of fishermen

Each tuna vessel shall take on board at least two Seychellois fishermen designated by the Seychelles' authorities, in agreement with the shipowners, during its fishing campaign. The employment contracts of the fishermen shall be drawn up in Victoria between the shipowner's representatives and the fishermen in agreement with the Seychelles Fishing Authority. This contract shall cover the social security arrangements applicable to the fishermen including life, accident and sickness insurance.

5. Landing

Tuna vessels landing in the port of Victoria will endeavour to make their by-catches available to the Seychellois authorities at the local market prices. Moreover, Community tuna vessels shall participate in securing the need of the Seychellois tuna canning industry as provided under the agreement between shipowners and the Government of Seychelles.

The amount paid under any agreement between the Community shipowners and the Government of Seychelles must be paid in convertible currency. The programme of landings shall be determined in common agreement between the Community shipowners and the Seychelles Fishing Authority. In case of landings or transshipments, the shipowners will deliver to the Seychelles Fishing Authority fish they do not retain on board.

6. Radio communications

While they are engaged in fishing activities in the Seychelles' waters, vessels shall communicate their position and catches every three days to the Seychelles' authorities via Victoria radio station and, at the end of each trip, the result of their catches.

7. Fishing zone

To avoid any adverse effect on small-scale fisheries in Seychelles' waters, fishing by Community tuna vessels shall not be authorized in the zones defined in Annex III, nor within three miles around any fish-aggregating device placed by the Seychelles authorities, the geographical positions of which have been communicated to the shipowners' representative or agent.

8. Port equipment and use of supplies and services

Community vessels shall endeavour to procure in Seychelles all supplies and services required for their operations. The Seychelles' authorities will lay down, in agreement with the shipowners, the conditions for using port equipment and, if necessary, supplies and services.

9. Catch statements

Community vessels shall be required to complete a fishing log book for each fishing period in Seychelles' waters. Failure to complete this log book, duly proven falsification of the details required to be entered therein or failure to pay any fees due by any Community vessel under this Agreement may be penalized by suspension, revocation or non-renewal of the vessel's fishing licence. Suspension or revocation of a fishing licence shall be regarded as *force majeure* for the purposes of point 1(b) of this Annex.

Before any licence is suspended or revoked, the Commission of the European Communities will be fully informed of all the relevant facts.

APPLICATION FOR A FOREIGN FISHING VESSEL LICENCE

Name of applicant :

Address of applicant :

Name and address of charterer of vessel if different from above :

Name and address of other legal representative in Seychelles :

Name and address of master of vessel :

Name of vessel :

Type of vessel :

Length and registered net tonnage of vessel :

Engine type, horse power and gross registered tonnage :

Port and country of registry :

Registration number :

Fishing vessel external identification :

Radio call sign/signal letters :

Frequency :

Particulars of equipment :

Number and nationality of crew :

Proposed fishing area and species of fish :

Description of fishing operations, joint ventures and other contractual arrangements :

I certify that the above particulars are correct.

Date :

Signature :

COUNCIL DECISION

of 7 May 1990

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 1990 to 31 December 1991, 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

(90/227/EEC)

THE COUNCIL 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, and in particular Article 155 (2) (b) thereof,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast⁽¹⁾, signed in Conakry on 7 February 1983, as last amended by the Agreement signed in Brussels on 28 July 1987⁽²⁾ and extended until 31 December 1989 by an Agreement in the form of an Exchange of Letters,

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 14 December 1989;

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 1990 to 31 December 1991;

Whereas, pursuant to Article 155 (2) (b) of the said 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, 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 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 1990 to 31 December 1991, 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

With a view to taking into consideration the interests of the Canary Islands, the Agreement referred to in Article 1 and, in so far as is necessary for its application, the fisheries provisions relating to the conservation and management of fishery resources shall also apply to vessels flying 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

⁽¹⁾ OJ No L 111, 27. 4. 1983, p. 1.

⁽²⁾ OJ No L 29, 30. 1. 1987, p. 9.

cooperation in trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands⁽¹⁾, as amended by Regulation (EEC) No 3902/89⁽²⁾.

the form of an Exchange of Letters in order to bind the Community.

Done at Brussels, 7 May 1990.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in

For the Council
The President
G. COLLINS

⁽¹⁾ OJ No L 114, 2. 5. 1988, p. 1.

⁽²⁾ OJ No L 375, 23. 12. 1989, p. 5.

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1990 to 31 December 1991, 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 14 December 1989 establishing fishing rights and financial compensation for the period from 1 January 1990 to 31 December 1991, 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 1990, 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 1990.

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 14 December 1989 establishing fishing rights and financial compensation for the period from 1 January 1990 to 31 December 1991, 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 1990, 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 1990.

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 1990 to 31 December 1991, 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 PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast, signed in Conakry on 7 February 1983 and amended by the Agreement signed in Brussels on 28 July 1987,

HAVE AGREED AS FOLLOWS:

Article 1

For a period of two years from 1 January 1990, the fishing rights granted under Article 2 of the Agreement shall be as follows:

1. trawlers: 12 000 GRT a month, annual average;
2. freezer tuna seiners: 45 vessels;
3. pole-and-line tuna vessels and surface longliners: 35 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 Article 1 (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 1990.

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. 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.
- (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

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
 - (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, six Guinea seamen shall be signed on permanently.
 - (3) For the fleet of pole-and-line tuna vessels, eight 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 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

1. The observer's 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. 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.

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.
2. Each trawler shall take on board an observer designated by the Office of the Secretary of State for Fisheries.
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.

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.

Outrigger fishing shall be authorized during the first year of application of the Protocol. This type of fishing will be examined at the first meeting of the Joint Committee with a view to examining the level of fees applicable to it.

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 the Agreement concluded between the Community and the Republic of Guinea and shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

2. Before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within 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 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

Form 2
STATISTICS ON CATCH AND ACTIVITY

OFFICE OF THE SECRETARY OF STATE FOR FISHERIES

Name of vessel:		Month:		Year:		
Nationality (flag):		Fishing method:		Port of landing:		
Engine rating:		Number of fishing operations:		Number of fishing hours:		
Gross registered tonnage:		Species of fish:		Totals:		
Date	Fishing zone		Number of fishing operations	Number of fishing hours	Species of fish	
	Longitude	Latitude				
1/						
2/						
3/						
4/						
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ICCAT LOGBOOK for TUNA FISHERY

ANNEX 3

Vessel name		Gross tons		Boat LEFT		Boat RETURNED	
Flag country		Capacity (M T)		Number of days at sea		Number of days of land made	
Registration No		Captain		Month		day	
Company or Owner		No. of crew		year		19	
Address		Reporting date		month		year	
		Reported by		day		19	
				Number of fishing days or		Trip number	
				number of land made		19	

- Longline
- Barbacoat
- Purse seine
- Trolling
- Other

Page of page

Month	Day	Latitude	Longitude	Surf Water Temp (in C)	Effort (Number of Hoops used)	Bluefin tuna		Yellowfin tuna		Bigeye tuna		Albacore		Swordfish		Striped marlin		Black marlin		Spilfish		Miscellaneous fishery		Daily total (in weight in Kg only)	Ban	
						Number of fish	Weight in Kg	Number of fish	Weight in Kg			Number of fish														
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4. Fishing area refers to the mean position of the boat. Round off minutes and record degrees of latitude and longitude. Be sure to include the letter 'N' or 'S' for latitude and 'E' or 'W' for longitude.

5. The bottom line (Landing weight) should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.

6. All information reported herein will be kept strictly confidential.

Remarks

1. Use one sheet per month and one line per day.

2. At the end of each trip, forward a copy of the log to ICCAT, General Moxa 17, Madrid 1, Spain.

3. "Day" refers to the day you set the line.

COUNCIL REGULATION (EEC) No 2322/90

of 24 July 1990

on the conclusion of the Protocol establishing, for the period 1 January 1990 to 31 December 1991, 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 coast of Guinea

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,

Having regard to the opinion of the European Parliament (¹),

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast (²), signed in Conakry on 7 February 1983, as last amended by the Agreement signed in Brussels on 28 July 1987 (³) and extended until 31 December 1989 by an Agreement in the form of an exchange of letters, the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed to the Agreement;

Whereas, as a result of these negotiations, a new Protocol establishing, for the period 1 January 1990 to 31 December 1991, the fishing rights and financial compensation provided for in the abovementioned Agreement was initialled on 14 December 1989;

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 new Protocol,

(¹) Opinion delivered on 13 July 1990 (not yet published in the Official Journal).

(²) OJ No L 111, 27. 4. 1983, p. 1.

(³) OJ No L 29, 30. 1. 1987, p. 9.

Article 1

The Protocol establishing, for the period 1 January 1990 to 31 December 1991, 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

With a view to taking into consideration the interests of the Canary Islands, the Agreement 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 flying 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 (⁴), as amended by Regulation (EEC) No 3902/89 (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*.

(⁴) OJ No L 114, 2. 5. 1988, p. 1.

(⁵) OJ No L 375, 23. 12. 1989, p. 5.

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

Done at Brussels, 24 July 1990.

For the Council
The President
C. MANNINO

PROTOCOL

establishing, for the period 1 January 1990 to 31 December 1991, 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 PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast, signed in Conakry on 7 February 1983 and amended by the Agreement signed in Brussels on 28 July 1987,

HAVE AGREED AS FOLLOWS:

Article 1

For a period of two years from 1 January 1990, the fishing rights granted under Article 2 of the Agreement shall be as follows:

1. trawlers: 12 000 GRT a month, annual average;
2. freezer tuna seiners: 45 vessels;
3. pole-and-line tuna vessels and surface longliners: 35 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 Article 1 (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 1990.

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.

1. Provisions applicable to trawlers

1. Each vessel shall be obliged to report to the port of Conakry once a year, prior to the issue of the licence, to undergo the inspection laid down by the rules and regulations currently in force. 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.
- (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, six Guinea seamen shall be signed on permanently.
3. For the fleet of pole-and-line tuna vessels, eight 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 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

1. The observer's 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. 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.

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.

2. Each trawler shall take on board an observer designated by the Office of the Secretary of State for Fisheries.
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.

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.

Outrigger fishing shall be authorized during the first year of application of the Protocol. This type of fishing will be examined at the first meeting of the Joint Committee with a view to examining the level of fees applicable to it.

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 the Agreement concluded between the Community and the Republic of Guinea and shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

2. Before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within 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 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

ICCAT LOGBOOK for TUNA FISHERY

Annex 3

Vessel name	Grass line
Flag country	Capacity (G.T.)
Registration No.	Captain
Company or Owner	No. of crew
Address	Reporting date
	Reported by

month	day	year	page
		19	

Boat LEFT	Boat RETURNED

Date	Area		Effort (Number of Nets used)	Start (hr. min. sec.)	End (hr. min. sec.)	Depth tuna (Thunnus albacora)		Yellowfin tuna (Thunnus albacares)		Bigeye tuna (Thunnus obesus)		Albacore (Thunnus albacellus)		Swordfish (Xiphus gladius)		Striped marlin (White marlin (Tropus equispinnatus) or albacore)		Black marlin (Makaira indica)		Spartan (Isomachus platypterus or platypterus)		Shark's Kitefin products		Miscellaneous fishes		Daily total (in weight Kg only)	Boat used		
	Latitude	Longitude				No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg			No	Kg
Month																													
Day																													
01																													
02																													
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4 Fishing area refers to the mean position of the boat, rounded off to minutes, and record degree of latitude and longitude. Be sure to record N/S and E/W

5 The bottom line ("landing weight") should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded

6 All information reported herein will be kept strictly confidential

1 Use one sheet per month, and use line per day

2 At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mails 17, Madrid 1 Spain

3 "Day" refers to the day you set the line

Information on the date of entry into force of the Agreement amending the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off São Tomé and Príncipe signed at Brussels on 1 February 1984⁽¹⁾

The Agreement amending the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off São Tomé and Príncipe was signed at Brussels on 4 May 1990.

Accordingly, the Agreement, pursuant to Article 2 thereof, came into force on 4 May 1990.

⁽¹⁾ OJ No L 337, 27 11 1987, p. 1

Information on the date of entry into force of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement amending the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off São Tomé and Príncipe, signed at Brussels on 1 February 1984, with effect from 1 June 1987⁽¹⁾

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement amending the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off São Tomé and Príncipe was signed at Brussels on 4 May 1990.

Accordingly, the Agreement, pursuant to Article 2 thereof, came into force on 4 May 1990.

⁽¹⁾ OJ No L 300, 23. 10. 1987, p. 31.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 October 1990

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing, for the period 1 June 1990 to 31 May 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe

(90/621/EEC)

THE COUNCIL 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, and in particular Article 155 (2) (b) thereof,

Having regard to the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe (¹), which entered into force on 18 April 1985,

Having regard to the proposal from the Commission,

Whereas negotiations have been held between the Community and São Tomé e Príncipe to determine the amendments or additions to be introduced into the Agreement on fishing off São Tomé e Príncipe at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations, a new Protocol was initialled on 4 May 1990;

Whereas, under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of São Tomé e Príncipe for the period 1 June 1990 to 31 May 1993;

Whereas, pursuant to Article 155 (2) (b) of the Act of Accession of Spain and Portugal 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,

(¹) OJ No L 54, 25. 2 1984, p. 1.

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, 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 Protocol in question; whereas the Agreement in the form of an Exchange of Letters should be approved, pending a final decision taken 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 establishing, for the period 1 June 1990 to 31 May 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

With a view to taking into consideration the interests of the Canary Islands, the Agreement 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⁽¹⁾.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Luxembourg, 22 October 1990.

For the Council

The President

G. DE MICHELIS

⁽¹⁾ OJ No L 114, 2. 5. 1988, p. 1.

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing, for the period 1 June 1990 to 31 May 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe

A. Letter from the Government of the Democratic Republic of São Tomé e Príncipe

Sir,

With reference to the Protocol initialled on 4 May 1990 establishing fishing rights and financial compensation for the period 1 June 1990 to 31 May 1993, I have the honour to inform you that the Government of the Democratic Republic of São Tomé e Príncipe is ready to apply this Protocol on a provisional basis, with effect from 1 June 1990, pending its entry into force in accordance with Article 7 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 one-third of the financial compensation specified in Article 2 of the Protocol is paid by 31 October 1990.

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 Democratic Republic of São Tomé e Príncipe*

B. Letter from the European Economic 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 4 May 1990 establishing fishing rights and financial compensation for the period 1 June 1990 to 31 May 1993, I have the honour to inform you that the Government of the Democratic Republic of São Tomé e Príncipe is ready to apply this Protocol on a provisional basis, with effect from 1 June 1990, pending its entry into force in accordance with Article 7 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 one-third of the financial compensation specified in Article 2 of the Protocol is paid by 31 October 1990.

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 fishing rights and financial compensation for the period 1 June 1990 to 31 May 1993

Article 1

For a period of three years from 1 June 1990, the fishing rights granted pursuant to Article 2 of the Agreement shall be 46 freezer tuna seiners and five pole-and-line wet tuna vessels.

Article 2

1. The financial compensation referred to in Article 6 of the Agreement shall be, for the period referred to in Article 1, ECU 1 650 000, payable in three equal annual instalments.

2. The use to which this compensation is put shall be the sole responsibility of the Government of the Democratic Republic of São Tomé e Príncipe. It shall be paid into an account with the National Bank of São Tomé e Príncipe.

Article 3

1. The Community shall contribute during the period referred to in Article 1 the sum of ECU 150 000 towards the financing of scientific and technical programmes to improve biological and fishery resource information as regards the exclusive economic zone of São Tomé e Príncipe.

2. These programmes shall be drawn up jointly by the competent authorities of São Tomé e Príncipe and the Community, which will, if necessary, participate in their implementation. Once the content of the programmes has been approved, they shall be financed by payments into an account indicated by the competent authorities of São Tomé e Príncipe.

3. The competent authorities of São Tomé e Príncipe shall send to the Commission of the European Communities a report on the implementation of the approved programmes and the results obtained. The Commission of the European Communities reserves the right to request any further scientific information from the authorities of São Tomé e Príncipe.

Article 4

1. The two Parties agree that improving the skills and knowledge of those involved in sea fishing is a vital element in the success of their cooperation. To that end, the Community shall:

(a) make it easier for nationals of São Tomé e Príncipe 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. These awards may also be used by any State linked to the Community by a cooperation agreement;

(b) cover São Tomé e Príncipe's participation in the Regional Fisheries Committee for the Gulf of Guinea and ICCAT;

(c) cover its participation in international meetings or training courses on fisheries.

2. The cost of these measures may not exceed ECU 375 000. This sum shall be paid as and when it is needed.

Article 5

Should the Community fail to make the payments provided for in Articles 2 and 3, the application of this Protocol may be suspended.

Article 6

The Annex to the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe is hereby repealed and replaced by the Annex to this Protocol.

Article 7

This Protocol shall enter into force on the date on which it is signed.

It shall apply from 1 June 1990.

ANNEX

Conditions for the exercise of fishing activities by Community vessels in São Tomé e Príncipe's fishing zone

1. The procedure for applications for and issue of the licences referred to in Article 4 of the Agreement shall be as follows:

The relevant Community authorities shall present to the Ministry for Agriculture and Fisheries of São Tomé e Príncipe, via the Commission Delegation responsible for São Tomé e Príncipe, an application for each vessel that wishes to fish under the Agreement, at least 20 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Government of the Democratic Republic of São Tomé e Príncipe, a specimen of which is attached hereto (Appendix 1).

Licences shall be issued by the São Tomé e Príncipe authorities within 20 days following submission of the application to the shipowners or their representatives via the Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe.

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 Commission of the European Communities, a vessel's licence shall be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Ministry of Agriculture and Fisheries of São Tomé e Príncipe via the Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe.

The new licence shall indicate:

- the date of issue,
- the fact that this licence replaces that of the first vessel, for the period of validity remaining.

In this case, no new lump sum as laid down in paragraph 5 below shall be due.

The licence must be held on board at all times.

2. Licences shall be valid for one year and shall be renewable.
3. The fees provided for in Article 4 of the Agreement shall be set at ECU 20 per tonne caught in São Tomé e Príncipe's fishing zone.
4. The competent authorities of São Tomé e Príncipe shall indicate the detailed rules for payment of the fees, in particular the bank accounts and currencies to be used.
5. Licences shall be issued following payment to the National Bank of São Tomé e Príncipe of a lump sum of ECU 1 500 for each freezer tuna seiner per year and ECU 200 for each pole-and-line tuna vessel per year, equivalent to the fees for:
 - 75 tonnes of tuna caught per freezer tuna seiner per year,
 - 10 tonnes of tuna caught per pole-and-line tuna vessel per year;

6. 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 competent scientific institutes, namely the French Institut de la recherche scientifique et technique d'outre-mer (Orstom) and the Instituto Español de Oceanografía (IEO).

The statement shall be forwarded simultaneously to the competent authorities of São Tomé e Príncipe and to the shipowners. Any additional payment due shall be made by the shipowners to the National Bank of São Tomé e Príncipe no later than 30 days after notification of the final statement. However, if the amount of the final statement is lower than the advance referred to in paragraph 5 above, the resulting balance shall not be reimbursable to the shipowner.

7. Community vessels shall keep a fishing log, in accordance with the model in Appendix 2, for each fishing period spent in São Tomé e Príncipe's fishing zone. The form shall be sent to the Ministry of Agriculture and Fisheries, via the Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe, within 45 days of the end of the fishing trip spent in the São Tomé e Príncipe fishing zone.

Forms must be completed legibly and signed by the master of the vessel.

8. Every time they enter or leave São Tomé e Príncipe's fishing zone, Community vessels shall communicate the volume of catch held on board at that time to the radio station on São Tomé e Príncipe. The call sign shall be communicated to shipowners when the licence is issued.

A vessel caught fishing without having notified the radio of São Tomé e Príncipe shall be considered an unlicensed vessel.

In cases where this radio communication cannot be used, vessels may use alternative means such as telex or telegram.

9. Vessels shall allow on board observers at the request of the authorities of São Tomé e Príncipe. Observers should not remain on board any longer than the time needed to carry out spot checks on the catch. The master of the vessel shall take all necessary steps to facilitate the task of the observers on board.
10. The international standards on tuna fishing as recommended by ICCAT shall apply.
11. The Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe shall be notified within 48 hours of any boarding within São Tomé e Príncipe's fishing zone of a fishing vessel flying the flag of a Member State of the Community and operating under this Agreement.

A brief report of the circumstances and reasons leading to the boarding must be submitted within 72 hours.

Appendix 1

DEMOCRATIC REPUBLIC OF SÃO TOMÉ E PRÍNCIPE

MINISTRY OF AGRICULTURE AND FISHERIES

FISHING LICENCE APPLICATION No.

Name of applicant:

Address of applicant:

.....

Name and address of shipowner:

.....

Name and address of any representative in São Tomé e Príncipe:

.....

Name of vessel:

Type of vessel:

Country of registration:

Port and registration number:

External identification of vessel:

Radio call sign and frequency:

Length of vessel:

Width of vessel:

Engine type and rating:

Hold capacity:

Minimum crew:

Type of fishing:

Species to be fished:

.....

Period of validity sought:

I hereby certify that this information is correct and that I know and agree with and undertake to observe and enforce the laws of the Democratic Republic of São Tomé e Príncipe concerning fishing and the sea, and all applicable international legislation.

Date:

THE APPLICANT

.....

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 7 June 1990

concluding an Agreement in the form of an Exchange of Letters concerning the temporary extension from 1 to 31 March 1990 of the Protocol to the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal

(90/263/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal⁽¹⁾, as last amended by the Protocol signed on 17 March 1988⁽²⁾,

Having regard to the proposal from the Commission,

Whereas, pursuant to the second paragraph of Article 17 of the Agreement, the Community and the Republic of Senegal have opened negotiations to determine the arrangements which will apply after the Protocol to the Agreement expires on 28 February 1990;

Whereas, on 24 February 1990, the two sides agreed to extend the said Protocol for an interim period from 1 to 31 March 1990, pending the outcome of the negotiations,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters concerning the temporary extension from 1 to 31 March

1990 of the Protocol to the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal is hereby approved on behalf of the Community

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Luxembourg, 7 June 1990.

For the Council

The President

P FLYNN

⁽¹⁾ OJ No L 226, 29.8.1980, p. 17.

⁽²⁾ OJ No L 137, 2.6.1988, p. 1

AGREEMENT

in the form of an Exchange of Letters concerning the temporary extension from 1 to 31 March 1990 of the Protocol to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal

A Letter from the Community

Sir,

I have the honour to inform you that, in order to ensure the continuation of the fisheries Agreement between the Government of the Republic of Senegal and the European Economic Community, we have agreed on the following interim arrangements, pending the outcome of the negotiations for the amendment of the Protocol to the fisheries Agreement:

1. The arrangements which have applied for the last two years will be extended to cover the period from 1 to 31 March 1990.

Under the interim arrangements, both the financial compensation paid by the Community and its contribution towards the financing of a Senegalese scientific programme will correspond on a *pro rata* basis to those laid down in Articles 2 and 3 of the Protocol currently in force.

The same *pro rata* rule will apply to the arrangements for grants under Article 4 of the Protocol.

2. During the interim period, licences will be granted within the limits set in Article 1 of the Protocol currently in force, subject to the payment of fees or advances corresponding *pro rata* to those specified in section A and B of Annex 1 to the Protocol

I should be obliged if you would acknowledge receipt of this letter and confirm your agreement with its contents.

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

*On behalf of the Council
of the European Communities*

B. Letter from the Government of the Republic of Senegal

Sir,

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

'I have the honour to inform you that, in order to ensure the continuation of the fisheries Agreement between the Government of the Republic of Senegal and the European Economic Community, we have agreed on the following interim arrangements, pending the outcome of the negotiations for the amendment of the Protocol to the fisheries Agreement:

1. The arrangements which have applied for the last two years will be extended to cover the period from 1 to 31 March 1990.

Under the interim arrangements, both the financial compensation paid by the Community and its contribution towards the financing of a Senegalese scientific programme will correspond on a *pro rata* basis to those laid down in Articles 2 and 3 of the Protocol currently in force.

The same *pro rata* rule will apply to the arrangements for grants under Article 4 of the Protocol.

2. During the interim period, licences will be granted within the limits set in Article 1 of the Protocol currently in force, subject to the payment of fees or advances corresponding *pro rata* to those specified in section A and B of Annex I to the Protocol.

I should be obliged if you would acknowledge receipt of this letter and confirm your agreement with its contents.

I have the honour to confirm that the contents of your letter are acceptable to the Government of the Republic of Senegal and that your letter and the present letter constitute an agreement in accordance with your proposal.

Please accept, Sir the assurance of my highest consideration.

*For the Government
of the Republic of Senegal*

COUNCIL DECISION

of 27 July 1990

on the conclusion of an Agreement in the form of an Exchange of Letters temporarily extending from 1 to 30 April 1990 the Protocol to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal

(90/405/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⁽¹⁾, as amended by the Agreement signed on 17 March 1989⁽²⁾,

Having regard to the proposal from the Commission,

Whereas, pursuant to the second subparagraph of Article 17 of the Agreement, the Community and the Republic of Senegal have opened negotiations to determine the arrangements which will apply after the Protocol to the Agreement expires on 28 February 1990;

Whereas, on 24 February 1990, the two sides agreed to extend the said Protocol for an interim period from 1 to 31 March 1990;

Whereas, on 30 March 1990, the two sides agreed to extend the said Protocol for a second interim period, from 1 to 30 April 1990, pending the outcome of the above-mentioned negotiations,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters temporarily extending from 1 to 30 April 1990 the Protocol to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 27 July 1990.

For the Council

The President

E. RUBBI

⁽¹⁾ OJ No L 226, 29. 8. 1980, p. 17.

⁽²⁾ OJ No L 137, 2. 6. 1988, p. 1.

AGREEMENT

in the form of an Exchange of Letters temporarily extending from 1 to 30 April 1990 the Protocol to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal

A. Letter from the Community

Sir,

I have the honour to inform you that, in order to ensure the continuation of the fisheries Agreement between the Government of the Republic of Senegal and the European Economic Community, we have agreed on the following interim arrangements, pending the outcome of the negotiations for the amendment of the Protocol to the fisheries Agreement :

1. The arrangements which have applied for the last two years will be extended to cover the period from 1 to 30 April 1990.

Under the interim arrangements, both the financial compensation paid by the Community and its contribution towards the financing of a Senegalese scientific programme will correspond on a pro rata basis to those laid down in Articles 2 and 3 of the Protocol currently in force.

The same pro rata rule will apply to the arrangements for grants under Article 4 of the Protocol.

2. During the interim period, licences will be granted within the limits set in Article 1 of the Protocol currently in force, subject to the payment of fees or advances corresponding pro rata to those specified in sections A and B of Annex I to the Protocol.

I should be obliged if you would acknowledge receipt of this letter and confirm your agreement with its contents.

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

*On behalf of
the Council of the European Communities*

B. Letter from the Government of the Republic of Senegal

Sir,

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

'I have the honour to inform you that, in order to ensure the continuation of the fisheries Agreement between the Government of the Republic of Senegal and the European Economic Community, we have agreed on the following interim arrangements, pending the outcome of the negotiations for the amendment of the Protocol to the fisheries Agreement :

1. The arrangements which have applied for the last two years will be extended to cover the period from 1 to 30 April 1990.

Under the interim arrangements, both the financial compensation paid by the Community and its contribution towards the financing of a Senegalese scientific programme will correspond on a pro rata basis to those laid down in Articles 2 and 3 of the Protocol currently in force.

The same pro rata rule will apply to the arrangements for grants under Article 4 of the Protocol.

2. During the interim period, licences will be granted within the limits set in Article 1 of the Protocol currently in force, subject to the payment of fees or advances, corresponding pro rata to those specified in sections A and B of Annex I to the Protocol.

I should be obliged if you would acknowledge receipt of this letter and confirm your agreement with its contents.'

I have the honour to confirm that the contents of your letter are acceptable to the Government of the Republic of Senegal and that your letter and the present letter constitute an agreement in accordance with your proposal.

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

*For the Government
of the Republic of Senegal*

COUNCIL DECISION

of 27 July 1990

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 Economic Community on fishing off the coast of Senegal for the period from 1 May 1990 to 30 April 1992

(90/407/EEC)

THE COUNCIL 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, and in particular Article 155 (2) (b) thereof,

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⁽¹⁾, signed in Brussels on 15 June 1979, as last amended by the Agreement signed on 20 November 1985⁽²⁾, and in particular Article 17 thereof,

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 the two Parties have agreed, pending the outcome of the negotiations, to extend the Protocol for an initial interim period from 1 to 31 March 1990, and for a second interim period from 1 April 1990 to 30 April 1990;

Whereas, as a result of these negotiations, a new Protocol was initialled on 19 April 1990;

Whereas this Protocol extends the fishing opportunities of Community fishermen in the waters over which Senegal has sovereignty or jurisdiction;

Whereas, under Article 155 (2) (b) of the Act of Accession, the Council is required 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, with a view to the conclusion of fisheries agreements with third countries; whereas the said procedures need to be determined in this particular case;

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 Economic Community on fishing off the coast of Senegal for the period from 1 May 1990 to 30 April 1992 is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

To take into consideration the interests of the Canary Islands, the Agreement referred to in Article 1 and, to the extent necessary for its implementation, the provisions of the common fisheries policy on the conservation and management of fishery resources shall also apply to vessels sailing under the flag of Spain which are recorded on a permanent basis in the registers of the competent authorities at local level (registros de base) in the Canary Islands, under the conditions defined in Note 6 of 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⁽³⁾, as amended by Regulation (EEC) No 3902/89⁽⁴⁾.

(1) OJ No L 226, 29. 8. 1980, p. 17.

(2) OJ No L 361, 31. 12. 1985, p. 87.

(3) OJ No L 114, 2. 5. 1988, p. 1.

(4) OJ No L 375, 23. 12. 1989, p. 5.

Article 3

Done at Brussels, 27 July 1990.

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.

For the Council

The President

E. RUBBI

AGREEMENT

in the form of an Exchange of Letters on the provisional application of the Protocol defining, for the period from 1 May 1990 to 30 April 1992, the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal

A. Letter from the Republic of Senegal

Sir,

With reference to the Protocol initialled on 19 April 1990 defining the fishing rights and financial compensation for the period from 1 May 1990 to 30 April 1992, 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 1 May 1990, pending its entry into force in accordance with Article 8 thereof, provided that the European Economic 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 30 September 1990.

I should be obliged if you would confirm the European Economic 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 19 April 1990 defining the fishing rights and financial compensation for the period from 1 May 1990 to 30 April 1992, 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 1 May 1990, pending its entry into force in accordance with Article 8 thereof, provided that the European Economic 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 30 September 1990.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application of the Protocol.'

I have the honour to confirm the European Economic 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*

Information on the date of entry into force of the Protocol defining, for the period 21 May 1989 to 20 May 1992, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar (1)

This Protocol defining, for the period 21 May 1989 to 20 May 1992, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar, was signed in Brussels on 5 July 1990.

Under Article 7, the Protocol accordingly entered into force on 5 July 1990.

(1) OJ No L 341, 23. 11. 1989, p. 2.

Information on the date of signing of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol defining, for the period 21 May 1989 to 20 May 1992, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar (1)

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol defining, for the period 21 May 1989 to 20 May 1992, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar, was signed in Brussels on 5 July 1990.

(1) OJ No L 239, 16. 8. 1989, p. 2.

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2321/90

of 24 July 1990

on the conclusion of the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off Cape Verde

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 Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the Community and Cape Verde have negotiated and initialled an Agreement on fishing which provides fishing opportunities for Community fishermen in waters over which Cape Verde has sovereignty or jurisdiction;

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 this Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement between the European Economic Community and the Republic of Cape Verde on fishing

⁽¹⁾ Opinion delivered on 13 July 1990 (not yet published in the Official Journal).

off Cape Verde is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

With a view to taking into consideration the interests of the Canary Islands, the Agreement 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 ⁽²⁾, as amended by Regulation (EEC) No 3902/89 ⁽³⁾.

Article 3

The President of the Council shall give the notification provided for in Article 14 of the Agreement ⁽⁴⁾.

Article 4

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

⁽²⁾ OJ No L 114, 2. 5. 1988, p. 1.

⁽³⁾ OJ No L 375, 23. 12. 1989, p. 5.

⁽⁴⁾ 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.

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

Done at Brussels, 24 July 1990.

For the Council
The President
C. MANNINO

AGREEMENT

between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde

THE EUROPEAN ECONOMIC COMMUNITY,
hereinafter referred to as the 'Community', and

THE REPUBLIC OF CAPE VERDE,
hereinafter referred to as 'Cape Verde',

CONSIDERING the spirit of cooperation resulting from the Convention between the African, Caribbean and Pacific countries and the European Economic Community (ACP-EEC Convention) and the joint wish for closer relations between the Community and Cape Verde,

CONSIDERING Cape Verde's desire to promote the rational exploitation of its fishery resources by means of increased cooperation,

RECALLING that, in respect of sea fishing, Cape Verde exercises its sovereign rights or jurisdiction over a zone extending up to 200 nautical miles from its coast,

TAKING INTO ACCOUNT the provisions of the United Nations Convention on the Law of the Sea,

DETERMINED to conduct their fisheries relations in a spirit of mutual trust and respect for each other's interests,

DESIROUS of establishing the conditions and terms governing fishing activities of mutual interest to the Parties,

HAVE AGREED AS FOLLOWS:

Article 1

The purpose of this Agreement is to establish the principles and rules which will govern in future, in all respects, the fishing activities of vessels flying the flags of Member States of the Community, hereinafter referred to as 'Community vessels', in the waters over which Cape Verde has sovereignty or jurisdiction in accordance with the provisions of the United Nations Convention on the Law of the Sea and other provisions of international law, hereinafter referred to as the 'Cape Verde fishing zone'.

Article 2

Cape Verde shall permit fishing activities by Community vessels in the Cape Verde fishing zone in accordance with this Agreement.

Article 3

1. The Community undertakes to take all necessary steps to ensure that its vessels adhere to the provisions of this Agreement and the laws governing fishing activities in the Cape Verde fishing zone in accordance with the provisions of the United Nations Convention on the Law of the Sea and other provisions of international law.

2. The Cape Verdean authorities shall notify the Commission of the European Communities of any changes to the said laws prior to their application.

3. The steps taken by the Cape Verdean authorities to regulate fishing in the interests of conservation shall be based on objective and scientific criteria and shall apply both to Community vessels and to other foreign vessels, without prejudice to agreements concluded between developing countries within a single geographical region, including reciprocal fisheries agreements.

Article 4

1. Fishing activities by Community vessels in the Cape Verde fishing zone shall be subject to possession of a licence issued by the relevant Cape Verdean authorities at the Community's request.

2. The issue of a licence shall be subject to payment of a fee by the shipowner concerned.

3. The procedure for licence applications, the fees payable and arrangements for payment are set out in the Annex.

Article 5

The Parties undertake to coordinate either directly or within international organizations their efforts to ensure the

management and conservation of living resources in the Central East Atlantic, particularly with regard to highly migratory species, and to facilitate the relevant scientific research.

Article 6

The masters of the vessels authorized under the terms of this Agreement to fish in the Cape Verde fishing zone shall be obliged to send their statements of catch to the Cape Verdean authorities, with a copy to the Delegation of the Commission of the European Communities in Praia, in accordance with the provisions set out in the Annex.

Article 7

In return for the fishing rights granted pursuant to Article 2, the Community shall make a financial contribution to Cape Verde in accordance with the procedure stipulated in the Protocol attached to this Agreement, without prejudice to financing accorded to Cape Verde under the ACP-EEC Convention.

Article 8

If, as a result of the changing stocks situation, the Cape Verdean authorities decide to apply conservation measures affecting the fishing activities of Community vessels, the Parties shall consult each other with a view to adjusting the Annex and the Protocol.

These consultations shall be based on the principle that any reduction of the fishing rights laid down in the said Protocol must entail a proportional reduction in the financial compensation payable by the Community.

Article 9

A joint committee shall be set up to ensure that this Agreement is properly applied. The committee shall meet, alternatively in Cape Verde and the Community, at the request of either of the Contracting Parties.

The Parties shall consult each other on any dispute regarding the interpretation or application of this Agreement.

Article 10

Nothing in this Agreement shall affect or prejudice in any manner whatsoever the views of either Party with respect to any matter relating to the law of the sea.

Article 11

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Republic of Cape Verde.

Article 12

The Annex and the Protocol to this Agreement form an integral part thereof and, unless otherwise specified, any reference to this Agreement constitutes a reference to them.

Article 13

1. This Agreement shall be concluded for an initial period of three years from the date of its entry into force. Unless one of the Parties ends it by giving notice to that effect six months before the end of the initial period, it shall be extended for further periods of two years, unless denounced by notice given at least three months before the end of any such two-year period.

2. At the end of the initial period, and subsequently of each two-year period, the Contracting Parties shall enter into negotiations to determine by common agreement what amendments or additions to the Annex or Protocol are required.

The Parties shall enter into negotiations in the event of either of them denouncing the Agreement.

Article 14

This Agreement shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

Article 15

This Agreement, drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, all the texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities, which shall transmit a certified copy to each of the Contracting Parties.

ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN THE
CAPE VERDE FISHING ZONE

A. Licence application and issuing formalities

1. The relevant Community authorities shall present to the Office of the Secretary of State for Fisheries of Cape Verde, via the Commission Delegation in Cape Verde, an application for each vessel that is to be used for fishing under the Agreement, at least 15 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Office of the Secretary of State for Fisheries of Cape Verde, a specimen of which is attached hereto (Appendix 1).

2. Each licence application shall be accompanied by proof of payment of the fee for the period of the licence's validity. Payment shall be made into an account opened with a financial institution or any other body designated by the Cape Verdean authorities.

The fees shall include all national and local charges except for port taxes and service charges.

3. Licences for all vessels shall be issued by the Office of the Secretary of State for Fisheries of Cape Verde, within 15 days following receipt of proof of payment as laid down in point 2, to the shipowners or their representatives via the Delegation of the Commission of the European Communities in Cape Verde.

4. Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the Commission of the European Communities, a vessel's licence may, and in the case of *force majeure* shall, be replaced by a new licence for another vessel with features similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Office of the Secretary of State for Fisheries of Cape Verde via the Delegation of the Commission of the European Communities in Cape Verde.

The new licence shall indicate:

- the date of issue,
- the fact that it replaces the licence of the previous vessel for the remaining period of validity.

In this case, no fee as laid down in Article 4 (2) of the Agreement shall be due for unexpired period of validity.

5. The licence must be held on board at all times.
6. The Office of the Secretary of State for Fisheries of Cape Verde shall give notice, before the Agreement enters into force, of the arrangements for payment of the fee, including information on bank accounts and the currencies to be used.

B. Provisions applicable to licences for tuna vessels and surface longliners

1. Licences shall be valid for one year. They shall be renewable.
2. The fee shall be set at ECU 20 per tonne caught within the Cape Verde fishing zone.
3. Licences shall be issued following payment to the Office of the Secretary of State for Fisheries of Cape Verde of a lump sum of ECU 1 500 a year for each tuna seiner and ECU 300 a year for each pole-and-line tuna vessel and surface longliner, equivalent to the fees payable for a catch of:
 - 75 tonnes of tuna per year in the case of seiners,
 - 15 tonnes per year in the case of pole-and-line tuna vessels and surface longliners.
4. The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made for each vessel and confirmed by the relevant scientific institutes, including the Institut français de recherche

scientifique et technique d'outre-mer (ORSTOM), the Instituto Español de Oceanografía (IEO) and the Instituto Nacional de Investigação das Pescas (INIP) of Cape Verde.

The statement shall be forwarded simultaneously to the Office of the Secretary of State for Fisheries of Cape Verde 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 Cape Verde no later than 30 days after notification of the final statement, to be paid into the account opened with a financial institution or any other body designated by the Cape Verdean authorities.

However, if the amount of the final statement is lower than the abovementioned amount, the resulting balance shall not be reimbursable.

C. Provisions applicable to licences for other vessels

1. In the case of bottom longliners, licences shall be valid for three, six or 12 months. The annual fee shall be fixed according to GRT, at the rate of ECU 100 per GRT, in proportion to the duration of the licence.
2. In the case of vessels carrying out experimental cephalopod fishing, the fee shall be set at ECU 60 per GRT per year.

D. Statement of catch

1. For tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with the model in Appendix 2, for each fishing period spent in the Cape Verde fishing zone. The form must be sent, within 45 days of the end of the fishing voyage spent in the Cape Verde fishing zone, to the Office of the Secretary of State for Fisheries of Cape Verde via the Delegation of the Commission of the European Communities in Cape Verde.
2. Bottom longliners and vessels carrying out experimental cephalopod fishing shall be obliged to notify the Office of the Secretary of State for Fisheries of Cape Verde of their catches using the standard form set out in Appendix 3 via the Delegation of the Commission of the European Communities in Cape Verde. These statements shall be monthly and must be communicated at least once every three months.
3. Forms must be completed legibly and be signed by the master of the vessel.
4. Should these provisions not be adhered to, the relevant Cape Verdean authorities reserve the right to apply, *inter alia*, one or both of the following penalties:
 - suspension of the licence of the offending vessel,
 - imposition of a fine.

In this case, the Delegation of the Commission of the European Communities in Cape Verde shall be informed.

E. Landing of catch

Community tuna vessels shall, wherever possible, contribute towards supplying the Cape Verde tuna canning factories in accordance with their catches in the zone at a price fixed by mutual agreement between the Community shipowners and the Cape Verdean fishing authorities on the basis of current prices on the international market. Payment shall be made in convertible currency.

Moreover, tuna vessels landing their catches in a Cape Verdean port shall, wherever possible, make part of their by-catch available to the fishing authorities of Cape Verde at local market prices.

F. Signing-on of seamen

1. Tuna vessel and surface longliner owners shall employ Cape Verdean nationals, subject to the following conditions and limits:
 - for the fleet of tuna seiners, three Cape Verdean seamen shall be signed on during the tuna fishing period in the Cape Verde fishing zone,
 - for the fleet of pole-and-line tuna vessels, eight Cape Verdean seamen shall be signed on during the tuna fishing period in the Cape Verde fishing zone, all of them to be assigned to different vessels,

— for the fleet of surface longliners, two Cape Verdean seamen shall be signed on during the fishing period in the Cape Verde fishing zone, each of them to be assigned to different vessels.

2. The wages of these seamen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the relevant Cape Verdean authorities; the wages shall be borne by the shipowners and must include the social contributions to which the seaman is subject (including life assurance and accident and sickness insurance).
3. Should the seamen not be signed on, shipowners shall be obliged to pay a lump sum equivalent to the wages of seamen not signed on.

This sum will be used for the training of seamen in Cape Verde and is to be paid into the account specified by the relevant Cape Verdean authorities.

G. Taking on board of observers

1. At the request of the relevant Cape Verdean authorities, vessels of more than 150 GRT shall take on board an observer appointed by the said authorities, whose task shall be to check on catches in the Cape Verde 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 relevant Cape Verdean authorities.

2. The work of the observer and the conditions under which he is taken on board must not interrupt or hamper fishing activities. The port in which the observer is taken on board shall be determined by mutual agreement between the relevant Cape Verdean authorities and the shipowner or his representative. Should the observer be taken on board in a foreign port, his travelling costs shall be borne by the shipowner. Should a tuna vessel with an observer on board leave the Cape Verde fishing zone, all measures must be taken to ensure the observer's return to Cape Verde as soon as possible at the expense of the shipowner.

H. Fishing zones

1. Community vessels may carry out fishing activities in the following zones, determined by reference to the base lines:
 - beyond 12 miles for tuna seiners and surface longliners,
 - beyond six miles for pole-and-line tuna vessels,
 - from the base lines for live bait fishing and for bottom longliners.
2. Cephalopod vessels carrying out experimental fishing shall have access to all the Cape Verde fishing zones.

I. Meshes authorized

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be:

- 16 mm for live bait fishing,
- 40 mm for cephalopods.

In the case of tuna, the international standards recommended by ICCAT shall apply.

J. Entering and leaving the zone

1. All Community vessels fishing under the Agreement in the Cape Verde zone shall communicate to the Saõ Vicente radio station the date and time and their position when entering and leaving the Cape Verde fishing zone.
2. While fishing in the Cape Verde zone, vessels shall notify their position and their catch to the relevant Cape Verdean authorities every three days via the Saõ Vicente radio station, and give their total catch each time they leave the zone.

3. The call sign and operating frequencies and working hours of the station shall be communicated to the shipowners or their representatives by the Office of the Secretary of State for Fisheries of Cape Verde at the time the licence is issued.
4. In cases where this radio communication cannot be used, vessels may use alternative means, such as telex or telegram.

K. Port equipment and use of supplies and services

Community vessels shall, where possible, procure in Cape Verde all supplies and services necessary for their activities. The relevant Cape Verdean authorities shall, in agreement with the shipowners or their representatives, establish the conditions for using port equipment and, if necessary, supplies and services.

L. Procedure in case of boarding

1. The Delegation of the Commission of the European Communities in Cape Verde shall be notified within 48 hours of any boarding within the Cape Verde fishing zone of a fishing vessel flying the flag of a Member State of the Community and operating under this Agreement. A brief report of the circumstances and reasons leading to the boarding shall be provided within 72 hours.
 2. A meeting shall be held, within 24 hours of receipt of the abovementioned information, between the Delegation of the Commission of the European Communities in Cape Verde, the Office of the Secretary of State for Fisheries of Cape Verde and the inspection authorities, possibly attended by a representative of the Member State concerned, at which the parties shall exchange any relevant documentation or information helping to clarify the circumstances of the established facts. The shipowner or his representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.
 3. A vessel boarded following a fisheries infringement shall be released upon payment of a security, to be fixed in the light of the costs occasioned by the boarding and the amount of fines and compensation to which those responsible for the infringement are liable.
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Appendix 1

OFFICE OF THE SECRETARY OF STATE FOR FISHERIES

Licence application for foreign industrial fishing vessels

1. Name of shipowner:
2. Address of shipowner:
3. Name of representative or local agent of shipowner:
4. Address of representative or local agent of shipowner:
5. Name of master:
6. Name of vessel:
7. Registration number:
8. Date and place of construction:
9. Flying the flag of:
10. Port of registration:
11. Port of rigging:
12. Overall length:
13. Width:
14. Gross tonnage:
15. Net tonnage:
16. Hold capacity:
17. Chilling or freezing capacity:
18. Engine type and horse power:
19. Type of fishing:
20. Crew complement:
21. Communication equipment:
22. Call sign:
23. Distinguishing signals:
24. Fishing operations to be carried out:
25. Place for landing catch:
26. Fishing zones:
27. Species to be caught:
28. Period of validity:
29. Special conditions:

30. Other activities of the applicant in Cape Verde:

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Opinion of the Directorate-General for Fisheries

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Office of the Secretary of State for Fisheries

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PROTOCOL

establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde

Article 1

1. Pursuant to Article 2 of the Agreement and for a period of three years, fishing rights shall be as follows:

(a) Highly migratory species

- Freezer tuna seiners: 21 vessels,
- Pole-and-line tuna vessels and surface longliners: 24 vessels.

At the Community's request, the allocation of fishing rights for highly migratory species for the second year of application of this Protocol may be altered for a maximum of 15 % of the vessels concerned.

(b) Other species

- Bottom longliners: two vessels, each with a tonnage of less than 210 GRT,
- Experimental cephalopod fishing: two vessels.

2. The first meeting of the joint committee referred to in Article 9 of the Agreement to be held during the second year of application of this Protocol shall examine the available results of the experimental cephalopod fishing.

Article 2

1. For the period referred to in Article 1, the financial compensation referred to in Article 7 of the Agreement shall be ECU 1 950 000, payable in three equal annual instalments.

2. The use to which this compensation is put shall be the sole responsibility of the Cape Verdean authorities.

3. The compensation shall be paid into an account opened with a financial institution or any other body designated by the Cape Verdean authorities.

Article 3

The shipowners concerned shall retain full property rights over catches made as part of the experimental cephalopod fishing.

Article 4

The Community shall also contribute during the period referred to in Article 1 the sum of ECU 500 000 towards the financing of a Cape Verde scientific or technical programme (equipment, infrastructure, seminars, studies, etc.) to improve information on the fishery resources within the exclusive economic zone of Cape Verde.

This sum shall be made available to the Office of the Secretary of State for Fisheries of Cape Verde and paid into the bank account indicated by the Office.

Article 5

1. The two Parties agree that improving the skills and knowledge of those involved in sea fishing is a vital element in the success of their cooperation. To that end, the Community shall make it easier for nationals of Cape Verde to find places in establishments in its Member States and shall provide for that purpose awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. The awards may also be used in any country linked with the Community by a cooperation agreement.

2. The total cost of the awards may not exceed ECU 160 000. At the request of the Cape Verdean authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries. The sum shall be payable as and when it is used.

Article 6

Should the Community fail to make the payments provided for in Articles 2 and 4, the application of this Protocol may be suspended.

COUNCIL DECISION

of 27 July 1990

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 July 1990 to 30 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 the Gambia on fishing off the Gambia

(90/406/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) thereof,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of the Gambia on fishing off the Gambia⁽¹⁾, which entered into force on 1 July 1987,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of the Gambia conducted negotiations to determine the amendments or additions to be made to the abovementioned Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of those negotiations, a new Protocol was initialled on 20 April 1990;

Whereas, under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of the Republic of the Gambia for the period from 1 July 1990 to 30 June 1993;

Whereas, under 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, in order to avoid any interruption in the fishing activities of Community vessels, it is indispensable 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 Protocol in force; whereas that Agreement should be approved pending a final decision taken on the basis of Article 43 of the Treaty,

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 July 1990 to 30 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 the Gambia on fishing off the Gambia is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

With a view to taking into consideration the interests of the Canary Islands, the Agreement referred to in Article 1 and, insofar 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⁽²⁾, as amended by Regulation (EEC) No 3902/89⁽³⁾.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Brussels, 27 July 1990.

For the Council

The President

E. RUBBI

⁽¹⁾ OJ No L 146, 6. 6. 1987, p. 1.

⁽²⁾ OJ No L 114, 2. 5. 1988, p. 1.

⁽³⁾ OJ No L 375, 23. 12. 1989, p. 5.

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing for the period from 1 July 1990 to 30 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 the Gambia on fishing off the Gambia

A. Letter from the Republic of the Gambia

Sir,

With reference to the Protocol initialled on 20 April 1990 establishing fishing rights and financial compensation for the period from 1 July 1990 to 30 June 1993, I have the honour to inform you that the Government of the Republic of the Gambia is ready to apply this Protocol on a provisional basis, with effect from 1 July 1990, 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 one third of the financial compensation specified in Article 3 of the Protocol is paid by 30 September 1990.

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 the Gambia*

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 20 April 1990 establishing fishing rights and financial compensation for the period from 1 July 1990 to 30 June 1993, I have the honour to inform you that the Government of the Republic of the Gambia is ready to apply this Protocol on a provisional basis, with effect from 1 July 1990, 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 one third of the financial compensation specified in Article 3 of the Protocol is paid by 30 September 1990.

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*

COUNCIL REGULATION (EEC) No 3940/90

of 19 December 1990

on the conclusion of the Protocol establishing for the period 1 July 1990 to 30 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of the Gambia on fishing off The Gambia

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,

Article 1

The Protocol establishing for the period from 1 July 1990 to 30 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of The Gambia on fishing off The Gambia is hereby approved on behalf of the Community.

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) thereof,

The text of the Protocol is attached to this Regulation.

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

Article 2

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

With a view to taking into consideration the interests of the Canary Islands, the Protocol referred to in Article 1 and, insofar 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 ^(*) as amended by Regulation (EEC) No 3902/89 ⁽³⁾.

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Republic of The Gambia on fishing off The Gambia ⁽¹⁾, the two parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of those negotiations, a new Protocol establishing the fishing rights and financial compensation provided for in the abovementioned Agreement for the period from 1 July 1990 to 30 June 1993 was initialled on 20 April 1990;

Article 3

Whereas, under 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;

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Whereas it is in the Community's interest to conclude the Protocol,

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 204, 15. 8. 1990, p. 5.

⁽²⁾ Opinion delivered on 14 December 1990 (not yet published in the Official Journal).

⁽³⁾ OJ No L 146, 6. 6. 1987, p. 3.

^(*) OJ No L 114, 2. 5. 1988, p. 1.

⁽¹⁾ OJ No L 375, 23. 12. 1989, p. 5.

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

Done at Brussels, 19 December 1990.

For the Council
The President
C. VIZZINI

PROTOCOL

establishing for the period from 1 July 1990 to 30 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of The Gambia on fishing off The Gambia

THE PARTIES TO THIS PROTOCOL,

HAVING REGARD to the Agreement between the European Economic Community and the Republic of The Gambia on fishing off The Gambia, which entered into force on 1 July 1987,

HAVE AGREED AS FOLLOWS:

Article 1

Pursuant to Article 4 of the Agreement and for the period from 1 July 1990 to 30 June 1993, annual fishing rights shall be as follows:

1. tuna vessels:
 - (a) freezer seiners: 40 vessels;
 - (b) pole-and-line: 17 vessels;
2. surface longliners: eight vessels;
3. trawlers and other vessels:
 - (a) fresh fish trawlers: 2 000 GRT;
 - (b) other fresh fish vessels: at the request of the Community fishing rights for vessels fishing for crustaceans shall be granted up to 570 GRT;
 - (c) freezer trawlers:
 - fishing for shrimps: 4 400 GRT,
 - fishing for other species: 10 300 GRT.

Article 2

The total number of fishing days by fresh fish vessels and freezer trawlers in The Gambia's fishing zone is limited to 1 000 fishing days and 4 000 fishing days, respectively, in each fishing year of application of the Protocol.

The authorities of The Gambia shall notify the Commission Delegation in The Gambia when 80 % of the fishing days authorized for each category of vessel have been utilized.

Article 3

1. For the period referred to in Article 1 the financial compensation referred to in Article 9 of the Agreement shall be ECU 3 870 000 payable in three equal annual instalments.
2. The use to which this compensation is put shall be the sole responsibility of the authorities of The Gambia.
3. The compensation shall be paid to the Accountant General's Department of The Gambia.

Article 4

1. The Community shall also contribute during the period referred to in Article 1 the sum of ECU 80 000

towards the financing of scientific programmes designed to improve knowledge on the fish resources within the waters of The Gambia.

2. Following communication by the relevant authorities of The Gambia of the content of the scientific programmes, the corresponding amounts shall be transmitted to the account specified by those authorities.

3. The relevant authorities of The Gambia shall submit to the relevant services of the Commission reports on the realization of these programmes.

Article 5

The two Parties agree that improving the skills and knowledge of those involved in sea-fishing is a vital element in the success of their cooperation. To that end, the Community shall make it easier for nationals of The Gambia to find places in establishments in its Member States and shall provide for that purpose awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. The awards may also be used in any country linked with the Community by a cooperation agreement.

The total cost of the awards may not exceed ECU 165 000. At the request of the relevant authorities of The Gambia, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries. The sum shall be payable as and when it is used.

Article 6

Should the Community fail to make the payments provided for in Articles 3 and 4, the application of this Protocol may be suspended.

Article 7

The Annex to the Agreement between the European Economic Community and the Government of the Republic of the Gambia on fishing off The Gambia is hereby repealed and replaced by the Annex to this Protocol.

Article 8

This Protocol shall enter into force on the date on which it is signed.

It shall be applicable from 1 July 1990.

ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN THE GAMBIA'S FISHING ZONE

A. Licence application and issuing formalities

1. The relevant Community authorities shall present to the relevant authorities of The Gambia, via the Commission Delegation in The Gambia, an application for each vessel that is to be used for fishing under the Agreement, at least 15 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the relevant authorities of The Gambia, a specimen of which is attached hereto (Appendix 1).

2. Each licence application shall be accompanied by proof of payment of the fee for the period of the licence's validity. Payment shall be made into an account opened with a financial institution or any other body designated by The Gambia's authorities.

The fees shall include all national and local charges except for port taxes and service charges.

3. Licences for all vessels shall be issued by the relevant authorities of The Gambia, within 15 days following receipt of proof of payment as laid down at 2 above, to the shipowners or their representatives via the Commission Delegation in The Gambia.

4. Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the European Economic Community, a vessel's licence may and in the case of *force majeure* shall be replaced by a new licence for another vessel with features similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the relevant authorities of The Gambia via the Commission Delegation in The Gambia.

The new licence shall indicate:

- The date of issue,
- the fact that it replaces the licence of the previous vessel for the remaining period of validity.

In this case, no fee shall be due for unexpired period of validity.

5. The licence must be held on board at all times.
6. The Accountant General's Department of The Gambia shall give notice, before the Agreement enters into force, of the arrangements for payment of the fee, including information on bank accounts and the currencies to be used.

B. Provisions applicable to licences for tuna vessels and surface longliners

1. Licences shall be valid for one year. They shall be renewable.
2. The fee shall be set at ECU 20 per tonne caught within The Gambia's fishing zone.
3. Licences shall be issued following payment to the Accountant General's Department of The Gambia of a lump sum of ECU 1 000 a year for each tuna seiner and ECU 200 a year for each pole-and-line tuna vessel and surface longliner, equivalent to the fees payable for a catch of:
 - 50 tonnes of tuna per year in the case of seiners,
 - 10 tonnes per year in the case of pole-and-line tuna vessels and surface longliners.

4. The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made for each vessel and confirmed by the relevant scientific institutes, including the French Office de la recherche scientifique et technique d'outre-mer (Orstom) and the Instituto Español de Oceanografía (IEO).

The statement shall be forwarded simultaneously to the relevant authorities of The Gambia and to the shipowners. Any additional payment due shall be made by the shipowners to the Accountant General's Department of The Gambia no later than 30 days after notification of the final statement, to be paid into the account opened with a financial institution or any other body designated by the relevant authorities of The Gambia.

However, if the amount of the final statement is lower than the abovementioned amount, the resulting balance shall not be reimbursable.

C. Provisions applicable to licences for other vessels

1. Licences shall be valid for three, six or 12 months. The annual fee shall be fixed according to GRT, in proportion to the duration of the licence, at the rate of:
 - (a) fresh fish vessels:
 - ECU 96 per GRT for vessels fishing for crustaceans,
 - ECU 60 per GRT for other vessels;
 - (b) freezer vessels:
 - ECU 96 per GRT for shrimp vessels,
 - ECU 72 per GRT for other vessels.

These fees shall be paid to the Accountant General's Department of The Gambia in the currency indicated by the relevant authorities of The Gambia.
2. Trawlers fishing in The Gambia's fishing zone shall be limited at a maximum of 1 500 GRT.
3. Each vessel shall be represented by an agent selected by the shipowner and based in The Gambia. An agent may represent more than one vessel.

D. Statement of catch

1. For tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with the model in Appendix 2, for each fishing period spent in The Gambia's fishing zone. The form must be sent, within 45 days of the end of the fishing voyage spent in The Gambia's fishing zone, to the relevant authorities of The Gambia via the Commission Delegation in The Gambia.
2. Trawlers are obliged to notify the relevant authorities of The Gambia of their catches using the standard form given in Appendix 3 via the Commission Delegation in The Gambia. The statements shall be monthly and must be communicated at least once every three months.
3. Forms must be completed legibly and be signed by the master of the vessel.
4. Should these provisions not be adhered to, the relevant authorities of The Gambia reserve the right to suspend the licence of the offending vessel until the formality has been complied with.

In this case, the Commission Delegation in The Gambia shall be informed.

E. Landing of catch

Trawlers authorized to fish in The Gambia's fishing zone shall, in order to make a contribution towards supplying the local population with fish caught in The Gambia's fishing zone, be obliged to land free of charge, to the Ministry of Water Resources, Forestry and Fisheries of The Gambia, 30 kilos per GRT per year of fish for local consumption.

Landings may be made individually or collectively, mention being made of the vessels concerned.

F. Signing-on of seamen

1. Trawler owners who have been issued fishing licences under the Agreement shall contribute to the on-the-job vocational training of The Gambia nationals, taking on board one seaman per trawler.
2. The wage of this fisherman, to be borne by the shipowners, shall be fixed by mutual agreement between shipowners and the relevant authorities of The Gambia. Should the fisherman not be signed on, the shipowners shall be obliged to pay a lump sum equivalent to 60 % of the seaman's wage. This sum will be used for the training of fishermen in The Gambia and is to be paid into an account specified by the relevant authorities of The Gambia.

G. Fishing zones

Community vessels may carry out fishing activities in the following zones:

- beyond seven miles from the coast for trawlers and surface longliners equal to or less than 250 GRT,

- beyond 12 miles from the coast for trawlers and surface longliners of more than 250 GRT,
- throughout the waters under sovereignty or jurisdiction of The Gambia for tuna vessels.

H. Meshes authorized

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be, when fishing for:

- live bait: 8 mm,
- cephalopods: 40 mm,
- fin fish: 60 mm,
- shrimp: 40 mm.

In the case of tuna, the international standards recommended by Iccat shall apply.

I. Entering and leaving the zone

1. All Community vessels fishing under the Agreement in The Gambia's fishing zone shall communicate to the Banjul radio station the date and time and their position when entering and leaving The Gambia's fishing zone.
2. While fishing in The Gambia's fishing zone, vessels shall notify their position and their catch to the relevant authorities of The Gambia every three days via the Banjul radio station, and give their total catch each time they leave the zone.
3. The call sign and operating frequencies and working hours of the station shall be communicated to the shipowners or their representatives by the relevant authorities of The Gambia at the time the licence is issued.
4. In cases where this radio communication cannot be used, vessels may use alternative means, such as telex or telegram.

J. Procedure in case of arrest and detention

The Commission delegation in The Gambia shall be notified within 48 hours of any arrest and detention within The Gambia's fishing zone of a fishing vessel flying the flag of a Member State of the Community and operating under this Agreement. A brief report of the circumstances and reasons leading to the arrest shall be provided within 72 hours.

Appendix 1

REPUBLIC OF THE GAMBIA

APPLICATION FORM FOR FISHING VESSEL TO FISH IN GAMBIAN WATERS

I. APPLICANT:

1. Name of applicant:
2. Name of company:
3. Address:

II. VESSEL:

1. Name:
2. Registration no:
3. Date and place of construction:
4. Radio call sign:
5. Country of registration:
6. Gross register tonnes:
7. Number of fish holds:
8. Capacity of holds:
9. Total number of crew:
10. Fishing method:
11. Is the vessel a freezer?
12. If yes:
 - Freezer capacity:
 - Storage capacity:
13. Name of master of vessel:

III. PERIOD OF APPLICATION:

From to

.....
(Date)

.....
(Signature)

ICCAT LOGBOOK for TUNA FISHERY

Appendix 2

Vessel name	Crease line	Capacity (M.T.)
Flag country	Captain	No. of crew
Registration No.	Reporting date	Reported by
Company or Owner	Boat LEFT	Number of days at sea
Address	Boat RETURNED	Number of fishing days or number of sets made

- Longline
- Barbnet
- Pure seine
- Trolling
- Others

month	day	year	p.e.r.t.
1 0			

Date	Area		Effort (Number of Hooks used)	Surf Temp. (°C)	Bluefin tuna Thunnus thynnus or munitzoi		Yellowfin tuna Thunnus albacares		Bigeye tuna Thunnus obesus		Albacore Thunnus albacus		Swordfish Xiphetes gladius		Black marlin Makaira indica		Striped marlin Kajanus leopoldi		Miscellaneous fishes		Dairy total (in weight Kg only)	Boat used		
	Latitude	Longitude			number fish	weight in Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg	No	Kg				
Month																								
Day																								
01																								
02																								
03																								
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1 Use one sheet per month, and one line per day
 2 At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mole 17, Madrid 1 Spain
 3 "Day" refers to the day you set the line
 4 Fishing area refers to the mean position of the boat. Record off course, and record degree of latitude and longitude. Be sure to record N/S and E/W
 5 The bottom line ("landing weight") should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded
 6 All information reported herein will be kept strictly confidential

COUNCIL DECISION

of 27 July 1990

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 1990 to 2 May 1992, 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

(90/409/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⁽¹⁾,

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 second Protocol to the Agreement and currently in force ,

Whereas, as a result of those negotiations, a new Protocol was initialled on 4 April 1990 ;

Whereas the Protocol provides Community fishermen with fishing opportunities in waters over which the People's Republic of Angola has sovereignty from 3 May 1990 to 2 May 1992 ;

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 1990 to 2 May 1992, 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 1990.

For the Council

The President

E. RUBBI

(¹) 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 establishing, for the period from 3 May 1990 to 2 May 1992, 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 People's Republic of Angola

Sir,

With reference to the Protocol initialled on 4 April 1990 establishing the fishing opportunities and financial compensation for the period from 3 May 1990 to 2 May 1992, I have the honour to inform you that the Government of the People's Republic of Angola is prepared to apply the Protocol on a provisional basis with effect from 3 May 1990, 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 must be paid before 30 September 1990.

I should be obliged if you would confirm the European Economic 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 Protocol initialled on 4 April 1990 establishing the fishing opportunities and financial compensation for the period from 3 May 1990 to 2 May 1992, I have the honour to inform you that the Government of the People's Republic of Angola is prepared to apply the Protocol on a provisional basis with effect from 3 May 1990, 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 must be paid before 30 September 1990.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application of the Protocol.'

I have the honour to confirm the European Economic 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*

COUNCIL REGULATION (EEC) No 3942/90

of 19 December 1990

on the conclusion of the Protocol defining, for the period 3 May 1990 to 2 May 1992, 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

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 proposal from the Commission ⁽¹⁾,

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

Whereas the two parties have held negotiations pursuant to the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola ⁽³⁾, signed in Luanda on 1 February 1989, to determine the amendments or additions to be made to the Agreement on the expiry of the application period of the second Protocol annexed thereto;

Whereas, as a result of those negotiations, a new Protocol defining, for the period 3 May 1990 to 2 May 1992, the fishing opportunities and financial compensation provided for in the said Agreement was initialled on 4 April 1990;

Whereas it is in the Community's interest to approve the Protocol,

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

Done at Brussels, 19 December 1990.

Article 1

The Protocol defining, for the period 3 May 1990 to 2 May 1992, 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 Protocol is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 3

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

For the Council
The President
C. VIZZINI

⁽¹⁾ OJ No C 181, 21. 7. 1990, p. 3.

⁽²⁾ Opinion delivered on 14 December 1990 (not yet published in the *Official Journal*).

⁽³⁾ OJ No L 341, 3. 12. 1987, p. 2.

PROTOCOL

defining, for the period 3 May 1990 to 2 May 1992, 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

THE PARTIES TO THIS PROTOCOL,

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 on 1 February 1989,

HAVE AGREED AS FOLLOWS:

Article 1

From 3 May 1990, for a period of two years, the limits referred to in Article 2 of the Agreement shall be as follows:

1. shrimp vessels: 24 vessels (8 128 GRT);
however, the quantities to be fished by Community vessels may not exceed 5 500 tonnes of shrimps and prawns per year, of which 30% shall be prawns and 70% shrimps;
2. ocean-going tuna freezer boats: 28 vessels;
3. wet tuna boats: five vessels;
4. for exploratory fishing:
demersal trawlers: 600 GRT per month, not exceeding two vessels.

Article 2

1. The financial compensation provided for in Article 7 of the Agreement for the period referred to in Article 1 of this Protocol is hereby fixed at ECU 15 850 000 payable in two equal annual instalments.
2. The use to which this compensation is put shall be the sole responsibility of Angola.

Article 3

During the period referred to in Article 1, the Community shall also contribute ECU 800 000 towards the financing of Angolan scientific and technical programmes (equipment, infrastructure, seminars, studies, etc.). This amount shall be

made available in two equal annual instalments to the Research Centre of the Ministry of Fisheries. The first instalment shall be transferred not later than 30 September 1990.

Article 4

1. During the period referred to in Article 1, the Community shall contribute ECU 540 000 for staff training in Angola. This amount is intended to pay the salaries of foreign teachers working at the Helder Neto naval school in the province of Namibe.
2. A further ECU 780 000 shall be used by the Community to provide Angola with study or practical training awards in the various scientific, technical and economic subjects connected with fisheries in institutions of the Member States of the Community or of the ACP countries; at the request of the Angolan authorities, 15% of this amount may be used to cover the fees for attending international meetings or training periods connected with fisheries. These funds shall be disbursed as and when they are used.

Article 5

Should the Community fail to make the payments provided for in Articles 2 and 3 within the time limits laid down, application of the Agreement may be suspended.

Article 6

The Annex to the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola is hereby repealed and replaced by the Annex to this Protocol.

Article 7

This Protocol shall enter into force on the date of its signature.

It shall apply from 3 May 1990.

ANNEX

CONDITIONS GOVERNING FISHING ACTIVITIES IN ANGOLAN WATERS BY COMMUNITY VESSELS

A. Licence application and issuing formalities

- (a) The Commission of the European Communities shall present to Angola's fishing authority, via the representative of the Commission of the European Communities in Angola, an application made by the shipowner for each vessel that wishes to fish under this Agreement, at least 15 days before the date of commencement of the period of validity requested. Applications shall be made on forms provided for the purpose by Angola, specimens of which are contained in Appendix 1 and Appendix 2. Each licence application shall be accompanied by documentary proof of payment.
- (b) Each licence shall be issued to the shipowner for one designated vessel. At the request of the Commission of the European Communities, the licence for a vessel shall, in cases of proven *force majeure*, be replaced by a licence for another Community vessel.
- (c) Licences shall be issued by the authorities of Angola to the skipper of the vessel in the port of Luanda after inspection of the vessel by the competent authority. However, in the case of tuna vessels, licences shall be issued to the shipowners or their representatives or agents.
- (d) The Delegation of the Commission of the European Communities in Angola shall be notified of the licences issued by Angola's fishing authority.
- (e) The licence document must be held on board at all times.
- (f) Licences shall be valid for periods of one year or, in the case of shrimp vessels, until the quota laid down in Article 1 of the Protocol is exhausted.
- (g) Each vessel shall be represented by an agent approved by the Ministry of Fisheries.
- (h) The Angolan authorities shall communicate, before the date of entry into force of the Agreement, the arrangements for payment of licence fees, including particulars of the bank accounts and currencies to be used.

B. Licence fees

I. Provisions applicable to shrimp vessels

- (a) The fees for monthly licences shall be ECU 52 per gross registered tonne during the first year of application of the Protocol and ECU 66 per gross registered tonne during the second year of application of the Protocol.
In addition, the owners of the shrimp vessels shall contribute up to ECU 100 000 towards improving the Angolan transport system during the period of validity of the Protocol.
- (b) — During the period covered by the Protocol, four scientific research sessions not exceeding 20 days (including embarkation and disembarkation of the scientists) shall be held in November 1990 and 1991 and March 1991 and 1992 to establish the state of crustacean stocks in Angolan waters.
 - This research shall be carried out in conditions ensuring the provisions of reliable information on the state of crustacean stocks in Angola's fishing zone.
 - In place of three Angolan seamen, the vessel shall take on board two Angolan scientists and one scientist from a Member State of the Community. During the research sessions the skipper of the vessel shall follow the instructions given by the research institute responsible.
 - In addition, another scientist from a Member State of the Community shall work with the Angolan Research Institute, for not more than one month, on the computer processing of the statistical data on crustacean fishing.
 - These research sessions shall be at the shrimp vessel owner's expense.

II. Provisions applicable to tuna vessels

The fees shall be ECU 20 per tonne caught within Angola's fishing zone.

Licences shall be issued following advance payment to Angola at a flat rate of ECU 4 000 a year for each ocean-going tuna freezer vessel, equivalent to the fees for 200 tonnes of tuna caught within Angolan

waters per year, and at a flat rate of ECU 2 000 a year for each wet tuna vessel, equivalent to the fees for 100 tonnes of tuna caught within Angolan waters per year.

The final statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of catch statements made for each vessel and verified by a specialized scientific body in the region.

This statement shall be communicated to the Angolan authorities and to the shipowners at the same time. The shipowners shall make any additional payment, within 30 days of notification of the final statement at the latest, into an account opened with a financial institution or any other body specified by the Angolan authorities.

However, if the amount of the final statement is lower than the advance, the balance shall not be reimbursable.

III. *Provisions applicable to demersal trawlers*

The fees for annual licences shall be ECU 165 per gross registered tonne.

C. *By-catches*

The ownership of the by-catches of shrimp vessels has been transferred from the Angolan authorities to the shipowners in return for an increase in the financial compensation.

Shrimp vessels shall be authorized to catch up to 500 tonnes of crab annually.

D. *Landings*

Community wet tuna boats may contribute to supplying Angolan tuna-canning factories, in accordance with their fishing effort in the zone, at a price to be jointly agreed between the Community shipowners and the Angolan fishing authorities based on current international prices. Payment shall be in a convertible currency.

E. *Transshipments*

All transshipments shall be notified to the relevant Angolan fishing authorities eight days in advance in order to enable those authorities to monitor the operations.

Transshipments shall take place in one of the bays of Luanda or Lobito in the presence of the Angolan tax authorities.

A copy of the documentation relating to transshipments shall be forwarded to the Inspection and Monitoring Department of the Ministry of Fisheries 15 days before the end of each month for the preceding month.

F. *Statement of catches*

1. *Shrimp vessels and demersal trawlers*

- (a) At the end of each fishing year, these vessels must forward to the Fisheries Investigation Centre in Luanda, via the Delegation of the European Communities in Luanda, a daily catch report drawn up by the skipper in accordance with the specimen contained in Appendix 3.

Furthermore, each vessel shall present a monthly report to the Cabinet of the Minister for Planning listing the quantities on board on the last day of the month. This report shall be presented no later than the 45th day following the end of the month concerned. Should this provision not be adhered to, Angola reserves the right to apply the penalties provided for in Article 12 of Decree No 12-A/80 of 6 February 1980.

- (b) These vessels must also inform Luanda radio station on a daily basis of their geographical position and the previous day's catches.

Shipowners shall be notified of the call sign at the time of issue of the fishing licence.

If it is not possible to use the radio, vessels may use alternative means of communication such as telex or telegraph.

Before leaving Angola's fishing zone, these vessels must obtain authorization from the Department of Inspection and Monitoring of the Ministry of Fisheries and have the catches on board checked.

2. *Tuna vessels*

Every three days during the fishing period in Angola's fishing zone, vessels shall inform Luanda radio station of their position and their catch. On entering and leaving Angola's fishing zone, tuna vessels shall inform Luanda radio station of their position and the volume of the catches on board.

If it is not possible to use the radio, vessels may use alternative means of communication such as telex or telegraph.

In addition, the skipper shall complete a fishing log book, in accordance with Appendix 4, for each fishing period spent in Angola's fishing zone.

This form must be completed legibly and be signed by the skipper of the vessels and sent to the Department of Inspection and Monitoring of the Ministry of Fisheries via the Delegation of the European Communities in Luanda within 45 days of the end of the fishing period spent in Angola's fishing zone.

Should this provision not be adhered to, Angola reserves the right to apply the penalties provided for in Article 12 of Decree No 12-A/80 of 6 February 1980.

G. *Fishing zones*

- (a) The fishing zones accessible to shrimp vessels shall comprise all waters under the sovereignty or the jurisdiction of the People's Republic of Angola north of 12°20' and beyond the first 12 nautical miles measured from the base lines.
- (b) The fishing zones accessible to ocean-going tuna freezer vessels and demersal trawlers shall comprise all waters under the sovereignty or the jurisdiction of the People's Republic of Angola beyond the first 12 nautical miles measured from the base lines.
- (c) The fishing zones accessible to wet tuna vessels shall comprise all waters under the sovereignty or the jurisdiction of the People's Republic of Angola beyond the first six nautical miles measured from the base lines.

H. *Signing of crews*

Owners of all vessels, except ocean-going tuna freezer vessels and wet tuna vessels, to whom fishing licences have been issued under the Agreement shall contribute to the on-the-job vocational training of three Angolan seamen on board each vessel.

The seamen's wages, set in accordance with Angolan scales, and other forms of remuneration shall be borne by the shipowners and shall be paid into an account opened with a financial institution designated by the Ministry of Fisheries.

Should shipowners wish to take on further Angolan crew members, they can do so by applying to the Ministry of Fisheries.

I. *Scientific observers*

Any vessel may be asked to take on board a scientist designated and employed by the Ministry of Fisheries.

The scientific observer shall receive the same treatment as the ship's officers; this applies also, as far as possible, to his quarters. The observer shall be given all facilities necessary for him to carry out his duties. The observer's presence and work shall neither interrupt nor hinder the fishing activities.

An amount of ECU 4 per gross registered tonne a year is included in the fee paid by shipowners for each vessel fishing in Angolan waters to cover the cost to Angola of placing observers on vessels.

J. *Inspection and monitoring*

At the request of the Angolan authorities, Community fishing vessels operating under the Agreement shall allow on board any Angolan officials responsible for the inspection and monitoring of fishing activities and facilitate the accomplishment of their duties.

These officials shall remain on board no longer than is necessary for the accomplishment of their duties.

K. Fuel supplies, repairs and other services

All vessels, except tuna vessels, operating in Angola's fishing zone under the Agreement must obtain their fuel and water supplies and have shipyard repairs and maintenance carried out in Angola wherever possible, provided that Angola has the capacity to offer these services.

Subject to these same conditions, the transport of crews shall be undertaken by the Angolan national airline.

Fuel shall not be taken on board outside the roads of Luanda or Lobito without authorization from the Department of Inspection and Monitoring of the Ministry of Fisheries.

L. Mesh size

The minimum size of the mesh used shall be:

- (a) 40 mm for shrimp fishing, and
- (b) 60 mm for demersal fishing.

The introduction of new mesh sizes shall apply to Community vessels from the sixth month following notification of the Commission of the European Communities.

M. Boarding procedure

The Delegation of the Commission in Luanda shall be informed within 48 hours of the boarding of any fishing vessel flying the flag of a Member State of the Community within Angola's exclusive economic zone, and shall at the same time receive a concise report of the circumstances and reasons for the boarding of the vessel.

Appendix 1

APPLICATION FOR A LICENCE TO FISH FOR SHRIMP AND DEMERSAL SPECIES IN THE WATERS OF ANGOLA

PART A

1. Name of owner:
2. Nationality of owner:
3. Business address of owner:
4. Chemical additives which may be used (brand name and composition):

PART B

To be completed for each vessel

1. Period of validity:
2. Name of vessel:
3. Year of construction:
4. Original flag country:
5. Currently flying the flag of:
6. Date of acquisition of current flag:
7. Year of acquisition:
8. Port and registration number:
9. Fishing method:
10. Gross registered tonnage:
11. Radio call sign:
12. Overall length (m):
13. Bow (m):
14. Depth (m):
15. Construction material of the hull:
16. Engine power (bhp):
17. Speed (knots):
18. Capacity of refrigeration chamber:
19. Capacity of fuel tanks (m³):
20. Capacity of fish holds (m³):
21. Colour of the hull:
22. Colour of the superstructure:

23. Communication equipment on board:

Type	Brand	Power (Watt)	Year of construction	Frequencies	
				Reception	Transmission

24. Navigation and detection equipment installed.

Type	Brand	Model	Range

25. Name of captain:

26. Nationality of captain:

To be annexed:

- three colour photographs of the vessel (side view),
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....
(Date of application)

.....
(Signature of owner's representative)

Appendix 2

APPLICATION FOR A LICENCE TO FISH FOR TUNA IN THE WATERS OF ANGOLA

PART A

1. Name of owner:
2. Nationality of owner:
3. Business address of owner:

PART B

(To be completed for each vessel)

1. Period of validity:
2. Name of vessel:
3. Year of construction:
4. Original flag country:
5. Currently flying the flag of:
6. Date of acquisition of current flag:
7. Year of acquisition:
8. Port and registration number:
9. Fishing method:
10. Gross registered tonnage:
11. Radio call sign:
12. Overall length (m):
13. Bow (m):
14. Depth (m):
15. Construction material of the hull:
16. Engine power (bhp):
17. Speed (knots):
18. Cabin capacity:
19. Capacity of fuel tanks (m³):
20. Capacity of fish holds (m³):
21. Freezing capacity (tonnes/24 hours) and freezing system used:
22. Colour of the hull:
23. Colour of the superstructure:

24. Communication equipment on board:

Type	Brand	Model	Power (Watt)	Year of construction	Frequencies	
					Reception	Transmission

25. Navigation and detection equipment installed:

Type	Brand	Model

26. Auxiliary vessels used (for each vessel):

26.1. Gross registered tonnage:

26.2. Overall length (m):

26.3. Bow (m):

26.4. Depth (m):

26.5. Construction material of the hull:

26.6. Engine power (bhp):

26.7. Speed (knots):

27. Auxiliary aerial fish detection equipment (even if not based on board):

28. Home port:

29. Name of captain:

30. Nationality of captain:

To be annexed:

- three colour photographs of the vessel (side view) and of auxiliary fishing vessels and of auxiliary aerial equipment for fish detection,
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

(Date of application)

(Signature of owner's representative)

Appendix 3

MINISTRY FOR FISHERIES STATISTICS ON CATCH AND ACTIVITY

Month: _____ Year: _____

Fishing method:	
Port of landing:	

Engine rating:	
Gross registered tonnage:	

Name of vessel:	
Nationality (flag):	

Date	Fishing zone		Number of hauls	Number of fishing hours	Species (kg)			Total
	Longitude	Latitude			Shrimp	Shrimp and crab	Crab	
1/								
2/								
3/								
4/								
5/								
6/								
7/								
8/								
9/								
10/								
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31/								
TOTAL:								

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 15 October 1990

on the conclusion of an Agreement in the form of an Exchange of Letters concerning the temporary extension from 1 to 31 July 1990 of the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania

(90/532/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 Republic of Mauritania on fishing off the coast of Mauritania⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 13 of the Agreement, the Community and the Islamic Republic of Mauritania have opened negotiations, to determine the arrangements which will apply after the Protocol to the Agreement expires on 30 June 1990;

Whereas on 28 June 1990 the two sides agreed to extend the said Protocol for an interim period from 1 to 31 July 1990 pending the outcome of the negotiations,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters concerning the temporary extension from 1 to 31 July

1990 of the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Luxembourg, 15 October 1990.

For the Council

The President

V. SACCOMANDI

⁽¹⁾ OJ No L 388, 31. 12. 1987, p. 3.

AGREEMENT

in the form of an Exchange of Letters concerning the temporary extension from 1 to 31 July 1990 of the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania

A. Letter from the Community

Sir,

I have the honour to inform you that, in order to ensure the continuation of the Fisheries Agreement between the European Economic Community and the Islamic Republic of Mauritania, we have agreed on the following interim arrangements, pending the outcome of the negotiations of a new Agreement :

1. The arrangements which have applied for the last three years will be extended to cover the period 1 to 31 July 1990.

Under the interim arrangements, both the financial compensation paid by the Community and its contribution towards the financing of a Mauritanian scientific programme will correspond on a *pro rata* basis to those laid down in Articles 2 and 4 of the Protocol currently in force.

The same *pro rata* rule will apply to the arrangements for grants under Article 5 of the Protocol.

2. During the interim period, licences will be granted within the limits set in Article 1 of the Protocol currently in force, subject to the payment of fees or advance corresponding *pro rata* to those specified in Annex B 1 and 2 to the Agreement.

I should be obliged if you would acknowledge receipt of this letter and confirm your agreement with its contents.

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

*On behalf of the Council
of the European Communities*

B. Letter from the Government of the Islamic Republic of Mauritania

Sir,

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

I have the honour to inform you that, in order to ensure the continuation of the Fisheries Agreement between the European Economic Community and the Islamic Republic of Mauritania, we have agreed on the following interim arrangements, pending the outcome of the negotiations of a new Agreement :

1. The arrangements which have applied for the last three years will be extended to cover the period 1 to 31 July 1990.

Under the interim arrangements, both the financial compensation paid by the Community and its contribution towards the financing of a Mauritanian scientific programme will correspond on a *rata* basis to those laid down in Articles 2 and 4 of the Protocol currently in force.

The same *pro rata* rule will apply to the arrangements for grants under Article 5 of the Protocol.

2. During the interim period, licences will be granted within the limits set in Article 1 of the Protocol currently in force, subject to the payment of fees or advances corresponding *pro rata* to those specified in Annex B 1 and 2 to the Agreement.

I should be obliged if you would acknowledge receipt of this letter and confirm your agreement with its contents.'

I have the honour to confirm that the contents of your letter are acceptable to the Islamic Republic of Mauritania and that your letter and the present letter constitute an agreement in accordance with your proposal.

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

*For the Islamic Republic
of Mauritania*

COUNCIL DECISION

of 12 November 1990

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out, for the period 1 August 1990 to 31 July 1993, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania

(90/622/EEC)

THE COUNCIL 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, and in particular Article 155 (2) (b) thereof,

Having regard to the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania (1),

Having regard to the proposal from the Commission,

Whereas, before the end of the period of validity of the current Protocol, negotiations have been held between the Community and the Islamic Republic of Mauritania, in accordance with the second paragraph of Article 13 of the abovementioned Agreement, to determine the amendments or additions to be introduced into the Annex to the Agreement and into the Protocol at the end of the period of application of the Protocol;

Whereas the two Parties agreed to extend the said Protocol on a temporary basis between 1 and 31 July 1990 pending the outcome of the said negotiations;

Whereas, as a result of these negotiations, a new Protocol was initialled on 31 July 1990;

Whereas, under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of Mauritania;

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, 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 Protocol in force; whereas this Agreement should be approved, pending a final decision taken 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, for the period 1 August 1990 to 31 July 1993, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania 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

With a view to taking into consideration the interests of the Canary Islands, the Agreement referred to in Article 1 and, in so far as is necessary for its application, the provisions of the common fisheries policy relating to

(1) OJ No L 388, 31. 12. 1987, p. 1.

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 (*).

Article 3

The president of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 12 November 1990.

For the Council

The President

G. DE MICHELS

(*) OJ No L 114, 2. 5. 1988, p 1

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out, for the period 1 August 1990 to 31 July 1993, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania

A. Letter from the Islamic Republic of Mauritania

Sir,

With reference to the Protocol initialled on 31 July 1990 setting out fishing opportunities and financial contribution for the period 1 August 1990 to 31 July 1993, I have the honour to inform you that the Islamic Republic of Mauritania is ready to apply this Protocol on a provisional basis, with effect from 1 August 1990, pending its entry into force in accordance with Article 9 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 one-third of the financial compensation specified in Article 2 of the Protocol is paid by 15 November 1990.

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 Islamic Republic of Mauritania

B. Letter from the European Economic 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 31 July 1990 setting out fishing opportunities and financial contribution for the period 1 August 1990 to 31 July 1993, I have the honour to inform you that the Islamic Republic of Mauritania is ready to apply this Protocol on a provisional basis, with effect from 1 August 1990, pending its entry into force in accordance with Article 9 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 one-third of the financial compensation specified in Article 2 of the Protocol is paid by 15 November 1990.

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

setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania for the period 1 August 1990 to 31 July 1993

Article 1

For a period of three years from 1 August 1990, the fishing opportunities granted pursuant to Article 2 of the Agreement shall be as follows:

1. Specialized vessels:

- (a) fishing vessels specializing in crustaceans with the exception of lobsters: 10 000 GRT/month annual average;
- (b) black hake trawlers and bottom longliners: 15 000 GRT/month annual average;
- (c) pelagic trawlers and seiners: 9 000 GRT/month annual average;
- (d) pot vessels (lobsters): 1 950 GRT/month annual average.

Vessels with licences for lobster fishing may keep on board no fishing gear other than pots. These vessels are not authorized for live-bait fishing. In addition, lobster fishing shall be prohibited between 1 July and 30 September each year, since this is the height of the breeding season for these species.

It has also been agreed that the lobster fishing opportunities offered to the Communities represent the maximum fishing effort currently possible given the state of stocks. The fishing effort may be reviewed in the Joint Committee on the basis of the results of the scientific assessment provided for in Article 4. If the effort is increased, the Community will be given first refusal of the additional rights after the requirements of the national fleet have been met.

2. Vessels fishing for highly migratory species:

- pole-and-line tuna vessels and surface longliners: 38 vessels,
- freezer tuna seiners: 25 vessels.

3. Live-bait fishing:

pole-and-line tuna vessels are also authorized to fish with live bait where required to carry out their fishing trips within the limits and under the conditions (zones and mesh sizes) laid down in the Annex to the Agreement.

Article 2

- 1. The financial compensation referred to in Article 6 of the Agreement shall be, for the period referred to in Article 1, ECU 27 750 000, payable in three annual instalments.
- 2. The use to which this compensation is put shall be the sole responsibility of Mauritania.
- 3. The compensation shall be paid into an account opened with a financial institution or any other body designated by Mauritania.

Article 3

Demersal trawling fishing rights will be offered to Community vessels if Mauritania decides, taking account of stock levels, to reopen this type of fishing to vessels other than those of the national fleet. In such a case, the financial compensation referred to in Article 2 shall be increased proportionately *pro rata temporis*.

Article 4

The Community shall contribute during the period referred to in Article 1 the sum of ECU 900 000 towards the financing of scientific and technical programmes to improve biological and fishery resource information as regards the Mauritanian fishing zone.

Part of this amount shall be used to carry out a scientific assessment of lobster stocks.

These programmes shall be drawn up by the CNROP and submitted to the Community, which will participate in their implementation. Once the content of the programmes has been approved by both Parties, the corresponding amounts shall be paid into an account indicated by the Mauritanian authorities by the dates specified in the programmes.

The Mauritanian authorities must report regularly on the implementation of the approved programmes and the results obtained. The Community reserves the right to request any further scientific information from the other Party.

Article 5

1. The Community shall make it easier for nationals of Mauritania 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. Such awards may also be used in all countries linked to the Community by a Cooperation Agreement.

The Community shall contribute to the costs of participating in international meetings or training courses on fisheries.

2. The cost of these measures may not exceed ECU 360 000. This sum shall be paid as and when it is needed.

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 Parties agree to encourage cooperation in the field of fisheries. They shall encourage the integration of Community and Mauritanian concerns through associations of mutual interest to exploit fisheries resources and process and market fishery products. To this end, the Joint Committee shall examine appropriate measures.

Article 8

The Annex to the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania is hereby repealed and replaced by the Annex to this Protocol.

Article 9

This Protocol shall enter into force on the date which it is signed. It shall apply with effect from 1 August 1990.

ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN MAURITANIA'S FISHING ZONE

A. Licence applications and issuing formalities

- (a) The Commission of the European Communities shall, via its delegation in Mauritania, present to the Mauritanian fishery authorities a licence application in respect of each vessel, drawn up by shipowners wishing to fish under the Agreement, at least 20 days before the date of commencement of the period of validity requested. The applications shall be made on the forms provided for that purpose by Mauritania, a specimen of which is shown in Annex 1. Licence applications shall be accepted only if accompanied by proof of payment of the fee for the period of the licence's validity. The fees shall include all national and local charges except for the cost referred to at (b).

In addition, in the case of freezer tuna seiners, a tonnage certificate must be attached to the licence application form.

- (b) Before receiving a licence, each vessel, with the exception of freezer tuna seiners, must be presented at the port of Nouadhibou for inspection in accordance with the rules and regulations in force. This inspection shall be carried out within 48 hours of the vessel's arrival in port. The expenses incurred shall be borne by the shipowner and may not be higher than those usually paid by other vessels for the same services.
- (c) Licences shall be issued for a given vessel. At the request of the Commission of the European Communities, a licence issued for one vessel may in a case of *force majeure*, be replaced by a licence for another Community vessel having the same characteristics. In such a case, the owner of the vessel to be replaced shall return the licence to the Ministry responsible for maritime fisheries via the Delegation of the Commission of the European Communities in Mauritania.

The new licence shall indicate:

- the date of issue,
- the fact that this licence cancels and replaces that of the first vessel.

No fee shall be due for the period of validity remaining.

Licences issued to seiners and pelagic trawlers shall be transferable from one ship to another at the request of the Community, provided that the payment for the year in question is made at the issue of the first licence.

Where such a transfer is made, the Community shall apply for a licence for the replacement vessel, indicating the name of the vessel to be replaced and the date on which the transfer is to take effect.

- (d) The licence shall be delivered to the master of the vessel or his representative by the Mauritanian authorities within 20 days of receipt of proof of payment of the fee. The Delegation of the Commission of the European Communities in Mauritania shall be notified of delivery.
- (e) The licence must be held on board at all times.
- (f) The Mauritanian authorities shall specify the bank account and currencies to be used for payment of fees before the entry into force of the Agreement.

B. Validity of licences and payment of fees by shipowners

1. Provisions applicable to tuna vessels and surface longliners

- (a) Licences for these vessels shall be issued for periods of 12 months.
- (b) The fee to be paid by the shipowner shall be set at ECU 20 per tonne caught within the Mauritanian fishing zone.

(c) Licences shall be issued following payment to the Mauritanian treasury of a lump sum of ECU 2 000 a year for each pole-and-line tuna vessel and each surface longliner and ECU 1 000 a year for each freezer tuna seiner, equivalent to the fees for:

- 100 tonnes of tuna a year in the case of pole-and-line tuna vessels,
- 100 tonnes per year of species caught by surface longliners,
- 50 tonnes of tuna per year caught by freezer tuna seiners.

The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data such as the French Office de la recherche scientifique et technique d'outre-mer (Orstom) and the Instituto Español de Oceanografía (IEO) on the one hand and the Centre National de Recherche Océanographique et des Pêches (CNROP) on the other.

This statement shall be forwarded simultaneously to the Mauritanian sea-fishing services and to the shipowners not later than 30 April of the following year. Any additional payment due shall be made by the shipowners to the Mauritanian sea-fishing services no later than 30 days after notification of the final statement.

However, if the amount of the final statement is lower than the abovementioned advance, the resulting balance shall not be reimbursable to the shipowner.

In addition, ships' masters shall keep a logbook for each fishing period in Mauritania's fishing zone in accordance with the specimen in Appendix II.

2. *Provisions applicable to other vessels*

- (a) Licences for these vessels shall be issued for periods of 12 months. They shall be renewable.
- (b) The licence fees to be paid by shipowners, expressed in ecus per gross registered tonnage per year, are as follows:
 - (a) fishing vessels specializing in crustaceans with the exception of lobsters: 276;
 - (b) black hake trawlers and bottom long-liners: 142;
 - (c) pelagic trawlers and seiners: 110;
 - (d) pot vessels (lobsters): 242.

C. *Statement of catch*

1. All vessels authorized to fish in Mauritania's fishing zone under the Agreement, with the exception of tuna vessels and longliners, shall be obliged to forward a statement of their catch, made out according to the specimen in Appendix III, to the Ministry for Fisheries and the Economy of the Sea, via the Delegation of the Commission of the European Communities at Nouakchott.

These statements of catch must be drawn up for each month and sent at least once every six months. They must be completed legibly and be signed by the master of the vessel.

2. Should these provisions not be adhered to, Mauritania reserves the right to suspend the licence of the offending vessel until the required formality has been complied with. In this case, the Delegation of the Commission of the European Communities at Nouakchott shall be informed without delay.

D. *Signing-on of seamen*

1. With the exception of freezer tuna seiners, owners of Community vessels engaged in activities in Mauritania's fishing zone shall employ Mauritanian fishermen and seamen to make up 35 % of the non-officer crew engaged in manning the vessel or fishing operations at the rates of pay applicable to seamen on Mauritanian vessels.

2. However, for the duration of this Protocol, the percentage of fishermen and seamen actually taken on board may not be lower than 25 %. In this case, shipowners are required to pay compensation to the Mauritanian authorities of ECU 200 per month for each seaman of the number constituting the difference between the 35 % quota and the number of seamen actually employed on board; such compensation shall be used for the training of Mauritanian fishermen.
3. At the request of the Mauritanian authorities, Community vessels shall take on board a fisherman/scientific observer as part of the compulsory percentage taken on board.

The presence of this fisherman/scientific observer may not prejudice fishing operations.
4. Shipowners shall be free to choose which Mauritanian sailors they take on board their vessels. The Mauritanian authorities shall therefore keep an up-to-date list containing an adequate number of sailors.
5. The employment contracts of the fishermen shall be drawn up in Mauritania between the shipowners or their representatives and the fishermen in agreement with the Mauritanian fisheries authorities. These contracts shall cover the social security arrangements applicable to the fishermen (including life, accident and sickness insurance).
6. The provisions relating to the signing-on of seamen shall be studied in detail at the first meeting of the Joint Committee. It will examine, in particular, the possibility of taking on board trainee officers with a view to the completion of their practical training.

E. Inspection and monitoring of fishing activities

Any Community vessel fishing in Mauritania's fishing zone shall allow on board and assist in the accomplishment of his duties any Mauritanian official responsible for inspecting and monitoring fishing activities.

These officials should not remain on board any longer than the time required to carry out their duties.

F. Entering and leaving the zone

Community vessels, except those of less than 150 GRT, fishing in Mauritania's fishing zone under the Agreement shall inform the headquarters of the Commande des Pêches (DCP) at Nouadhibou of the date, time and their position whenever entering or leaving the Mauritanian fishing zone. In addition, pole-and-line tuna vessels shall radio to the same station 24 hours in advance their intention to fish with live bait in the zones demarcated for this purpose.

G. Fishing zones

The fishing zones to which Community vessels shall have access are the waters referred to in Article 1 of the Agreement beyond the following limits:

- for fishing vessels specializing in crustaceans, with the exception of lobsters:
 - north of latitude 19° 21' N: nine nautical miles from the base line of Cap Blanc-Cap Timiris,
 - south of latitude 19° 21' N: six nautical miles from the low water mark,during a period laid down annually by decree of the Minister responsible for sea fishing, north of latitude 19° 21' N the line between the following points.

20° 46' N	17° 03' W,
19° 50' N	17° 03' W,
19° 21' N	16° 45' W,

— for black hake trawlers and bottom long-liners:

north of latitude 19°21' N, the line between the following points:

20°36' N	17°36,0' W,
20°03' N	17°36,0' W,
19°50' N	17°12,8' W,
19°50' N	17°03,0' W,
19°04' N	16°34,0' W,

south of latitude 19°21' N, the 18 nautical mile line measured from the low water mark,

— for pelagic trawlers and seiners:

for the zone from Cap Blanc to latitude 19°21' N, the line between the following points:

20°46,3' N	17°03,0' W,
20°10,7' N	17°24,2' W,
19°50,0' N	17°12,8' W,
19°43,0' N	16°58,0' W,
19°21,0' N	16°45,0' W,

south of latitude 19°21' N the 12 nautical mile line measured from the low water mark,

— for pot vessels (lobsters):

north of latitude 19°21' N: 20 nautical miles from the base lines of Cap Blanc-Cap Timiris,

south of latitude 19°21' N: 15 nautical miles from the low water line,

— for pole-and-line tuna vessels and surface longliners:

north of latitude 19°21' N: 15 nautical miles from the base lines of Cap Blanc-Cap Timiris,

south of latitude 19°21' N: 12 nautical miles from the low water line,

— for freezer tuna seiners:

north of latitude 19°21' N: 30 nautical miles from the base lines of Cap Blanc-Cap Timiris,

south of latitude 19°21' N: 30 nautical miles from the low water line,

— for pole-and-line tuna vessels fishing with live bait:

north of latitude 19°21' N: three nautical miles from the base lines of Cap Blanc-Cap Timiris,

south of latitude 19°21' N: three nautical miles from the low water line.

H. By-catch

The by-catch (expressed as a proportion of the total weight of the catch) which may be held on board the Community vessels specified below operating in Mauritanian waters may not exceed the following percentages:

— fishing vessels specializing in crustaceans with the exception of lobsters: 10 %, of which 0 % cephalopods,

— black hake trawlers and bottom long-liners: 35 %, of which 0 % shrimps and cephalopods,

— pelagic trawlers: 3 %,

— pelagic seiners: 10 %.

I. Authorized mesh sizes

The minimum mesh sizes authorized are the following:

— fishing vessels specializing in crustaceans with the exception of lobsters: 40 mm,

— black hake trawlers: 60 mm,

- pelagic seiners: 20 mm,
- pelagic trawlers: 30 mm,
- pole-and-line tuna vessels fishing with live bait: 8 mm,
- tuna seiners: the standards recommended by ICCAT shall apply.

J. Seizure and detention of vessels

The seizure or detention, under the terms of the applicable Mauritanian legislation, of a fishing vessel flying the flag of a Member State of the Community shall be notified to the Delegation of the Commission of the European Communities in Mauritania within 48 hours and simultaneously to the consular agent of the Member State whose flag the vessel flies.

The circumstances and reasons which led to the seizure or detention shall be brought to the attention of the Delegation of the Commission of the European Communities in Mauritania.

K. Transshipment of catches

The Joint Committee shall study the possibility of transshipments for fishing vessels specializing in crustaceans with the exception of lobsters at its first meeting.

Appendix I

I. APPLICANT

Business name:
Number and date of registration:
Commercial registration number:
Forename and name of person responsible:
Date and place of birth:
Profession:
Address:
.....
Number of employees: Permanent: Temporary:
Name and address of person responsible:
.....

II. VESSEL

Name of shipowner: Type of ship:
Registration number:
Home port:
New name: Former name:
Date and place of construction:
Modifications: to the structure: to the equipment:
Nationality of origin: Current nationality:
Date of acquiring current flag:
Classification bureau:
Length overall: Breadth: Draught:
..... GRT NRT
Make of main engine: Type:
HP of engine:
Engine No:
Propeller: fixed pitch Controllable pitch Nozzle
Maximum speed:
Radio: call sign: Frequency:
Detection, navigation and transmission equipment:
Radar Sonar Sounder/headline/Net Sonde
VHF SSB Navigation: satellite Other

Crew:

Name of master:

Number of seamen: Total:

Mauritanian:

III. PRESERVATION METHOD

Ice Ice + refrigeration

Freezing: In brine Dry In cold water

Total refrigeration capacity:

Freezer capacity per 24 hours in tonnes:

Hold capacity:

IV. TYPE OF FISHING FOR WHICH AUTHORIZATION IS SOUGHT

— Crustaceans, type:

— Black hake:

— Pelagic species:

— Tuna:

— Gear and mesh used:

V. OTHER

— Live bait fishing:

— Gear and mesh used:

— Period of validity sought:

— Date of application:

— Name and signature:

Information on the date of entry into force of an Agreement between the European Economic Community and Mauritius on fishing off Mauritius (1)

This Agreement between the European Economic Community and Mauritius was signed in Brussels on 29 November 1990.

This Agreement therefore enters into force, in accordance with Article 13 thereof, on 1 December 1990.

(1) OJ No L 159, 10. 6. 1989, p. 1.

I

(Acts whose publications is obligatory)

COUNCIL REGULATION (EEC) No 3939/90

of 19 December 1990

on the conclusion of the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

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 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 the Community and Côte d'Ivoire have negotiated and initialled an Agreement on fishing which provides fishing opportunities for Community fishermen in waters over which Côte d'Ivoire has sovereignty or jurisdiction;

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 this Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off

the coast of Côte d'Ivoire is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

With a view to taking into consideration the interests of the Canary Islands, the Agreement referred to in Article 1 and, insofar 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 1 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 ⁽³⁾.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement 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 Economic Communities*.

⁽¹⁾ OJ No C 220, 4. 9. 1990, p. 2.

⁽²⁾ Opinion delivered on 14 December 1990 (not yet published in the *Official Journal*).

⁽³⁾ 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, 19 December 1990.

For the Council
The President
C. VIZZINI

AGREEMENT

between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

THE EUROPEAN ECONOMIC COMMUNITY,

hereinafter referred to as the 'Community', and

THE REPUBLIC OF CÔTE D'IVOIRE,

hereinafter referred to as 'Côte d'Ivoire',

CONSIDERING the spirit of cooperation for the development of fisheries resulting from the ACP-EEC Convention and the joint wish for closer relations between the Community and Côte d'Ivoire;

CONSIDERING Côte d'Ivoire's desire to promote the rational exploitation of its fishery resources by means of increased cooperation;

RECALLING that the Community and Côte d'Ivoire are signatories to the United Nations convention on the Law of the Sea and that, pursuant to this Convention, Côte d'Ivoire has established an exclusive economic zone extending up to 200 nautical miles from the base line from which its territorial waters are measured, in which it exercises its sovereign rights or jurisdiction for the purposes of exploitation, conservation and management of the resources of the above zone in accordance with international law;

DETERMINED to conduct their fisheries relations in a spirit of mutual respect for each other's interests in respect of sea-fishing in accordance with the ACP-EEC Convention;

DESIROUS of establishing the conditions and terms governing fishing activities of mutual interest to both Parties,

HAVE AGREED AS FOLLOWS:

Article 1

The purpose of this Agreement is to establish the principles, rules and means of cooperation between the Community and Côte d'Ivoire for the rational exploitation of fishery resources and define all the conditions governing the fishing activities of vessels flying the flags of Member States of the Community, hereinafter referred to as 'Community vessels', in the waters over which Côte d'Ivoire has sovereignty or jurisdiction for the purposes of fishing, hereinafter referred to as the 'Côte d'Ivoire fishing zone'.

Article 2

Côte d'Ivoire shall permit fishing activities by Community vessels in the Côte d'Ivoire fishing zone in accordance with this Agreement and the conditions laid down in the Annex and the Protocol which are appended to this Agreement and form an integral part of it.

Article 3

1. The Community undertakes to take all necessary steps to ensure that its vessels adhere to the provisions of this Agreement and the laws governing fishing activities in the Côte d'Ivoire fishing zone in accordance with the provisions

of the United Nations Convention on the Law of the Sea and other provisions of international law.

2. The Côte d'Ivoire authorities shall notify the Commission of the European Communities of any changes to the said laws prior to their application.

3. The steps taken by the Côte d'Ivoire authorities to regulate fishing in the interests of the rational exploitation of fishery resources shall be based on objective and scientific criteria and shall apply both to Community vessels and to other foreign vessels, without prejudice to agreements concluded between developing countries within a single geographical region, including reciprocal fisheries agreements.

Article 4

1. Fishing activities by Community vessels in the Côte d'Ivoire fishing zone shall be subject to possession of a licence issued by the relevant Côte d'Ivoire authorities at the Community's request.

2. The issue of a licence shall be subject to payment of a fee by the shipowner concerned.

3. The procedure for licence applications, the fees payable and arrangements for payment are set out in the Annex.

Article 5

The masters of the vessels authorized under the terms of this Agreement to fish in the Côte d'Ivoire fishing zone shall be obliged to send their statements of catch to the Côte d'Ivoire authorities, in accordance with the provisions set out in the Annex.

Article 6

1. The Contracting Parties shall encourage fishing cooperation, in particular scientific and technical cooperation. They shall collaborate with a view to coordinating and integrating on a permanent basis the various activities likely to be entered into under this Agreement to reinforce their effect.

2. In this connection, they shall endeavour in particular to encourage and facilitate the exchange of information on fishing techniques and gear and methods of preserving and processing fishery products.

3. In addition, they may also institute specific programmes and studies likely to strengthen the common interests of their respective operators, *inter alia* by:

- undertaking specific studies,
- specific programmes aimed at improving the means of evaluating stock levels and promoting the development of research into new fishing techniques for their rational exploitation,
- the introduction of training programmes in fisheries for nationals.

4. The programmes and studies provided for in this Article shall receive financing from the Community at the request of the Côte d'Ivoire authorities in accordance with the provisions of Article 8.

Article 7

The Parties undertake to coordinate either directly or within international organizations their efforts to ensure the management and conservation of living resources in the Central East Atlantic, and to facilitate the relevant scientific research.

Article 8

In return for the fishing rights granted under Article 2, the Community shall make a financial contribution to Côte d'Ivoire in accordance with the procedure stipulated in the Protocol attached to this Agreement, without prejudice to financing accorded to Côte d'Ivoire under the ACP-EEC Convention.

Article 9

If, on the basis of objective scientific criteria, as a result of the changing stocks situation, the Côte d'Ivoire authorities decide to apply conservation measures affecting the fishing

activities of Community vessels, the Parties shall consult each other with a view to adjusting the Annex and the Protocol to the new fishing conditions imposed on these vessels.

These consultations shall be based on the principle that any reduction of the fishing rights laid down in the said Protocol may entail either a reduction in the financial compensation payable by the Community or an improvement in certain fishing rights offered by Côte d'Ivoire.

Article 10

A joint committee shall be set up.

The committee shall meet, alternately in Côte d'Ivoire and the Community, at the request of either of the Contracting Parties.

The purpose of this committee is to ensure that this Agreement is properly applied, *inter alia*:

- to permit continuing concertation in matters of mutual interest in relation to this fishing Agreement,
- to examine, on the terms set out in this Agreement, any adjustments to fishing rights granted by Côte d'Ivoire and to determine the financial compensation granted by the Community,
- to seek an amicable solution to any disagreements between the Parties which could arise from this Agreement.

Article 11

Nothing in this Agreement shall affect or prejudice in any manner whatsoever the views of either Party with respect to any matter relating to the Law of the Sea.

Article 12

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other, to the territory of Republic of Côte d'Ivoire.

Article 13

This Agreement shall be concluded for an initial period of three years from the date of its entry into force. Unless one of the Parties ends it by giving notice to that effect six months before the end of this three-year period, it shall be extended for further periods of three years, unless denounced by notice given at least three months before the end of any such three-year period.

The Parties shall enter into negotiations in the event of either of them denouncing the Agreement.

Article 14

This Agreement, drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, all the texts being equally authentic, shall enter into force on the date of its signature.

ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN THE
CÔTE D'IVOIRE FISHING ZONE

A. Licence application and issuing formalities

1. The relevant Community authorities shall present to the Office of the Secretary of State for Fisheries of Côte d'Ivoire, via the Commission Delegation in Côte d'Ivoire, an application for each vessel wishing to fish under the Agreement, at least 45 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by Côte d'Ivoire, a specimen of which is attached hereto (Appendix 1).

Each licence application shall be accompanied by proof of payment of the fee for the period of the licence's validity.

The fees shall include all national and local charges except for port taxes and service charges.

The authorities of Côte d'Ivoire shall give notice, before the Agreement enters into force, of the arrangements for payment of the fee, including information on bank accounts.

2. Licences shall be issued for a specific vessel and shall not be transferable.

However, at the request of the Commission of the European Communities, a vessel's licence shall, in the case of *force majeure*, be replaced by a new licence for another vessel with characteristics similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Office of the Secretary of State for Fisheries of Côte d'Ivoire via the Delegation of the Commission of the European Communities in Côte d'Ivoire.

The new licence shall indicate:

- the date of issue,
- the fact that it invalidates and replaces the licence of the previous vessel.

No fee as laid down in Article 4 (2) of the Agreement shall be due for any unexpired period of validity.

3. Licences shall be transmitted by the Côte d'Ivoire authorities to the Delegation of the Commission of the European Communities in Côte d'Ivoire within 45 days of receipt of the application.
4. The original of the licence must be held on board at all times and be presented at any time on request of the competent Côte d'Ivoire authorities.
5. Trawlers authorized under Article 2 of the Agreement must notify the competent Côte d'Ivoire authorities of any changes to the characteristics of a vessel as entered on the licence when issued and as listed in Appendix 1.
6. Any increase in gross registered tonnage of a trawler shall require a new licence application.

B. Provisions applicable to licences for tuna vessels and surface longliners

1. Licences shall be valid for one year. They shall be renewable.
2. The fee shall be set at ECU 20 per tonne of tuna caught within the Côte d'Ivoire fishing zone.
3. Licences shall be issued following payment of a lump sum of ECU 1 000 a year for each tuna seiner and ECU 200 a year for each pole-and-line tuna vessel and surface longliner, equivalent to the fees payable for a catch of:
 - 50 tonnes of tuna per year in the case of seiners,
 - 10 tonnes per year of species caught by pole-and-line tuna vessels and surface longliners.
4. The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data such as the French

Office de la recherche scientifique et technique d'outre-mer (Orstom) and the Instituto Español de Oceanografía (IEO) on the one hand and the Centre de recherche océanographique de Côte d'Ivoire (Côte d'Ivoire oceanographic research centre) on the other. The statement shall be forwarded simultaneously to the sea-fishing services of Côte d'Ivoire and to the shipowners. Any additional payment due shall be made by the shipowners to the Côte d'Ivoire fishing services no later than 30 days after notification of the final statement.

However, if the amount of the final statement is lower than the abovementioned advance, the resulting balance shall not be reimbursable to the shipowner.

5. The authorities of the Côte d'Ivoire shall communicate, before the entry into force of the Agreement, all information concerning the bank account to be used for the payment of the fees.

C. Provisions applicable to licences for freezer trawlers

1. In the case of freezer trawlers, licences shall be valid for three, six or 12 months. They shall be renewable.
2. The annual fee shall be fixed at the rate of ECU 130 per GRT for the first two years of the application of the Protocol.

With a view to any allocation of fishing rights for freezer trawlers applicable from the third year of the Protocol's application, fees may be reviewed within the joint committee.

Fees for licences for periods of less than one year shall be paid on a *pro rata* basis according to the length of time.

D. Statements of catch

1. Vessels authorized to fish in the Côte d'Ivoire fishing zone under this Agreement shall send their statements of catch to the sea-fishing services with a copy to the Delegation of the Commission of the European Communities in Côte d'Ivoire, as follows:
 - (a) trawlers shall notify their catches using the form given in Appendix 2. These statements shall be monthly and must be communicated at least once every three months.
 - (b) for tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with the model in Appendix 3 in the case of surface longliners and Appendix 4 in the case of seiners and pole-and-line vessels for each fishing period spent in the Côte d'Ivoire fishing zone. The form shall either be collected in port by the relevant departments of the Centre de recherche océanographique de Côte d'Ivoire or sent to the same department within 45 days of the end of the fishing trip spent in the Côte d'Ivoire fishing zone.

Forms must be completed legibly and be signed by the master of the vessel.
2. Should these provisions not be adhered to, the Côte d'Ivoire authorities reserve the right to suspend the licence of the offending vessel until the required formality has been complied with. In this case, the Delegation of the Commission of the European Communities in Côte d'Ivoire shall be informed without delay.

E. Landing of catches

Tuna vessels and surface longliners landing their catches in a Côte d'Ivoire port shall, wherever possible, make their by-catches available to Côte d'Ivoire dealers at local market prices.

In addition, Community tuna vessels shall contribute towards supplying the Côte d'Ivoire's tuna-canning factories at a price fixed by mutual agreement between the Community shipowners and Côte d'Ivoire dealers on the basis of current prices on the international market. Payment shall be made in convertible currency. The landing schedule must be drawn up by mutual agreement between the Community shipowners and the Côte d'Ivoire dealers.

F. Fishing zones

1. To protect nurseries and local small-scale fishing activities, Community vessels with licences may not carry out fishing activities as provided in Article 2 of the Agreement in the following zones:
 - up to six nautical miles from the coast in the case of surface longliners, pole-and-line tuna vessels and freezer trawlers,
 - up to the 200-metre isobath in the case of freezer tuna seiners.

2. With a view to any allocations of fishing rights for freezer trawlers applicable from the third year of the application of the Protocol, the fishing zones may be the subject of a re-examination by the joint committee.
3. However, pole-and-line tuna vessels fishing for live bait shall be authorized to do so in the prohibited zone defined above to obtain bait strictly within the limits of their own requirements.

G. Entering and leaving the zone

1. All Community vessels fishing under the Agreement in the Côte d'Ivoire zone shall communicate to the radio station indicated on the licence the date and time and their position when entering and leaving the Côte d'Ivoire fishing zone.
2. In cases where radio communication cannot be used, vessels may use alternative means, such as telex or telegram.
3. A vessel found to be fishing without having informed the Côte d'Ivoire authorities shall be regarded as a vessel without a licence.

H. Authorized mesh sizes

The minimum mesh size authorized (mesh fully extended) shall be:

- (a) 40 mm freezer trawlers taking deepwater shellfish and freezer trawlers taking cephalopods;
- (b) 60 mm for freezer trawlers taking fish;
- (c) in the case of tuna, the international standards recommended by Iccat shall apply.

I. Signing-on of seamen

Owners of vessels which have been granted licences as provided by the Agreement shall contribute to the practical vocational training of Côte d'Ivoire nationals, on the following terms and subject to the following limits:

1. Each trawler owner shall undertake to employ:
 - one seaman for vessels under 250 GRT,
 - two seamen for vessels over 250 GRT.

The owners of tuna vessels and surface longliners shall be responsible for employing Côte d'Ivoire nationals, on the following terms and subject to the following limits:

- for the fleet of tuna seiners, 30 Côte d'Ivoire seamen shall be signed on,
 - for the fleet of pole-and-line tuna vessels, eight Côte d'Ivoire seamen shall be signed on during the tunafishing period in the Côte d'Ivoire fishing zone, each being assigned to a different vessel;
 - for the fleet of surface longliners, 15 Côte d'Ivoire seamen shall be signed on during the fishing period in the Côte d'Ivoire fishing zone, each being assigned to a different vessel.
2. The wages of these seamen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the relevant Côte d'Ivoire authorities; the wages shall be borne by the shipowners and must include the social contributions to which the seaman is subject (including life assurance and accident and sickness insurance).
 3. Should the seamen not be signed on, owners of tuna seiners, pole-and-line tuna vessels and surface longliners shall be obliged to pay a lump sum equivalent to the wages of the seamen not signed on.

This sum will be used for the training of seamen in Côte d'Ivoire and is to be paid into the account specified by the Côte d'Ivoire fishing authorities.

J. Taking on board of scientific observers

Any vessel may be requested to take on board a scientific observer appointed by the relevant Côte d'Ivoire authorities.

On board, the observer shall be accorded the same conditions enjoyed by officers of the vessel. This applies equally, as far as is possible, to the quarters assigned to the observer. Similarly, as far as possible, he shall be offered every facility needed to carry out his duties. The work of the observer and the conditions under which he is taken on board must not interrupt or hamper fishing activities.

The salary and the social contributions of the observer shall be borne by the relevant Côte d'Ivoire authorities.

K. Inspection and monitoring

At the request of the Côte d'Ivoire authorities, Community vessels operating within the Agreement shall permit and facilitate the boarding and fulfilment of the tasks of Côte d'Ivoire officials responsible for the inspection and monitoring of fishing activities.

L. Seizure and detention of vessels

The seizure or detention, under the terms of the applicable Côte d'Ivoire legislation, of a fishing vessel flying the flag of a Member State of the Community shall be notified to the Delegation of the Commission of the European Communities in Côte d'Ivoire within 72 hours and simultaneously to the consular agent of the Member State whose flag the vessel flies.

The circumstances and reasons which led to the seizure or detention shall be brought to the attention of the Delegation of the Commission of the European Communities in Côte d'Ivoire.

Appendix I

MINISTRY FOR
ANIMAL PRODUCTION
BP V 84, Abidjan
(Republic of Côte d'Ivoire)

REPUBLIC OF CÔTE D'IVOIRE
UNION-DISCIPLINE-WORK

LICENCE APPLICATION FOR SEA-FISHING

SECTION A

1. Name of shipowner:
2. Nationality of shipowner:
3. Business address of shipowner:

SECTION B

(To be completed for each vessel)

1. Valid for (duration):
2. Name of vessel:
3. Year of construction:
4. Original flag:
5. Currently flying the flag of:
6. Date of acquiring current flag:
7. Year of acquisition:
8. Port of registration and registration No:
9. Operating in zones:
10. Type of fishing:
11. Gross tonnage (GRT):
12. Net tonnage (NRT):
13. Radio call sign:
14. Length overall (metres):
15. Stem (metres):
16. Depth (metres):
17. Hull material:
18. Engine rating:
19. Speed (knots):
20. Cabins:
21. Capacity of tanks (cubic metres):
22. Capacity of fish holds (cubic metres):
23. Chilling/freezing capacity (tonnes/hour) and system used:
24. Colour of hull:
25. Colour of superstructure:
26. Crew complement

27. On-board communications equipment:

Type	Make	Model	Power (watts)	Year of manufacture	Frequencies	
					receive	transmit

28. Navigation and detection equipment:

Type	Make	Model

29. Additional boats used (for each vessel):

- 29.1. Gross tonnage:
- 29.2. Length overall (metres):
- 29.3. Stem (metres):
- 29.4. Depth (metres):
- 29.5. Hull material:
- 29.6. Engine rating:
- 29.7. Speed (knots):

30. Additional out-of-water equipment for detecting fish (even if not installed on board):

- 31. Port of registration:
- 32. Name of master:
- 33. Address:
- 34. Nationality of master:

Please include:

- three colour photographs of vessel (side view), additional boats used for fishing and additional out-of-water equipment for detecting fish,
- an illustration and detailed description of the fishing gear used,
- a document proving that the representative of the shipowner is empowered to sign this application.

.....
(Date of application)

.....
(Signature of representative of shipowner)

PROTOCOL

establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

Article 1

From the entry into force of the Agreement and for a period of three years, fishing rights under Article 2 of the Agreement shall be as follows:

- (a) freezer trawlers designed to fish demersal species, taking deepwater crustaceans, cephalopods and demersal fish:
6 300 GRT per month, averaged over the year.
During the second year of this Protocol, any distribution between vessels fishing deepwater crustaceans, cephalopods and demersal fish shall be examined by the joint committee;
- (b) surface longliners and pole-and-line tuna vessels:
35 vessels;
- (c) tuna seiners:
54 vessels.

Article 2

The fishing rights referred to in Article 1 may be increased at the request of the Community if they do thereby not compromise the rational exploitation of Côte d'Ivoire's resources.

In this case, the financial compensation referred to in Article 3 (1) shall be increased in proportion and on a *pro rata* basis according to the length of time.

Article 3

1. For the period referred to in Article 1 the financial compensation referred to in Article 1 shall be ECU 6 million, payable in the following way:

40% to be paid at the latest within 120 days from the date of signature of the Agreement for the first year, the remainder to be paid in two equal annual instalments on the anniversaries of the first payment.

2. The compensation shall be paid into an account opened with a financial institution or any other body designated by the Côte d'Ivoire authorities.

3. The use to which this compensation is put shall be the sole responsibility of the Côte d'Ivoire Government.

Article 4

1. During the period referred to in Article 1, the Community shall contribute ECU 600 000 towards financing scientific and technical programmes designed in particular to improve knowledge about the marine and biological resources of the exclusive economic zone of Côte d'Ivoire.

The sums concerned shall be paid into a bank account designated by the competent Côte d'Ivoire authorities once they have transmitted the content of these programmes.

2. The competent Côte d'Ivoire authorities shall send the Commission reports on the implementation of these programmes.

3. Part of the sum referred to in paragraph 1, but not more than 20%, may be used to cover contributions by the Côte d'Ivoire to international fisheries organizations.

Article 5

1. In connection with the training programmes provided for in Article 6 of the Agreement, 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 Côte d'Ivoire 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, economic and legal disciplines relating to fisheries.

These awards may also be used in the Côte d'Ivoire or any other country which has a cooperation agreement with the Community.

2. The total cost of the awards may not exceed ECU 500 000. At the request of the Côte d'Ivoire, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries.

The sum shall be payable as and when it is used.

Article 6

Should the Community fail to make the payments provided for in Articles 3 and 4 of this Protocol, the obligations of the Côte d'Ivoire resulting from the fisheries Agreement shall be suspended.

Article 7

This Protocol shall run for three years from the date of entry into effect of the Agreement.

Before this Protocol expires, the Parties shall enter into negotiations with a view to mutually agreeing the contents and duration of a Protocol for the next period.

COUNCIL REGULATION (EEC) No 3941/90

of 19 December 1990

concerning the conclusion of the Agreement between the European Economic Community and the United Republic of Tanzania on fishing off Tanzania

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 proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the Community and the United Republic of Tanzania have negotiated and initialled an Agreement on fishing which provides fishing opportunities for Community fishermen in waters over which Tanzania has sovereignty or jurisdiction;

Whereas it is in the Community's interest to approve this Agreement,

Article 1

The Agreement between the European Economic Community and the United Republic of Tanzania on fishing off Tanzania is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Article 3

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

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

Done at Brussels, 19 December 1990.

For the Council
The President
C. VIZZINI

⁽¹⁾ Opinion delivered on 14 December 1990 (not yet published in the Official Journal).

AGREEMENT

between the European Economic Community and the United Republic of Tanzania on fishing off
Tanzania

THE EUROPEAN ECONOMIC COMMUNITY,

hereinafter referred to as the 'Community', and

THE UNITED REPUBLIC OF TANZANIA,

hereinafter referred to as 'Tanzania',

CONSIDERING the spirit of cooperation resulting from the ACP-EEC Convention and the good cooperation relations which exist between the Community and Tanzania;

CONSIDERING the wish of Tanzania to promote the rational exploitation of its fishery resources by means of intensified cooperation;

RECALLING that the Community and Tanzania are signatories to the United Nations Convention on the Law of the Sea and that, in accordance with that Convention, Tanzania has established an exclusive economic zone extending 200 nautical miles from its shores, within which it exercises its sovereign rights for the purpose of identifying, exploiting, conserving and managing the resources of the said zone, in accordance with the principles of international law;

DESIROUS to develop and intensify mutually advantageous cooperation in the field of fisheries;

DETERMINED to conduct their relations in a spirit of mutual trust and respect for each other's interest in the sphere of sea-fishing;

DESIROUS of establishing the terms and conditions governing activities of common interest to both parties,

HAVE AGREED AS FOLLOWS:

Article 1

The purpose of this Agreement is to establish the principles and rules which will in future govern, in all respects, the fishing activities of vessels flying the flags of Member States of the Community, hereinafter referred to as 'Community vessels', in the waters over which Tanzania has sovereignty or jurisdiction in respect of fisheries, hereinafter referred to as 'Tanzania's fishing zone', in accordance with the provisions of the United Nations Convention on the Law of the Sea and other rules of international law.

Article 2

1. Tanzania shall permit fishing by Community vessels in Tanzania's fishing zone in accordance with this Agreement.
2. These fishing activities shall be subject to the laws of Tanzania.

Article 3

1. The Community undertakes to take all necessary steps to ensure that Community vessels observe the provisions of

this Agreement and the laws relating to fishing in Tanzania's fishing zone consistent with the provisions of the United Nations Convention on the Law of the Sea and other rules of international law.

2. The Tanzanian authorities shall notify the Commission of the European Community of any change to the said laws.

Article 4

1. Fishing activities by Community vessels in Tanzania's fishing zone under the present Agreement shall be subject to possession of a valid fishing licence.
2. Licences will be issued by the Tanzanian authorities within the limits laid down in the Protocol.
3. The issue of a licence by the Tanzanian authorities at the Community's request shall be subject to payment of a licence fee by the shipowner concerned.

4. The formalities for making applications for licences, their period of validity, the amount of the fee, the payment provisions and the permitted fishing zones shall all be as specified in the Annex.

5. A licence shall be issued for a given vessel and shall not be transferable.

Article 5

The Parties undertake to coordinate action, either directly or within international organizations, to ensure the management and conservation of the living resources in the Indian Ocean, particularly in respect of highly migratory species, and to facilitate the relevant scientific research.

Article 6

Vessels authorized to fish in Tanzania's fishing zone under this Agreement shall be obliged to communicate to the Tanzanian authorities statements of catch and other relevant information in accordance with the provisions of the Annex.

Article 7

In return for the fishing opportunities accorded under Article 2, the Community shall make payments to Tanzania in accordance with the provisions of the Protocol, without prejudice to the financing for which Tanzania is eligible under the ACP-EEC Convention.

Article 8

1. Without prejudice to the exercise by Tanzania of sovereignty or jurisdiction over Tanzania's fishing zone, the Parties agree to establish a joint committee to oversee the implementation, interpretation and proper functioning of this Agreement.

2. The joint committee shall meet at the request of either party. The parties shall consult at least 30 days in advance regarding the date and agenda for meetings of the joint committee.

3. In the event of a dispute concerning the interpretation or application of the Agreement, such dispute shall be the subject of consultation between the Parties.

Article 9

1. Should the Tanzanian authorities decide, as a result of developments in the state of stocks, to take conservation measures which affect the activities of Community vessels, consultations shall be held between the Parties in order to adapt the Annex and Protocol attached to this Agreement.

2. Such consultations will be based on the principle that any substantial reduction of the fishing rights provided for in

the Protocol shall lead to an equivalent reduction of the financial compensation to be paid by the Community.

3. Any conservation measures taken by the Tanzanian authorities shall be based on objective and scientific criteria and shall apply equally to Community and other third country vessels without prejudice to special arrangements between developing States within the same geographical area, including reciprocal fishing arrangements.

Article 10

Nothing in this Agreement shall affect or prejudice in any manner the view of either Party with respect to any matter relating to the Law of the Sea.

Article 11

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the United Republic of Tanzania.

Article 12

The Annex and the Protocol attached to this Agreement form an integral part of the Agreement and, unless otherwise specified, a reference to the Agreement shall also constitute a reference to them.

Article 13

1. The Agreement shall be concluded for an initial period of three years from the date of its entry into force. Unless one of the Parties terminates it by giving notice to that effect at least six months before the date of expiry of the three-year period, it shall remain in force for further periods of three years unless denounced by notice given at least three months before the date of expiry of each such three-year period.

2. In the event of a Contracting Party giving notice denouncing the Agreement, the Contracting Parties shall enter into negotiations. Before the end of the period of validity of the Protocol, the Contracting Parties shall enter into negotiations to determine by common agreement what amendments or additions to the Annex or Protocol are required. They may also enter into negotiations at any other time by common agreement.

Article 14

This Agreement, drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each of these texts being equally authentic, shall enter into force on the date of its signature.

ANNEX

Conditions for the pursuit of fishing activities by Community vessels in Tanzania's fishing zone

1. Licence application and issuing formalities

- (a) The Commission of the European Communities shall present to the Tanzanian Ministry responsible for Fisheries via the Delegation of the Commission of the European Communities in Tanzania an application, made by the shipowner, for each vessel that wishes to fish under this Agreement, at least 30 days before the date of commencement of the period of validity requested. Each application shall be accompanied by documentary proof of payment of the appropriate licence fee. The application shall be made on the forms provided for that purpose by Tanzania, a specimen of which is at Appendix 1.
- (b) Every licence shall be issued to the shipowner for one designated vessel. At the request of the Commission of the European Communities, the licence for a vessel may and in cases of *force majeure* will be replaced by a licence for another Community vessel having the same characteristics. In the latter case, no fee is due for the remaining period of validity.
- (c) The licences shall be collected from the Tanzanian authorities by the Delegation of the Commission of the European Communities in Tanzania 15 working days after submission of the applications.
- (d) The licence document must be held on board at all times.
- (e) The Tanzanian authorities shall communicate before the date of entry into force of the agreement, the arrangements for payment of the licence fees, and in particular the details of the bank account and the currency to be used.
- (f) The licence fee includes all national and local taxes with the exception of charges for services.

2. Validity of licences and payment provisions

- (a) Licences shall be valid for a period of one year. They are renewable.
- (b) The fees shall be set at ECU 20 per tonne caught within Tanzania's fishing zone. Licences shall be issued following advance payment to Tanzania of a lump sum of ECU 1 000 a year for each tuna seiner, equivalent to the fees for 50 tonnes of tuna caught within Tanzania's fishing zone per year and a lump sum of ECU 200 a year for each surface longliner equivalent to the fees for 10 tonnes of tuna and other migratory species caught within Tanzania's fishing zone per year.

The final statement of the fees due for the fishing year in respect of each vessel shall be drawn up by the Commission of the European Communities on the basis of the catch statements made by the shipowners (a specimen of which is at Appendix 2), confirmed by the scientific institutes responsible for verification of the catch figures (Orstom and the Spanish Oceanographic Institute). Any additional payment due shall be paid by the shipowners within 30 days into an account specified by the Tanzanian authorities.

If the amount of the sum due for actual fishing operations does not equal the advance payment, the corresponding outstanding sum shall not be recoverable by the shipowner.

3. Observers

- (a) At the decision of the Tanzanian authorities, vessels shall take on board an observer designated by these authorities in order to check catches made in Tanzania's fishing zone. Observers shall have all facilities necessary for the performance of these duties including access to places and documents. An observer must not be present for longer than the time required to fulfil his duties. They shall be provided with suitable food and accommodation while on board.

The salary and social contributions of the observer shall be borne by the Tanzanian authorities.

Should a vessel with a Tanzanian observer on board leave Tanzania's fishing zone every step will be taken to ensure that the observer returns to Tanzania as soon as possible, at the shipowner's expense.

- (b) Vessels may be requested by the Tanzanian authorities to take on board a biologist under the same conditions as those laid down above. Vessels shall not be required to take on board an observer and a biologist at the same time.

4. Radio communications

While they are engaged in fishing activities in Tanzania's fishing zone, vessels shall communicate their position and catches every three days. Vessels shall also communicate their position and the volume of the catches on board when entering and leaving Tanzania's fishing zone. The radio call sign, frequency and working hours of the radio station shall be annexed to the licence.

5. Fishing zones

Community vessels shall have access to all of Tanzania's fishing zone.

6. Prohibition of firearms

Firearms, including those for self defence purpose, shall be forbidden on all vessels authorized to fish in Tanzania's fishing zone.

7. Property of rare species

All marine species, whose preservation is justified due to their rarity or for biological research needs, and which are caught by a Community vessel fishing in Tanzania's fishing zone, shall be the property of the Tanzanian authorities and shall be delivered, as soon as possible and in the best possible condition, to a Tanzanian port free of charge.

8. Infringements

- (a) Infringements shall be penalized in accordance with Tanzanian law.
- (b) The Delegation of the Commission of the European Communities in Tanzania shall be notified within 48 hours of any alleged infringement by a vessel holding a valid licence granted under this Agreement together with a brief report of the circumstances.

9. Inspection

Vessel shall also allow on board, and assist in the accomplishment of their duties, any other Tanzanian official responsible for inspection and monitoring.

Appendix 1

APPLICATION FOR LICENCE TO FISH FOR TUNA IN THE WATERS OF TANZANIA

PART A

1. Name of owner:
2. Nationality of owner:
3. Business address of owner:

PART B

(To be completed for vessel)

1. Period of validity:
2. Name of vessel:
3. Year of construction:
4. Original flag country:
5. Currently flying the flag of:
6. Year of acquisition:
7. Port and Registration number:
8. Fishing method:
9. Gross registered tonnage (GRT):
10. Radio call signal:
11. Overall length (m):
12. Bow (m):
13. Depth (m):
14. Construction material of the hull:
15. Engine power (bhp):
16. Speed (knots):
17. Cabin capacity:
18. Fuel tanks capacity (m³):
19. Freezing capacity (tonnes/24 hours) and freezing system used:
20. Colour of the hull:
21. Colour of the superstructure:

22. Communication equipment on board:

Type	Brand	Model	Power (Watts)	Year of construction	Frequencies	
					Reception	Transmission

23. Navigation and detection equipment installed:

Type	Brand	Model

Initial applications must be accompanied by two side-view colour photographs of the vessel.

I certify that the above particulars are correct.

.....
(Date:)

.....
(Signature:)

PROTOCOL

setting out the fishing opportunities and financial payments provided for under the Agreement between the European Economic Community and the United Republic of Tanzania on fishing off Tanzania

Article 1

1. Pursuant to Article 2 of the Agreement, and for a period of three years from the date of its entry into force, the following fishing possibilities shall be accorded:

- for ocean-going tuna seiners: licences for 46 vessels,
- for surface longliners fishing for tuna and other migratory species: licences for eight vessels.

2. In addition, consideration will be given, at the first or at a subsequent meeting of the joint committee referred to in Article 8 of the Agreement, to granting authorization for fishing possibilities for demersal and crustacean species on terms to be established by that committee including the corresponding Community financial compensation.

Article 2

1. The financial compensation referred to in Article 7 of the Agreement should be set at ECU 1 050 000 for the duration of this Protocol, to be paid in three equal annual instalments.

2. This amount shall cover the fishing activities referred to in Article 1 of the Agreement up to a catch-weight in Tanzania's fishing zone of 7 000 tonnes of tuna and other migratory species fished per year. If the annual amount caught by Community vessels in Tanzania's fishing zone exceeds this quantity, the abovementioned compensations shall be increased by ECU 50 for each additional tonne caught.

3. The use to which this compensation is put shall be the sole competence of Tanzania.

4. The financial compensation shall be paid into an account opened at a financial institution or other body designated by Tanzania.

Article 3

1. The Community shall also pay, during the period referred to in Article 1, a contribution of ECU 430 000

towards the financing of scientific and technical programmes (including equipment, infrastructure, etc.) in order to improve knowledge of fish stocks in Tanzania's fishing zone and the purchase and/or maintenance of equipment to improve the administrative structure relating to fisheries in Tanzania. Of this amount, up to ECU 130 000 may be used, at the request of the Tanzanian authorities to cover Tanzania's contribution to international organizations responsible for fisheries management and/or research in the Indian Ocean.

2. The competent Tanzanian authorities shall send to the Commission a brief report on the utilization of the funds.

3. The Community's contribution to the scientific and technical programmes shall be paid on each occasion into an account specified by the Tanzanian authorities.

Article 4

The two Parties hereby agree that an essential condition for the success of their cooperation is that the skills and know-how of persons engaged in fishing be improved. To this end, the Community will assist Tanzanian nationals in finding places in establishments in its Member States or States with which it has concluded cooperation agreements and will make available an amount of ECU 200 000 for study or practical training awards with a maximum duration of five years in the various scientific, technical and economic subjects relating to fisheries. Of this amount, up to ECU 50 000 may be used, at the request of the Tanzanian authorities, to cover the cost of attending international meetings to fisheries.

Article 5

Should the Community fail to make the payments referred to in Articles 2 and 3, the Agreement on fishing may be suspended.

European Communities – Council

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