

COUNCIL OF THE EUROPEAN COMMUNITIES

COMPILATION OF TEXTS

XI

**ASSOCIATION
OF THE OVERSEAS COUNTRIES AND TERRITORIES**

FRENCH OVERSEAS DEPARTMENTS

1 January 1987 – 31 December 1987





COUNCIL OF THE EUROPEAN COMMUNITIES

COMPILATION OF TEXTS

XI

**ASSOCIATION
OF THE OVERSEAS COUNTRIES AND TERRITORIES**

FRENCH OVERSEAS DEPARTMENTS

1 January 1987 – 31 December 1987

This publication is also available in:

ES ISBN 92-824-0569-9
DA ISBN 92-824-0570-2
DE ISBN 92-824-0571-0
GR ISBN 92-824-0572-9
FR ISBN 92-824-0574-5
IT ISBN 92-824-0575-3
NL ISBN 92-824-0576-1
PT ISBN 92-824-0577-X

Cataloguing data can be found at the end of this publication

Luxembourg: Office for Official Publications of the European Communities, 1988

ISBN 92-824-0573-7

Catalogue number: BX-52-88-994-EN-C

© ECSC-EEC-EAEC, Brussels · Luxembourg, 1988

Reproduction is authorized, except for commercial purposes, provided the source is acknowledged

Printed in Luxembourg

CONTENTS

Part 1 : O C T

I - IMPLEMENTING TEXTS

Page

TRADE

- (a) Arrangements for trade between Spain and Portugal on the one hand and the OCT on the other

Council Decision 87/342/EEC of
25 June 1987 amending Decision 86/47/EEC
establishing arrangements for trade
between Spain and Portugal on the one
hand and the overseas countries and
territories (OCT) on the other

11

- (b) Agricultural products

Commission Regulation (EEC) No 73/87 of
12 January 1987 amending the list of ACP
countries in Regulation (EEC) No 486/85
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 OCT

19

Council Regulation (EEC) No 625/87 of
27 February 1987 extending Regulation (EEC)
No 486/85 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 OCT

20

Council Regulation (EEC) No 1306/87 of
11 May 1987 extending Regulation (EEC)
No 486/85 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 OCT

21

Council Regulation (EEC) No 1821/87 of
25 June 1987 amending Regulation (EEC)
No 486/85 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 OCT

22

Commission Regulation (EEC) No 1846/87 of
30 June 1987 establishing ceilings and
Community surveillance for imports of
iceberg lettuce (Lactuca sativa L., var.
capitata) and walnuts falling within
subheadings ex 07.01 D II and 08.05 B of
the CCT and originating in the ACP States
and the OCT (1987)

25

Commission Regulation (EEC) No 2944/87 of
30 September 1987 establishing ceilings and
Community surveillance for imports of certain
products originating in the ACP States or in
the OCT (1987/1988) (fruit and vegetables)

27

Commission Regulation (EEC) No 3058/87 of 13 October 1987 opening and providing for the administration of a Community tariff quota for strawberries falling within subheading ex 08.08 A II of the CCT and originating in the ACP States or the OCT (1987/1988) 30

Commission Regulation (EEC) No 3059/87 of 13 October 1987 opening and providing for the administration of a Community tariff quota for fresh or chilled tomatoes falling within subheading ex 07.01 M I of the CCT and originating in the ACP States or the OCT (1987/1988) 32

Commission Regulation (EEC) No 3523/87 of 24 November 1987 establishing ceilings and Community surveillance for imports of carrots and onions falling within codes ex 0706 10 00 and ex 0703 10 00 of the Combined Nomenclature and originating in the ACP States or in the OCT (1988) 34

(c) Rum

Council Regulation (EEC) No 1824/87 of 25 June 1987 opening, allocating and providing for the administration of a Community tariff quota for rum, arrack and tafia, falling within subheading 22.09 C I of the CCT and originating in the OCT associated with the EEC (1987/1988) 36

(d) Origin

Council Decision 87/341/EEC of 25 June 1987 revising the amounts for the documentary requirements in Annex II concerning the definition of the concept of "originating products" and methods of administrative co-operation to Decision 86/283/EEC on the association of the OCT with the EEC 38

II - FISHERIES (¹)

Page

Council Regulation (EEC) No 499/87 of
16 February 1987 derogating from the
definition of "originating products" to take
account of the special situation of Saint-
Pierre and Miquelon with regard to certain
fishery products

41

(¹) Since this sector does not fall within the area covered by the Directorate for Development Co-operation, Regulations or Decisions are included in this Compilation only if they specifically concern an OCT or an FOD.

Part 2 : F O D

Page

A. TRADE

Agricultural products

Council Directive 87/522/EEC of
19 October 1987 amending
Directive 81/527/EEC on the
development of agriculture in the FOD

45

B. FISHERIES ⁽¹⁾

Council Regulation (EEC) No 3982/87 of
15 December 1987 laying down for 1988
certain measures for the conservation and
amangement of fishery resources applicable
to vessels flying the flag of certain
non-member countries in the 200-nautical-
mile zone off the coast of the French
department of Guiana

49

(¹) Since this sector does not fall within the
area covered by the Directorate for Development
Co-operation, Regulations or Decisions are
included in this Compilation only if they
specifically concern an OCT or an FOD.

Part 1 : O C T

I - IMPLEMENTING TEXTS

TRADE

COUNCIL

COUNCIL DECISION

of 25 June 1987

amending Decision 86/47/EEC establishing arrangements for trade between Spain and Portugal on the one hand and the overseas countries and territories (OCT) on the other

(87/342/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to the draft Decision presented by the Commission,

Whereas Decision 86/47/EEC ⁽¹⁾, as extended by Decision 86/645/EEC ⁽²⁾, establishes arrangements for trade between Spain and Portugal on the one hand and the overseas countries and territories (OCT) on the other for the transitional period laid down by the Act of Accession of Spain and Portugal;

Whereas those arrangements were determined in the light of the arrangements applicable to the African, Caribbean and Pacific States (ACP);

Whereas the arrangements applicable to the ACP States were amended following the conclusion of the negotiations concerning the protocol referred to in Article 179 and 366 of the Act of Accession of Spain and Portugal;

Whereas the arrangements applicable to the OCT should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

The Annex to Decision 86/47/EEC is hereby amended as follows:

1. The table in the second indent of Article 2 (2) is replaced by the following:

CCT heading No	Description	Basic duty
05.12	Coral and similar substances, unworked or simply prepared but not otherwise worked; shells, unworked or simply prepared but not cut to shape; powder and waste of shells	Free

⁽¹⁾ OJ No L 63, 5. 3. 1986, p. 95.

⁽²⁾ OJ No L 380, 31. 12. 1986, p. 66.

CCT heading No	Description	Basic duty
24.02	Manufactured tobacco; tobacco extracts and essences: A. Cigarettes B. Cigars C. Smoking tobacco D. Chewing tobacco and snuff E. Other, including agglomerated tobacco in the form of sheets or strip	50 % 55 % 46,8 % 26 % 10,4 %
27.09	Petroleum oils and oils obtained from bituminous minerals, crude	Free
44.03	Wood in rough, whether or not stripped of its bark or merely roughed down: ex B. other: — okoumé — makoré — other	Free
ex 44.04	Wood, roughly squared or half-squared, but not further manufactured: — tropical timber	Free
44.05	Wood sawn lengthwise, sliced or peeled, but not further prepared, of a thickness exceeding 5 mm: ex C. other: — limba — sipo — other	Free
44.14	Wood sawn lengthwise, sliced or peeled but not further prepared, of a thickness not exceeding 5 mm; veneer sheets and sheets for plywood, of a thickness not exceeding 5 mm: ex B. other: — tropical timber	Free

2. Article 6 (1) is replaced by the following:

'1. For products listed in Annex II to the Treaty establishing the European Economic Community, the Kingdom of Spain shall apply, subject to the special provisions which appear below, a duty which reduces the difference between the basic duty rate and the preferential duty rate in accordance with the following timetable:

- on 1 March 1986 the difference shall be reduced to 87,5% of the initial difference,
- on 1 January 1987 the difference shall be reduced to 75,0% of the initial difference,
- on 1 January 1988 the difference shall be reduced to 62,5% of the initial difference,
- on 1 January 1989 the difference shall be reduced to 50,0% of the initial difference,
- on 1 January 1990 the difference shall be reduced to 37,5% of the initial difference,

- on 1 January 1991 the difference shall be reduced to 25,0% of the initial difference,
- on 1 January 1992 the difference shall be reduced to 12,5% of the initial difference.

The Kingdom of Spain shall apply the preferential rates in full as from 1 January 1993.

However, the following products originating in the OCT may be imported into Spain duty-free with immediate effect.

CCT heading No	Description
06.02	Other live plants, including trees, shrubs, bushes, roots, cuttings and slips: C. Pineapple plants
08.01	Dates, bananas, coconuts, Brazil nuts, cashew nuts, pineapples, avocados, mangoes, guavas and mangosteens, fresh or dried, shelled or not: F. Cashew nuts
09.01	Coffee, whether or not roasted or freed of caffeine; coffee husks and skins; coffee substitutes containing coffee in any proportion A. Coffee: I. Unroasted: a) Not freed of caffeine
09.02	Tea: B. Other
09.04	Pepper of the genus <i>Piper</i> ; pimento of the genus <i>Capsicum</i> or the genus <i>Pimenta</i> : A. Neither crushed nor ground: I. Pepper
09.05	Vanilla
09.06	Cinnamon and cinnamon-tree flowers: A. Ground B. Others
09.07	Cloves (whole fruit, cloves and stems)
09.08	Nutmeg, mace and cardamoms: A. Neither crushed nor ground: II. Other: a) Nutmeg b) Other B. Crushed or ground: I. Nutmeg

CCT heading No	Description
09.10	Thyme, saffron and bay leaves; other spices: D. Ginger
12.07	Plants and parts (including seeds and fruit) of trees, bushes, shrubs or other plants, being goods of a kind used primarily in perfumery, in pharmacy, or for insecticidal, fungicidal or similar purposes, fresh or dried, whole, cut, crushed, ground or powdered: A. Pyrethrum (flowers, leaves, stems, peel and roots) D. Other: — Cinchona bark
18.01	Cocoa beans, whole or broken, raw or roasted'

3. The following paragraph is inserted in Article 6:

'1(a) For products covered by Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 467/87 ⁽²⁾, the customs duties shall be aligned progressively on the preferential rates in eight stages of 12,5 % at the beginning of each of the eight marketing years following the Accession of the Kingdom of Spain to the European Communities.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.'

4. The following paragraph is inserted in Article 12:

'1(a) By way of derogation from paragraph 1, the Portuguese Republic shall abolish the customs duties for the products listed below, starting from the duties actually applied by it *vis-à-vis* the Community on 1 January 1985.

CCT heading No	Description
15.11	Glycerol and glycerol lyes: A. Crude glycerol and glycerol lyes
22.09	Spirits (other than those of heading No 22.08); liqueurs and other spirituous beverages; compound alcoholic preparations (known as 'concentrated extracts') for the manufacture of beverages: C. Spirituous beverages: I. Rum, arrack and tafia, in containers holding: a) Two litres or less b) More than two litres
44.14	Wood sawn lengthwise, sliced or peeled but not further prepared, of a thickness not exceeding 5 mm; veneer sheets and sheets for plywood, of a thickness not exceeding 5 mm: ex B. Other than tropical timber'

5. The following paragraphs are inserted in Article 18:

'1(a) For the products listed in Annex XIII (a), the Portuguese Republic shall apply a duty reducing the difference between the basic duty rate and the preferential duty rate in accordance with the following timetable:

- on 1 March 1986 the difference shall be reduced to 87,5% of the initial difference,
- on 1 January 1987 the difference shall be reduced to 75,0% of the initial difference,
- on 1 January 1988 the difference shall be reduced to 62,5% of the initial difference,
- on 1 January 1989 the difference shall be reduced to 50,0% of the initial difference,
- on 1 January 1990 the difference shall be reduced to 37,5% of the initial difference,
- on 1 January 1991 the difference shall be reduced to 25,0% of the initial difference,
- on 1 January 1992 the difference shall be reduced to 12,5% of the initial difference.

The Portuguese Republic shall apply the preferential rates in full as from 1 January 1993.

1(b) The following products originating in the OCT may be imported into Portugal duty-free with immediate effect.

CCT heading No	Description
08.01	Dates, bananas, coconuts, Brazil nuts, cashew nuts, pineapples, avocados, mangoes, guavas and mangosteens, fresh or dried, shelled or not: E. Coconuts F. Cashew nuts H. Other
09.01	Coffee, whether or not roasted or free of caffeine; coffee husks and skins; coffee substitutes containing coffee in any proportion: B. Husks and skins
09.05	Vanilla
09.06	Cinnamon and cinnamon-tree flowers: A. Ground B. Other
09.07	Cloves (whole fruit, cloves and stems)
09.08	Nutmeg, mace and cardamoms: A. Neither crushed nor ground: II. Other: a) Nutmeg ex b) Other: — mace B. Crushed or ground: I. Nutmeg
09.10	Thyme, saffron and bay leaves; other spices: D. Ginger
18.02	Cocoa shells, husks, skins and waste'

6. Article 19 is replaced by the following:

'Article 19

1. The Portuguese Republic shall apply to the products referred to in Article 18 (1), with immediate effect, the arrangements resulting from the Decision in respect of non-tariff benefits and more especially reductions in levies.

2. By way of derogation from paragraph 1, the Portuguese Republic shall postpone, until the beginning of the second stage as defined in Article 260 of the Act of Accession, application of the abovementioned arrangements for the products referred to in Article 18 (3).'

7. The following Annex is inserted:

'ANNEX XIII(a,

List provided for in Article 18 (1) (a)

CCT heading No	Description
07.04	Dried, dehydrated or evaporated vegetables, whole, cut, sliced, broken or in powder, but not further prepared: A. Onions ex B. Other: — Potatoes
07.05	Dried leguminous vegetables, shelled, whether or not skinned or split: A. For sowing: I. Peas and beans (<i>Phaseolus</i> spp.) B. Other: ex I. Peas and beans (<i>Phaseolus</i> spp.) II. Lentils ex III. Other, field beans
07.06	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and other similar roots and tubers with high starch or inulin content, fresh or dried, whole or sliced; sago pith: B. Other
08.01	Dates, bananas, coconuts, Brazil nuts, cashew nuts, pineapples, avocados, mangoes, guavas and mangosteens, fresh or dried, shelled or not: ex E. Dehydrated coconut pulp
08.05	Nuts other than those falling within heading No 08.01, fresh or dried, shelled or not: F. Areca (or betel) and cola
08.10	Fruit, (whether or not cooked), preserved by freezing, not containing added sugar: ex A. Strawberries
09.04	Pepper (of the genus <i>Piper</i>); pimento (of the genus <i>Capsicum</i> or the genus <i>Pimenta</i>): A. Neither crushed nor ground: II. Pimento: b) For the industrial manufacture of essential oils or resinoids c) Other

CCT heading No	Description
12.07	Plants and parts (including seeds and fruit) of trees, bushes, shrubs or other plants, being goods of a kind used primarily in perfumery, in pharmacy, or for insecticidal, fungicidal or similar purposes, fresh or dried, whole, cut, crushed, ground or powdered: ex D. Other: — Wood, roots, bark (other than cinchona)
16.03	Meat extracts, meat juices and fish extracts, in immediate packings of a net capacity of: A. 20 kg or more
18.01	Cocoa beans, whole or broken, raw or roasted
20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit: A. Nuts (including ground-nuts), roasted, in immediate packings of a net capacity: I. Of more than 1 kg
23.01	Flours and meals, of meat, offals, fish, crustaceans or molluscs, unfit for human consumption; greaves: A. Flours and meals of meat and offals; greaves
23.02	Bran, sharps and other residues derived from the sifting, milling or working of cereals or of leguminous vegetables: B. Of leguminous vegetables
23.06	Products of vegetable origin of a kind used for animal food, not elsewhere specified or included: B. Other
24.01	Unmanufactured tobacco; tobacco refuse: ex A. Flue-cured Virginia type and light air-cured Burley type tobacco (including Burley hybrids); light-air-cured Maryland type and fire-cured tobacco: — Fire-cured tobacco other than of the Kentucky type ex B. Other: Light air-cured tobacco: — not stripped — wholly or partly stripped Dark air-cured tobacco: — not stripped — wholly or partly stripped Flue-cured tobacco: — not stripped — wholly or partly stripped Other tobacco: — wholly or partly stripped Tobacco refuse'

Article 2

This Decision shall be published in the *Official Journal of the European Communities*.
It shall take effect on 1 July 1987.

Done at Luxembourg, 25 June 1987.

For the Council

The President

H. DE CRO

COMMISSION REGULATION (EEC) No 73/87

of 12 January 1987

amending the list of ACP countries in Regulation (EEC) No 486/85 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 (OCT)

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

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985, laying down 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 692/86 ⁽²⁾, and in particular its Article 1,

Whereas St Pierre and Miquelon have been included in the list of countries and territories set out in Annex I of Council Decision No 86/283/EEC of 30 June 1986, relating to the association of the overseas countries and territories with the European Economic Community ⁽³⁾, and

therefore again constitutes an OCT as referred to in Article 1 of Regulation (EEC) No 486/85; that the Annex to the latter Regulation should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

'St Pierre and Miquelon' is added to Annex II of Regulation (EEC) No 486/85.

Article 2

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

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

Done at Brussels, 12 January 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.
⁽²⁾ OJ No L 63, 5. 3. 1986, p. 93.
⁽³⁾ OJ No L 175, 1. 7. 1986, p. 1.

COUNCIL REGULATION (EEC) No 625/87

of 27 February 1987

extending Regulation (EEC) No 486/85 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 ⁽¹⁾ as extended by Regulation (EEC) No 692/86 ⁽²⁾, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 486/85 is to apply only until 28 February 1987;

Whereas the Third ACP-EEC Convention and Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community ⁽³⁾ have entered into force in the intervening period; whereas the applicability of Regulation (EEC) No 486/85 should consequently be extended;

Whereas with regard to Spain and Portugal, Regulation (EEC) No 486/85 is closely linked to the provisions taken pursuant to Articles 179, 180, 366 and 367 of the 1985 Act of Accession which appear in Council Regulation (EEC) No 691/86 of 3 March 1986 establishing arrangements for trade between Spain and Portugal on the one hand and the African, Caribbean and Pacific States (ACP States) on the other ⁽⁴⁾, as extended by Regulation (EEC)

No 4114/86 ⁽⁵⁾; whereas provision should therefore be made for Regulation (EEC) No 486/85 to apply to the Kingdom of Spain and the Portuguese Republic, without prejudice to and within the limit of the provisions taken pursuant to the said Articles of the 1985 Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 26 of Regulation (EEC) No 486/85, '28 February 1987' is hereby replaced by '31 May 1987'.

Article 2

Regulation (EEC) No 486/85 shall apply to the Kingdom of Spain and the Portuguese Republic without prejudice to and within the limit of the provisions taken pursuant to Articles 179, 180, 366 and 367 of the 1985 Act of Accession.

Article 3

This Regulation shall apply with effect from 1 March 1987.

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

Done at Brussels, 27 February 1987.

For the Council

The President

L. TINDEMANS

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽²⁾ OJ No L 63, 5. 3. 1986, p. 93.

⁽³⁾ OJ No L 175, 1. 7. 1986, p. 1.

⁽⁴⁾ OJ No L 63, 5. 3. 1986, p. 3.

⁽⁵⁾ OJ No L 380, 31. 12. 1986, p. 15.

COUNCIL REGULATION (EEC) No 1306/87
of 11 May 1987

extending Regulation (EEC) No 486/85 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 486/85⁽¹⁾ as last extended by Regulation (EEC) No 625/87⁽²⁾, and in particular Article 1 thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 486/85 is to apply only until 31 May 1987;

Whereas the Third ACP-EEC Convention and Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community⁽³⁾ have entered into force in the intervening period; whereas the applicability of Regulation (EEC) No 486/85 should consequently be extended;

Whereas with regard to Spain and Portugal, Regulation (EEC) No 486/85 is closely linked to the provisions taken pursuant to Articles 179, 180, 366 and 367 of the 1985 Act of Accession which appear in Council Regulation (EEC) No 691/86 of 3 March 1986 establishing arrangements for trade between Spain and Portugal on the one hand and the African, Caribbean and Pacific States (ACP

States) on the other⁽⁴⁾, as extended by Regulation (EEC) No 4114/86⁽⁵⁾; whereas provision should therefore be made for Regulation (EEC) No 486/85 to apply to the Kingdom of Spain and the Portuguese Republic, without prejudice to and within the limit of the provisions taken pursuant to the said Articles of the 1985 Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 26 of Regulation (EEC) No 486/85, '31 May 1987' is hereby replaced by '28 February 1990'.

Article 2

Regulation (EEC) No 486/85 shall apply to the Kingdom of Spain and the Portuguese Republic without prejudice to and within the limit of the provisions taken pursuant to Articles 179, 180, 366 and 367 of the 1985 Act of Accession.

Article 3

This Regulation shall apply with effect from 1 June 1987.

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

Done at Brussels, 11 May 1987.

For the Council
The President
M. EYSKENS

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.
⁽²⁾ OJ No L 58, 28. 2. 1987, p. 102.
⁽³⁾ OJ No L 175, 1. 7. 1986, p. 1.

⁽⁴⁾ OJ No L 63, 5. 3. 1986, p. 3.
⁽⁵⁾ OJ No L 380, 31. 12. 1986, p. 15.

COUNCIL REGULATION (EEC) No 1821/87

of 25 June 1987

amending Regulation (EEC) No 486/85 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories

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 the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas 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 (2), as last amended by Regulation (EEC) No 1306/87 (3), provides for the total or partial exemption of customs duties on the import of the products concerned;

Whereas the negotiations for the conclusion of a protocol to the Third ACP-EEC Convention consequent upon the Accession of the Kingdom of Spain and of the Portuguese Republic to the European Communities have been successfully concluded; whereas the Council has adopted Regulation (EEC) No 1820/87 concerning the application of Decision 2/87 of the ACP-EEC Council of Ministers (4) relating to the advance implementation of the above protocol;

Whereas the protocol includes changes to the abovementioned agricultural arrangements; whereas Regulation (EEC) No 486/85 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 486/85 shall be amended as follows:

1. The following products shall be inserted in Article 13 (1):

CCT heading No	Description
08.05	Nuts other than those falling within heading No 08.01, fresh or dried, shelled or not: D. Pistachios E. Pecans ex G. Others: — excluding hazelnuts
08.08	Berries, fresh: C. Fruit of the species (<i>Vaccinium myrtillus</i>)

2. In Article 13 (2), the quota applied to strawberries falling within subheading 08.08 A ex II of the Common Customs Tariff shall be increased to 1 100 tonnes.
3. In Article 13 (3), the ceilings applied to carrots falling within subheading 07.01 G ex II of the Common Customs Tariff and to onions falling within subheading 07.01 ex H of the Common Customs Tariff shall be increased to 800 tonnes.
4. The following Articles shall be inserted:

Article 13a

1. Subject to the special provisions laid down in paragraph 2, the customs duties applied on import into the Community of the products mentioned below shall be reduced by the proportions and within the limits of the ceilings indicated:

(1) Opinion delivered on 19 June 1987 (not yet published in the Official Journal).

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

(3) OJ No L 124, 13. 5. 1987, p. 5.

(4) See page 1 of this Official Journal.

CCT heading No	Description	% Reduction	Annual ceiling (tonnes)
07.01	Vegetables, fresh or chilled: B. Cabbages, cauliflowers and Brussels sprouts ex III. Other: — Chinese cabbage, from 1 November to 31 December	45	1 000
	D. Salad vegetables, including endive and chicory: ex II. Other: — Iceberg lettuce, from 1 July to 30 September	45	1 000
	ex H. Onions, shallots and garlic: — Garlic from 1 March to 31 May	45	500
	ex L. Artichokes: — From 1 October to 30 November	50	1 000
08.05	Nuts other than those falling within heading No 08.01, fresh or dried shelled or not: B. Walnuts	40	700
08.07	Stone fruit, fresh: ex A. Apricots: — From 1 October to 31 January	50	2 000
	ex B. Peaches: — From 1 December to end of February	50	2 000
	C. Cherries: ex II. from 16 July to 30 April: — From 1 November to end of February	50	2 000
	D. Plums: ex II. from 1 October to 30 June: — From 15 December to end of February	50	2 000

2. The duty reduction indicated in paragraph 1 shall be progressively applied 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 the period of progressive reduction, and where the customs duties applied to imports of products from

Spain and Portugal into the Community as constituted on 31 December 1985 differ for the two countries concerned, the higher of the two customs duties shall be applied to products originating in the ACP States or the countries and territories.
Article 13b

The products mentioned below shall be subject to the following customs duties on import into the Community:

CCT heading No	Description	Duty applicable (%)
07.01	Vegetables, fresh or chilled G. Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots: III. Horse-radish (<i>Cochlearia armoracia</i>)	13
08.07	Stone fruit, fresh: E. Other	7
08.08	Berries, fresh: F. Other: I. Fruit of the species <i>Vaccinium macrocarpum</i> and <i>Vaccinium corymbosum</i> II. Other	3 5

Article 2

This Regulation shall enter into force on 1 July 1987.

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

Done at Luxembourg, 25 June 1987.

For the Council
The President
H. DE CROO

COMMISSION REGULATION (EEC) No 1846/87

of 30 June 1987

establishing ceilings and Community surveillance for imports of iceberg lettuce (*Lactuca sativa* L., var. *capitata*) and walnuts falling within subheadings ex 07.01 D II and 08.05 B of the Common Customs Tariff and originating in the African, Caribbean and Pacific States and the overseas countries and territories (1987)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Article 13 a of Regulation (EEC) No 486/85 provides that, during the period 1 July to 30 September iceberg lettuce (*Lactuca sativa* L., var. *capitata*) of subheading ex 07.01 D II of the Common Customs Tariff and, during the period 1 July to 31 December 1987, walnuts of subheading 08.05 B of the Common Customs Tariff, originating in the African, Caribbean and Pacific States are admitted into the Community at progressively reduced rates of duty; whereas the benefit of the reduction in duties is limited to ceilings of 1 000 and 700 tonnes respectively, beyond which the customs duties actually applicable to third countries may be re-imposed;

Whereas, within the limits of these tariff ceilings, customs duties are reduced progressively in accordance with fixed percentages for each product, during the same periods and at the same rates as provided for in Articles 75 and 268 of the Act of Accession of Spain and Portugal; whereas for the period in question the preferential duty is equal to 81,8 % of the Common Customs Tariff rate;

Whereas by virtue of the provisions of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of the Decision of the ACP-EEC Council of Ministers relating to anticipatory implementation of the protocol of accession of the Kingdom of Spain and of the Portuguese Republic to the Third ACP-EEC Convention (3), Spain and Portugal are to postpone implementation of the preferential arrangements for fruit and vegetables falling within Council Regulation (EEC) No 1035/72 (4), as last amended by Regulation (EEC) No 1351/86 (5), until, respectively, 31 December 1989 and 31

December 1990. Consequently the abovementioned tariff benefit does not apply in Spain and Portugal.

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

(1) OJ No L 61, 1. 3. 1985, p. 4.
(2) OJ No L 172, 30. 6. 1987.
(3) OJ No L 172, 30. 6. 1987, p. 1.
(4) OJ No L 118, 20. 5. 1972, p. 1.
(5) OJ No L 119, 8. 5. 1986, p. 46.

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

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

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

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

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

4. Member States shall forward to the Commission, not later than the 15th day of each month, statements of the amounts set off during the preceding month. They shall, if the Commission so requests, make up such statements for periods of 10 days and forward them within five clear days of expiry of the preceding 10-day period.

Article 2

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

Article 3

This Regulation shall enter into force on 1 July 1987.

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

Done at Brussels, 30 June 1987.

For the Commission
COCKFIELD
Vice-President

ANNEX

Order No	CCT heading No	Description	Customs duty applicable	Level of ceiling (tonnes)
12.0050	07.01	Vegetables, fresh or chilled: D. Salad vegetables, including endive and chicory: ex II. Other: — Iceberg lettuce (<i>Lactuca sativa</i> L., var. <i>capitata</i>), from 1 July to 30 September 1987	10,6	1 000
	08.05	Nuts other than those falling within heading No 08.01, fresh or dried, shelled or not: B. Walnuts, from 1 July to 31 December 1987	4,8	700
12.0071				

**COMMISSION REGULATION (EEC) No 2944/87
of 30 September 1987**

establishing ceilings and Community surveillance for imports of certain products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1987/88)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, within the limits of these tariff ceilings, customs duties are reduced progressively by the percentages specified in that Article, during the same periods and in accordance with the same timetables as provided for in Articles 75 and 268 of the Act of Accession of the Kingdom of Spain and the Portuguese Republic; whereas on this basis, the preferential duty rates applicable in 1987 and 1988 must be equal to 80 % and 70 %, respectively, of the basic rates, with the exception of Chinese cabbages and walnuts, for which the rates must be 81,8 % and 72,7 % respectively of the basic rates; whereas, however, the preferential duty applicable to walnuts is equivalent to a reduction of 40 % on the normal duty rate;

Whereas by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities (3), Spain and Portugal are to postpone implementation of the preferential arrangements for fruit and vegetables falling within Council Regulation (EEC) No 1035/72 (4), as last amended by Regulation (EEC) No 2275/87 (5), until 31 December 1989

and 31 December 1990 respectively; whereas, consequently, the abovementioned tariff concession does not apply at present in Spain or Portugal;

Whereas it is possible that during the period of validity of certain of the said ceilings the nomenclature used in the Common Customs Tariff will be replaced by the combined nomenclature based on the International Convention on the Harmonized Commodity Description and Coding System; whereas this Regulation must take account of that fact by indicating the combined nomenclature codes and, where appropriate, the Taric code numbers of the products concerned;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) OJ No L 61, 1. 3. 1985, p. 4.
(2) OJ No L 172, 30. 6. 1987, p. 102.
(3) OJ No L 172, 30. 6. 1987, p. 1.
(4) OJ No L 118, 20. 5. 1972, p. 1.
(5) OJ No L 209, 31. 7. 1987, p. 4.

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

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

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

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

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

3. As soon as a ceiling has been reached, the Commission may adopt a regulation re-establishing, until the end

of its period of validity, the customs duties applicable to third countries.

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

Article 2

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

Article 3

This Regulation shall enter into force on 1 October 1987.

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

Done at Brussels, 30 September 1987.

For the Commission
COCKFIELD
Vice-President

ANNEX

Order No	CCT heading No	Combined nomenclature code	Description	Customs duty applicable	Level of ceiling (tonnes)
12.0060	ex 07.01 L		Artichokes: from 1 October to 30 November 1987	10,4 %	1 000
12.0080	ex 08.07 A	ex 0809.10-00	Apricots: from 1 October 1987 to 31 January 1988	— from 1 October to 31 December: 20 % — from 1 to 31 January: 17,5 %	2 000
12.0030	ex 07.01 B III		Other cabbages, cauliflowers and Brussels sprouts: Chinese cabbages, from 1 November to 31 December 1987	12,2 %	1 000
12.0090	ex 08.07 C II	ex 0809.20-90	Cherries, from 16 July to 30 April: from 1 November 1987 to 29 February 1988	— from 1 November to 31 December: 12 % — from 1 January to 29 February: 10,5 %	2 000
12.0100	ex 08.07 B	ex 0809.30-00	Peaches: from 1 December 1987 to 29 February 1988	— from 1 to 31 December: 17,6 % — from 1 January to 29 February: 15,4 %	2 000
12.0110	ex 08.07 D II	ex 0809.40-19	Plums, from 1 October to 30 June: from 15 December 1987 to 29 February 1988	— from 15 to 31 December: 6,4 % — from 1 January to 29 February: 5,6 %	2 000
12.0070		0802.31-00 0802.32-00	Walnuts: — in shell } from 1 January to 31 — shelled } December 1988	4,8 %	700

COMMISSION REGULATION (EEC) No 3058/87

of 13 October 1987

opening and providing for the administration of a Community tariff quota for strawberries falling within subheading ex 08.08 A II of the Common Customs Tariff and originating in the African, Caribbean and Pacific States or the overseas countries and territories (1987/88)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Article 13 of Regulation (EEC) No 486/85 provides for the opening by the Community of a Community tariff quota of 1 100 tonnes of strawberries falling within subheading ex 08.08 A II of the Common Customs Tariff and originating in the countries in question; whereas the quota period runs from 1 November to 29 February; whereas the customs duty applicable within the limit of this quota is set at 5,6 %; whereas this Community tariff quota should be opened for the period 1 November 1987 to 29 February 1988;

Whereas by virtue of the provisions of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Community (³), Spain and Portugal shall postpone implementation of the preferential arrangements for fruit and vegetables covered by Regulation (EEC) No 1035/72 (⁴), as last amended by Regulation (EEC) No 2275/87 (⁵) until 31 December 1989 and 31 December 1990 respectively; whereas, consequently, the abovementioned tariff concession is not currently applicable in Spain or Portugal;

Whereas it is possible that during the period of validity of the quota the nomenclature used in the Common Customs Tariff will be replaced by the Combined Nomenclature based on the International Convention on

the Harmonized Commodity Description and Coding System; whereas this Regulation must take account of that possibility by indicating the Combined Nomenclature codes and, where appropriate, the TARIC code numbers of the products in question;

Whereas equal and continuous access to the 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 products in question into all the Member States until the quota is exhausted; whereas, however, since the period of application of the quota is very short, it should not be allocated among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under the conditions and in accordance with the procedure determined in Article 1 (2); whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used 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 quota shares allocated to that economic union may be carried out by any one 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. From 1 November 1987 to 29 February 1988 the customs duty applicable to imports into the Community as constituted on 31 December 1985 of the following products shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below (⁶):

(¹) OJ No L 61, 1. 3. 1985, p. 4.
(²) OJ No L 172, 30. 6. 1987, p. 102.
(³) OJ No L 172, 30. 6. 1987, p. 1.
(⁴) OJ No L 118, 20. 5. 1972, p. 1.
(⁵) OJ No L 209, 31. 7. 1987, p. 4.

(⁶) The numbers appearing in the column headed 'Combined Nomenclature Code' will replace those appearing in the column headed 'CCT No' from the date on which the International Convention on the Harmonized Commodity Description and Coding System enters into force.

Serial No	CCT heading No	Combined Nomenclature No	Description	Amount of tariff quota (tonnes)	Rate of duty (%)
09.0602	ex 08.08 A II	ex 0810 10 90	Strawberries, originating in the African, Caribbean and Pacific States and the overseas countries and territories	1 100	5,6

2. If an importer gives notification of imminent imports of the product in question into a Member State and applies to take advantage of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the reserve so permits.

3. The shares drawn pursuant to paragraph 2 shall be valid until the end of the quota period.

Article 2

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

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

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

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

Article 3

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

Article 4

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

Article 5

This Regulation shall enter into force on 1 November 1987.

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

Done at Brussels, 13 October 1987.

For the Commission
 COCKFIELD
 Vice-President

COMMISSION REGULATION (EEC) No 3059/87

of 13 October 1987

opening and providing for the administration of a Community tariff quota for fresh or chilled tomatoes falling within subheading ex 07.01 M I of the Common Customs Tariff and originating in the African, Caribbean and Pacific States or the overseas countries and territories (1987/88)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Article 13 of Regulation (EEC) No 486/85 provides for the opening by the Community of a Community tariff quota of 2 000 tonnes of fresh or chilled tomatoes falling within subheading ex 07.01 M I of the Common Customs Tariff and originating in the countries in question; whereas the quota period runs from 15 November to 30 April; whereas the customs duty applicable within the limit of this quota is set at 4,4 %, subject to a minimum of 0,8 ECU per 100 kilograms net weight; whereas this Community tariff quota should be opened for the period 15 November 1987 to 30 April 1988;

Whereas by virtue of the provisions of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Community⁽³⁾, Spain and Portugal shall postpone implementation of the preferential arrangements for fruit and vegetables covered by Regulation (EEC) No 1035/72⁽⁴⁾, as last amended by Regulation (EEC) No 2275/87⁽⁵⁾, until 31 December 1989 and 31 December 1990 respectively; whereas, consequently, the abovementioned tariff concession is not currently applicable in Spain or Portugal;

Whereas it is possible that during the period of validity of the quota the nomenclature used in the Common Customs Tariff will be replaced by the Combined

Nomenclature based on the International Convention on the Harmonized Commodity Description and Coding System; whereas this proposal must take account of that possibility by indicating the Combined Nomenclature codes and, where appropriate, the TARIC code numbers of the products concerned;

Whereas equal and continuous access to the 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 products in question into the Member States until the quota is exhausted; whereas, however, since the period of application of the quota is very short, it should not be allocated among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under the conditions and in accordance with the procedure determined in Article 1 (2); whereas this method of administration required close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used 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 quota shares allocated to that economic union may be carried out by any one 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. From 15 November 1987 to 30 April 1988 the customs duty applicable to imports into the Community as constituted on 31 December 1985 of the following products shall be suspended at the level indicated and within the limits of a Community tariff quotas as shown below⁽⁶⁾:

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.
⁽²⁾ OJ No L 172, 30. 6. 1987, p. 102.
⁽³⁾ OJ No L 172, 30. 6. 1987, p. 1.
⁽⁴⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽⁵⁾ OJ No L 209, 31. 7. 1987, p. 4.

⁽⁶⁾ The numbers appearing in the column headed 'Combined Nomenclature Code' will replace those appearing in the column headed 'CCT No' from the date on which the International Convention on the Harmonized Commodity Description and Coding Systems enters into force.

Serial No	CCT heading No	Combined Nomenclature No	Description	Amount of tariff quota (tonnes)	Rate of duty (%)
09.0600	ex 07.01 M I	ex 0702 00 10	Fresh or chilled tomatoes, originating in the African, Caribbean and Pacific States or the overseas countries and territories	2 000	4,4 subject to a minimum of 0,8 ECU per 100 kg net

2. If an importer gives notification of imminent imports of the product in question into a Member State and applies to take advantage of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the reserve so permits.

3. The shares drawn pursuant to paragraph 2 shall be valid until the end of the quota period.

Article 2

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

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

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

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

Article 3

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

Article 4

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

Article 5

This Regulation shall enter into force on 15 November 1987.

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

Done at Brussels, 13 October 1987.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 3523/87
of 24 November 1987

establishing ceilings and Community surveillance for imports of carrots and onions falling within codes ex 0706 10 00 and ex 0703 10 of the Combined Nomenclature and originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1988)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention (3) consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities, Spain and Portugal are to postpone implementation of the preferential arrangements for fruit and vegetables falling within Council Regulation (EEC) No 1035/72 (4), as last amended by Regulation (EEC) No 2275/87 (5) until 31 December 1989 and 31 December 1990 respectively; whereas, consequently, in the above tariff concession does not apply at present in Spain and Portugal;

Whereas, from 1 January 1988 the nomenclature used in the Common Customs Tariff will be replaced by the

Combined Nomenclature based on the International Convention on the Harmonized Commodity Description and Coding System; whereas this Regulation must take account of that fact by indicating the Combined Nomenclature codes and, where appropriate, the Taric code numbers of the products concerned;

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

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

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

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

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

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

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

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

(5) OJ No L 209, 31. 7. 1987, p. 4.

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

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

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

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

3. As soon as a ceiling has been reached, the Commission shall adopt a regulation re-establishing, until the

end of its period of validity, the customs duties applicable in respect of third countries.

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

Article 2

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

Article 3

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 24 November 1987.

For the Commission

COCKFIELD

Vice-President

ANNEX

Order No	Combined Nomenclature code	Description	Customs duty applicable	Level of ceiling (tonnes)
12.0010	0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled:	10,2	800
	ex 0706 10 00	— Carrots and turnips: — carrots, from 1 January to 31 March 1988		
12.0020	0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled:	4,8	800
	ex 0703 10	— onions and shallots: — onions, from 1 February to 15 May 1988		

COUNCIL REGULATION (EEC) No 1824/87

of 25 June 1987

opening, allocating and providing for the administration of a Community tariff quota for rum, arrack and tafia, falling within subheading 22.09 C I of the Common Customs Tariff and originating in the overseas countries and territories associated with the European Economic Community (1987 to 1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 136 thereof,

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 proposal from the Commission,

Whereas Annex V to Decision 86/283/EEC provides that rum, arrack and tafia shall be imported into the Community free of customs duties within the limits of a Community tariff quota;

Whereas the Council has established by Decision 86/47/EEC (2), as last amended by Decision 87/342/EEC (3), arrangements for trade between Spain and Portugal on the one hand and the overseas countries and territories (OCT) on the other; whereas this Decision provides for the application by the two Member States of the particular provisions concerning the quota duties to be applied on imports of products originating in the OCT;

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

Whereas Community statistics for the years 1984 to 1986 show the highest volume of imports into the Community of the products in question originating in the said countries and territories, namely 5 569 hectolitres of pure alcohol, occurred in 1984; whereas the volume of the Community tariff quota should therefore be fixed at 7 073 hectolitres of pure alcohol;

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

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

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

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

Whereas it is possible that during the period of validity of the said quota, the nomenclature used by the Common Customs Tariff will be replaced by the nomenclature based on the International Convention on a harmonized system of designation and codification of goods; whereas this Regulation must take account of the possibility by using the combined nomenclature codes within which the said products fall;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1987 to 30 June 1988 the duty applicable to the import of the products designated hereafter shall be suspended at the level indicated in Article 2 within the limit of the relevant Community tariff quota mentioned (1):

(1) The numbers appearing in the column 'Combined nomenclature code' will replace those in the column 'CCT heading No' as from the date of entry into force of the International Convention on a harmonized system of designation and codification of goods.

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

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

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

Order No	CCT heading No	Combined nomenclature code	Description	Quota volume (in hl of pure alcohol)	Quota duty (in %)
09.1621	22.09 C 1	2208.40-10 2208.40-90 2208.90-11 2208.90-19	Rum, arrack and tafia falling within sub-heading 22.09 C 1 of the Common Customs Tariff and originating in the countries and territories referred to in Article 1 of Decision 86/283/EEC	15 000	Free

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

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

Article 2

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

	(hectolitres of pure alcohol)
Benelux	9 000
Denmark	1 050
Germany	1 620
Greece	30
Spain	300
France	600
Ireland	600
Italy	300
Portugal	300
United Kingdom	1 200

Article 3

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

2. The extent to which the Member States have taken up their shares shall be determined on the basis of the imports of the products in question, originating in the said countries and territories, entered for customs clearance under declarations for free circulation.

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

Done at Luxembourg, 25 June 1987.

Article 4

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

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

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

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

Article 5

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

Article 6

The Council shall adopt, in good time, the adjustment of the International Convention on a harmonized system of designation and codification of goods, which are necessary both for the codification and for the designation of goods.

Article 7

This Regulation shall enter into force on 1 July 1987.

For the Council

The President

H. DE CROO

COUNCIL

COUNCIL DECISION

of 25 June 1987

revising the amounts for the documentary requirements in Annex II concerning the definition of the concept of 'originating products' and methods of administrative cooperation to Decision 86/283/EEC on the association of the overseas countries and territories with the European Economic Community

(87/341/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 86/283/EEC of 30 June 1986 on the accession of the overseas countries and territories with the European Economic Community⁽¹⁾, and in particular Article 77 (2) thereof,

Having regard to the recommendation from the Commission,

Whereas Article 6 of Annex II to Decision 86/283/EEC provides that the Community may, where necessary, revise the amounts for determining when forms EUR 2 may be used instead of movement certificates EUR 1 or when no documentary evidence of origin is required as laid down in Article 16 of that Annex;

Whereas as a consequence of the automatic change, which takes place every two years, of the base date provided for in the said Annex II, the effective value of the limits expressed in the national currencies concerned, which correspond to the amounts laid down in Articles 6 and 16 of the said Annex, would be reduced; whereas in order to offset such a reduction it is necessary to increase the amounts in question,

Article 1

Annex II to Decision 86/283/EEC is hereby amended as follows:

- the amount laid down in Article 6 (1) (b) is hereby increased to 2 590 ECU;
- the amounts laid down in Article 16 (2) are hereby increased to 180 ECU and 515 ECU respectively.

Article 2

This Decision shall apply from 1 May 1987.

Done at Luxembourg, 25 June 1987.

For the Council

The President

H. DE CROO

(¹) OJ No L 173, 1. 7. 1986, p. 1.

Part 1 : O C T

II - FISHERIES

**COUNCIL REGULATION (EEC) No 499/87
of 16 February 1987**

derogating from the definition of 'originating products' to take account of the special situation of Saint-Pierre and Miquelon with regard to certain fishery products

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 French Government has requested, on behalf of Saint-Pierre and Miquelon, a derogation from the rules of origin to take into account the particular problems of that territory in respect of certain fishery products processed there;

Whereas Saint-Pierre and Miquelon was included in the customs territory of the Community until 30 June 1986; whereas its trade until that date was governed by the provisions on the free movement of goods within the Customs Union;

Whereas Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community (1) has applied to Saint-Pierre and Miquelon since 1 July 1986;

Whereas Annex II to that Decision lays down the rules of origin applicable in preferential trade between overseas countries and territories and the Community; whereas those rules provide for the use of originating fish, which cannot be obtained at the present stage by the processing industry in Saint-Pierre and Miquelon;

Whereas Article 28 of the said Annex II sets out the conditions which must be fulfilled in order for a derogation to be granted; whereas these conditions are satisfied in so far as the geographical situation of Saint-Pierre and Miquelon prevents the utilization of raw materials wholly obtained or processed in other overseas countries and territories, in the ACP States or in the Community, and

the application of the rules of origin would prevent an existing industry continuing to export its product to the Community,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the rules of origin referred to in Annex II to Decision 86/283/EEC, the fishery products listed in the Annex to this Regulation manufactured in Saint-Pierre and Miquelon from non-originating fish and crustaceans shall be considered as originating in Saint-Pierre-et-Miquelon under the conditions set out in this Regulation.

Article 2

The derogation provided for in Article 1 shall relate to an annual global quantity of 740 tonnes of the finished products listed in the Annex, exported from Saint-Pierre and Miquelon for the period from 1 December 1986 to 30 November 1989.

Article 3

The competent authorities of Saint-Pierre and Miquelon shall carry out quantitative checks on exports as 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 Regulation.

Article 4

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 December 1986.

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

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

Done at Brussels, 16 February 1987.

For the Council
The President
L. TINDEMANS

ANNEX

Product	Tariff subheading	NIMEXE-code
(a) smoked salmon	03.02 B II	33
(b) smoked eel	03.02 B VII	51
(c) smoked cod roes	03.02 C	60
(d) smoked halibut	03.02 B III	37
	03.02 B IV	41
(e) smoked mackerel	03.02 B V	43
(f) dried or smoked capelin	03.02 A I f)	20
	03.02 A II d)	29
	03.02 B VIII	59
(g) skate wings	03.01 B I y)	81
(h) monkfish	03.01 B I w) 1	76
	03.01 B I w) 2	77
(i) crab meat	03.03 A III	35, 36, 39
	16.05 A	20

Part 2 : F O D

A. TRADE

COUNCIL DIRECTIVE
of 19 October 1987
amending Directive 81/527/EEC on the development of agriculture in the French overseas departments

(87/522/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures⁽¹⁾, as last amended by Regulation (EEC) No 1760/87⁽²⁾, and in particular Article 18 thereof,

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

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

Whereas Article 6 (1) of Directive 81/527/EEC⁽⁵⁾, as amended by Regulation (EEC) No 797/85, provides that the common measure is to last five years from the date on which the programme concerned is approved; whereas that period expired on 28 January 1987;

Whereas the implementation of measures introduced by Directive 81/527/EEC has effectively contributed to the development of agriculture in the overseas departments; whereas, however, the low level of economic development and the underdevelopment of the agricultural sector of the said departments as compared with the other Community regions calls for the possibility of continuing the work laid down in the programme for applying the measures, in order to consolidate progress achieved;

Whereas it is necessary in particular to step up the technical assistance effort called for by the innovative character of the diversification of production in order, additionally, to ensure a link between experimental stations and agricultural holdings;

Whereas the financial breakdown should be made more flexible in line with the special requirements of application,

Article 1

Directive 81/527/EEC is hereby amended as follows:

1. Article 5 (1) shall be replaced by the following:

'1. Expenditure incurred by the French Republic, under the programme, on the measures referred to in Article 3 shall be eligible under the Guidance Section of the Fund up to the following limits:

- under Article 3 (a), up to 50 million ECU;
- under Article 3 (b), up to 122 million ECU;
- under Article 3 (c), up to 57 million ECU;
- under Article 3 (d), up to 18 million ECU;
- under Article 3 (e), up to 40,5 million ECU, of which a maximum of 5,35 million ECU may be used for technical assistance and the application of agronomical research findings.

When the programme or any amendments thereto are approved, as referred to in Article 2 (2), the Commission may adjust those limits, without, however, exceeding the estimated cost provided for in Article 6 (3) or the figure of 5,35 million ECU for technical assistance and the application of research findings.'

2. Article 6 (1) and (3) shall be replaced by the following:

'1. The duration of the common measure shall be not more than seven years from the date on which the programme is approved.'

'3. The total estimated cost of the common measure to be borne by the Fund shall be 115 million ECU.'

Article 2

This Directive is addressed to the French Republic.

Done at Luxembourg, 19 October 1987.

For the Council

The President

L. TORNÆS

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 1.

⁽³⁾ OJ No C 175, 3. 7. 1987, p. 5.

⁽⁴⁾ Opinion delivered on 16 October 1987 (not yet published in the Official Journal).

⁽⁵⁾ OJ No L 197, 20. 7. 1981, p. 38.

Part 2 : F O D

B - FISHERIES

COUNCIL REGULATION (EEC) No 3982/87

of 15 December 1987

laying down for 1988 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200-nautical-mile zone off the coast of the French department of Guiana

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources (1), and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas under the terms of Article 2 of Regulation (EEC) No 170/83 it is incumbent upon the Council to formulate, in the light of the available scientific advice the conservation measures necessary to achieve the aims set out in Article 1 of that Regulation;

Whereas, since 1977, the Community has operated a system of conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200-nautical-mile zone off the coast of the French department of Guiana most recently laid down by Council Regulation (EEC) No 4040/86 (2); whereas the latter Regulation expires on 31 December 1987;

Whereas the continuity of the system should be assured, in particular by maintaining the restriction on some fish stocks in the zone in order to conserve the stock and ensure adequate profitability for the fishermen concerned;

Whereas the processing industry based in the French department of Guiana depends on landings from vessels of non-member countries operating in the fishing zone off that department;

Whereas, therefore, it is necessary to ensure that those vessels which are under contract to land their catches in the French department of Guiana can continue to fish;

Whereas shrimp fishing licences calculated on the basis of scientific advice have been issued to non-member countries

whose vessels fish in the zone of the said department and whereas therefore a number of those licences are subject to changes on the basis of that scientific advice;

Whereas the technical and control measures applicable pursuant to Regulation (EEC) No 4040/86 should be maintained and, should this prove necessary, supplemented,

HAS ADOPTED THIS REGULATION:

Article 1

Vessels flying the flag of one of the countries listed in Annex I shall be authorized, during the period from 1 January to 31 December 1988 to fish for the species listed in the said Annex in the part of the 200-nautical-mile fishing zone off the coast of the French department of Guiana that lies more than 12 nautical miles from the base lines, in conformity with the conditions laid down in this Regulation.

Article 2

1. Fishing in the fishery zone referred to in Article 1 shall be subject to the possession on board of a licence, issued by the Commission on behalf of the Community, and to the observance of the conditions set out in that licence and the control measures and other provisions regulating fishing activities in that zone.

2. Applications for licences shall be submitted by the authorities of the non-member countries concerned to the Commission's services at least 15 working days before the desired date of commencement of validity. Licences will be issued to the authorities of the third countries concerned.

3. Where no application for the grant of a licence, as referred to in point 1 of Annex I, has been submitted within 15 working days of the date of entry into force of this Regulation, the Commission, at the request of the French authorities, may issue licences, via the French authorities, to the shipowners of the relevant non-member countries.

4. The registration letters and numbers of a vessel in possession of a licence must be clearly marked on both

(1) OJ No L 24, 27. 1. 1983, p. 1.

(2) OJ No L 376, 31. 12. 1986, p. 101.

sides of the prow and on both sides of the superstructure at the most visible point. The letters and numbers must be painted in a colour that contrasts with the colour of the hull or superstructure and must not be obliterated, altered, covered or masked in any other way.

Article 3

1. The maximum number of licences, as well as the maximum number of temporary renewable licences that may be issued for shrimp fishing on the basis of scientific advice to vessels flying the United States flag and which are under contract to land all their catches in the French department of Guiana is specified in point 1 of Annex I.

2. The licences referred to in paragraph 1 shall cease to be valid when the contract stipulating the obligation to land the catches comes to an end, and in any event not later than 31 December 1988.

3. The duration of the validity of temporary licences shall be limited to three-month periods. To provide for a possible increase in the number of vessels flying the flag of a Member State in the zone referred to in Article 1, some temporary licences may not be renewed. In the event of such increase, the Member State concerned shall inform the Commission services at the latest one month before the expiry of the validity of the temporary licences.

4. The number of licences referred to in paragraph 1 may be revised if the scientific advice states that there has been a substantial change in stocks.

Article 4

1. Licences may be issued for shrimp fishing to vessels which fly the flag of one of the countries listed in point 2 of Annex I. The catch quantities authorized under such licences, the maximum number of licences and the maximum number of days at sea during which such licences are valid shall be as specified for each country in point 2 of Annex I.

2. The licences referred to in paragraph 1 shall be issued on the basis of a fishing plan submitted by the authorities of the country concerned, approved by the Commission and not exceeding the limits for the country concerned specified in point 2 of Annex I.

3. The period of validity of each of the licences referred to in paragraph 1 shall be limited to the fishing period provided for in the fishing plan on the basis of which the licence was issued.

4. All licences referred to in paragraph 1 issued to vessels of a non-member country shall cease to be valid as soon as it is established that the quota laid down in point 2 of Annex I for that country has been used up.

Article 5

1. Licences may be issued for the fishing of species other than shrimps to vessels flying the flag of one of the countries listed in point 3 of Annex I. The maximum number of such licences for each country shall be as specified in point 3 of Annex I.

2. Snapper fishing licences shall be granted subject to an undertaking by the owner of the vessel concerned to land 75 % of the catches in the French department of Guiana.

3. Shark fishing licences shall be granted subject to an undertaking by the owner of the vessel concerned to land 50 % of the catches in the French department of Guiana.

Article 6

1. The following information shall accompany applications for licences submitted to the Commission:

- (a) name of the vessel;
- (b) registration number;
- (c) external identification letters and numbers;
- (d) port of registration;
- (e) name and address of the owner or charterer;
- (f) gross tonnage and overall length;
- (g) engine power;
- (h) call sign and radio frequency;
- (i) intended method of fishing;
- (j) species intended to be fished;
- (k) period for which a licence is requested.

2. Each licence shall be valid for one vessel only. Where several vessels are taking part in the same fishing operation, each vessel must be in possession of a licence.

Article 7

1. To obtain a licence as referred to in Article 3, proof must be produced, in respect of each of the vessels concerned, that a valid contract exists between the shipowner applying for the licence and a shrimp-processing undertaking situated in the French department of Guiana and that it includes an obligation to land all catches of shrimps from the vessel concerned in that department so that they may be processed, packed and stored in that undertaking's plant.

2. The contract referred to in paragraph 1 must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guianese economy, as well as with the entry into service of shrimp fishing vessels registered in Guiana. A copy of the duly endorsed contract shall be appended to the licence application.

3. Where the endorsement referred to in paragraph 2 is refused, the French authorities shall give notification of this refusal and state their reasons for it to the party concerned and the Commission.

Article 8

1. To obtain a fishing licence for snapper or shark, as referred to in Article 5, proof must be produced, in respect of each of the vessels concerned, that a valid contract exists between the shipowner applying for the licence and a processing undertaking situated in the French department of Guiana and that it includes an obligation to land at least 75 % of all snapper catches, or 50 % of all shark catches from the vessel concerned in that department so that they may be processed in that undertaking's plant.

2. The contract referred to in paragraph 1 must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guianese economy. A copy of the duly endorsed contract shall be appended to the licence application.

3. Where the endorsement referred to in paragraph 2 is refused, the French authorities shall give notification of this refusal and state their reasons for it to the party concerned and the Commission.

Article 9

Licences may be cancelled with a view to issuing new licences. Such cancellation shall take effect on the date of issuance of the new licence by the Commission.

Article 10

1. Fishing for shrimps of the species *Penaeus subtilis* and *Penaeus brasiliensis* shall be forbidden in waters of a depth less than 30 metres. During these fishing activities carried out by vessels using trawls, by-catches shall be permitted.

2. Tuna fishing shall be authorized only for vessels using long lines.

3. Snapper fishing shall be authorized only for vessels using long lines or traps.

4. Shark fishing shall be authorized only for vessels using long lines or mesh nets having a minimum mesh of 100 mm and shall be forbidden in waters of a depth less than 30 metres.

Article 11

A log-book, a model of which appears in Annex II, shall be completed after each fishing operation. A copy of this log-book shall be sent to the Commission within 30 days of the last day of each fishing trip via the French authorities.

Article 12

1. The master of each vessel in possession of a licence referred to in Articles 4 and 5 (1), as concerns tuna fishing, shall observe the special conditions set out in Annex III, and in particular forward the information specified in the Annex. These conditions shall form an integral part of the licence.

2. The master of each vessel in possession of a licence as referred to in Articles 3 and 5 (2) and (3) shall, on landing the catch after each trip, submit to the French authorities a declaration, for whose accuracy the master alone is responsible, stating the quantities of shrimp caught and kept on board since the last declaration. This declaration shall be made using the form of which a model appears in Annex IV.

Article 13

1. The French authorities shall take all appropriate measures to verify the accuracy of the declarations referred to in Article 12 (2), by checking them in particular against the log-book referred to in Article 11. The declaration shall be signed by the competent official after it has been verified.

2. The French authorities shall ensure that all landings of shrimps in the French department of Guiana by vessels in possession of a licence as referred to in Articles 3 and 5 (2) and (3) shall be the subject of a declaration as referred to in Article 12 (2).

3. Before the end of each month, the French authorities shall send to the Commission all the declarations referred to in paragraph 2 relating to the preceding month.

Article 14

The granting of licences to vessels from third countries shall be subject to the undertaking by the owner of the vessel concerned to permit an observer to come on board at the Commission's request.

Article 15

1. The French authorities shall take appropriate measures to ensure that the obligations set out in this Regulation are complied with, including the regular inspection of vessels.

2. Where an infringement is formally ascertained, the French authorities shall, without delay, and in any event not later than 30 days from the date on which the infringement was ascertained, inform the Commission of the name of the vessel concerned and of any action they may have taken.

Article 16

1. Licences for vessels which have not complied with the obligations provided for in this Regulation, including the obligation to land all or part of the catches laid down in a contract as referred to in Articles 7 and 8 shall be withdrawn.

No licence shall be issued to such vessels for a period of four to 12 months from the date on which the infringement was committed.

2. Where a vessel fishes without a valid licence in the zone referred to in Article 1, and where that vessel belongs to a shipowner or is managed by a natural or legal person who has or exercises the management of one or more other vessels to which licences have been issued, one of those licences may be withdrawn.

3. The granting of a licence may be refused during the period referred to in paragraph 1 to one or more vessels belonging to a shipowner who owns a vessel whose licence

has been withdrawn under this Article or which has fished without a licence in the zone referred to in Article 1.

Article 17

1. If, for a period of one month, the Commission receives no communication as referred to in Article 12 (1) concerning a vessel in possession of a licence referred to in Articles 4 and 5, the licence of such vessel shall be withdrawn.

2. If, for a period of one month, a vessel in possession of a licence as referred to in Article 3 has made no use of it, the licence of such vessel shall be withdrawn, except

- if the vessel is under repair,
- in cases of *force majeure*.

Article 18

The period of validity of licences valid on 31 December 1986 pursuant to Article 1 of Regulation (EEC) No 4040/86 may be extended, at the request of the authorities of the country concerned, until 31 January 1988. Licences thus extended shall be counted against the number of corresponding licences laid down in Annex 1 for the duration of the extension, without that total being exceeded.

Article 19

This Regulation shall enter into force on 1 January 1988.

It shall apply until 31 December 1988.

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

Done at Brussels, 15 December 1987.

For the Council

The President

Lars P. GAMMELGAARD

ANNEX I

1. Licences referred to in Article 3

Vessels flying the flag of	Maximum number of licences	Of which maximum number of renewable licences
USA	32	11

2. Licences referred to in Article 4

Vessels flying the flag of	Quantity of authorized catches in tonnes	Maximum number of vessels with a licence	Maximum number of days at sea
Barbados	24	5	200
Guiana	24	5	200
Surinam	p.m.	p.m.	p.m.
Trinidad and Tobago	60	8	350

3. Licences referred to in Article 5

Species	Vessels flying the flag of	Maximum number of licences
(a) Tuna	Japan Korea	token entry token entry
(b) Snappers	Venezuela Barbados	25 5
(c) Shark	Venezuela	3

ANNEX III

Special conditions

1. Vessels in possession of a licence referred to in Article 4 and 5 (1) (Thunnidae) must communicate information to the Commission of the European Communities in Brussels (telex 24189 FISEU-B) via the French authorities at the following times:
 - (a) on each entry into zones extending up to 200 nautical miles off the coast of the French department of Guiana, hereinafter called 'the zone';
 - (b) whenever leaving the zone;
 - (c) whenever entering a port of a Member State;
 - (d) whenever leaving a port of a Member State;
 - (e) every week in respect of the previous week from the date of entry into the zone referred to in (a) or from the date of leaving the port referred to in (d).
2. Communications transmitted in accordance with the conditions of the licence at the times specified in 1 above should include the following particulars, where appropriate and should be transmitted in the following order:
 - name of vessel,
 - radio call sign,
 - licence number,
 - chronological number of the transmission for the trip in question,
 - indication of which of the types of transmission, as set out in paragraph 1, is involved,
 - date,
 - time,
 - geographical position,
 - quantity of each species caught during the fishing operation (in kilograms),
 - quantity of each species caught since the previous transmission of information (in kilograms),
 - the geographical coordinates of the position where the catches were made,
 - quantities of catches, by species, transferred to other vessels (in kilograms) since the previous information,
 - the name, call sign and, where applicable, licence number of the vessel to which the catch was transferred,
 - the master's name.
3. The following code must be used in reporting species caught in accordance with paragraph 2:
 - PEN: Brown shrimp (*Penaedidae*);
 - BOB: Atlantic sea bob shrimp (*Xyphopenaeus kroyeri*);
 - TUN: Tunny;
 - SKH: Shark;
 - XXX: Other.
4. In cases where, for reasons of *force majeure*, the communication cannot be transmitted by the vessel in possession of a licence, the message may be transmitted by another vessel on behalf of the former.

ANNEX IV

Declaration pursuant to Article 12 (2)

LANDING DECLARATION (1)

Name of vessel :

Registration No. :

Name of master :

Name of agent :

Master's signature :

Voyage made from the _____

to the _____

Port of landing :

Quantity of shrimps landed (in live weight)			
'Head-off' shrimp:		kg	
	or (× 1,6) =	kg (head-on shrimp)	
'Head-on' shrimp:		kg	
Thunnidae :	kg	Snapper (Lutjanidae) :	kg
Shark:	kg	Other:	kg

(1) One copy is kept by the master, one copy is kept by the control officer, and one copy is to be sent to the Commission of the European Communities.

European Communities – Council

Association of the overseas countries and territories – French overseas departments

Compilation of texts, XI

1 January 1987 – 31 December 1987

Luxembourg: Office for Official Publications of the European Communities

1988 – 56 pp. – 14.8 × 21 cm

ES, DA, DE, GR, EN, FR, IT, NL, PT

ISBN 92-824-0573-7

Catalogue number: BX-52-88-994-EN-C

Price (excluding VAT) in Luxembourg: ECU 3.50

Venta y suscripciones · Salg og abonnement · Verkauf und Abonnement · Πωλήσεις και συνδρομές
Sales and subscriptions · Vente et abonnements · Vendita e abbonamenti
Verkoop en abonnementen · Venda e assinaturas

BELGIQUE / BELGIE

Moniteur belge / Belgisch Staatsblad
 Rue de Louvain 40-42 / Leuvensestraat 40-42
 1000 Bruxelles / 1000 Brussel
 Tél. 512 00 26
 CCP / Postrekening 000-2005502-27
 Sous-dépôts / Agentschappen

**Librairie européenne /
Europese Boekhandel**

Rue de la Loi 244 / Wetstraat 244
 1040 Bruxelles / 1040 Brussel

CREDOC

Rue de la Montagne 34 / Bergstraat 34
 Bte 11 / Bus 11
 1000 Bruxelles / 1000 Brussel

DANMARK

**J. H. Schultz Information A/S
EF-Publikationer**

Ottåavej 18
 25000 Valby
 Tlf. 01 44 23 00
 Telefax 01 44 15 12
 Girokonto 6 00 08 86

BR DEUTSCHLAND

Bundesanzeiger Verlag

Breite Straße
 Postfach 10 80 06
 50000 Köln 1
 Tel. (02 21) 20 29-0
 Fernschreiber
 ANZEIGER BONN 8 882 595
 Telecopierer 20 29 278

GREECE

G. C. Eleftheroudakis SA

International Bookstore
 4 Nikis Street
 105 63 Athens
 Tel. 322 22 55
 Telex 2 194 10 ELEF
 Telefax 3254 889

Sub-agent for Northern Greece

Molho's Bookstore

The Business Bookshop
 10 Tsimisiki Street
 Thessaloniki
 Tel. 275 271
 Telex 412885 LIMO

ESPAÑA

Boletín Oficial del Estado

Trafalgar 27
 E-28010 Madrid
 Tel. (91) 446 60 00

Mundi-Prensa Libros, S. A.

Castelló 37
 E-28001 Madrid
 Tel. (91) 431 33 99 (Libros)
 431 32 22 (Suscripciones)
 435 36 37 (Dirección)
 Télex 49370-MPLI-E
 Telefax (91) 275 39 98

FRANCE

Journal officiel
Service des publications
des Communautés européennes
 26 rue Desaix
 75727 Paris Cedex 15
 Tel. (1) 40 58 75 00

IRELAND

Government Publications Sales Office

Sun Alliance House
 Molesworth Street
 Dublin 2
 Tel. 71 03 09

or by post

Government Stationery Office

EEC Section
 6th floor
 Bishop Street
 Dublin 8
 Tel. 78 16 66

ITALIA

Licosa Spa

Via Lamarmora, 45
 Casella postale 552
 50 121 Firenze
 Tel. 57 97 51
 Telex 570466 LICOSA I
 CCP 343 509

Subagenti

Libreria scientifica Lucio de Bisio - AEIQU

Via Meravigli, 16
 20 123 Milano
 Tel. 80 76 79

Herder Editrice e Libreria

Piazza Montecitorio, 117-120
 00 186 Roma
 Tel. 67 94 628/67 95 304

Libreria giuridica

Via 12 Ottobre, 172/R
 16 121 Genova
 Tel. 59 56 93

GRAND-DUCHÉ DE LUXEMBOURG

**Office des publications officielles
des Communautés européennes**

2, rue Mercier
 L-2985 Luxembourg
 Tel. 49 92 81
 Telex PUBOF LU 1324 b
 CCP 19190-81
 CC bancaire BIL 8-109/6003/200

Messageries Paul Kraus

11, rue Christophe Plantin
 L-2339 Luxembourg
 Tel. 48 21 31
 Telex 25 15
 CCP 49242-63

NEDERLAND

SDU uitgeverij

Christoffel Plantijnstraat 2
 Postbus 20014
 2500 EA s-Gravenhage
 Tel. (070) 78 98 80 (bestellingen)

PORTUGAL

Imprensa Nacional

Casa da Moeda, E.P.
 Rua D. Francisco Manuel de Melo, 5
 1092 Lisboa Codex
 Tel. 69 34 14

Distribuidora Livros Bertrand Lda.

Grupo Bertrand, SARL
 Rua das Terras dos Vales, 4-A
 Apart. 37
 2700 Amadora Codex
 Tel. 493 90 50 - 494 87 88
 Telex 1579B BERDIS

UNITED KINGDOM

HMSO Books (PC 16)

HMSO Publications Centre
 51 Nine Elms Lane
 London SW8 5DR
 Tel. (01) 211 77 02

Sub-agent

Alan Armstrong & Associates Ltd

Arkwright Road
 Reading, Berks RG2 0SQ
 Tel. (0734) 75 17 69
 Telex 849937 AAALTD G

TURKIYE

Dünya süper veb ofset A.Ş.

Narlıbahçe Sokak No. 15
 Çagaalolu
 İstanbul
 Tel. 512 01 90
 Telex 23822 dsvo-tr

UNITED STATES OF AMERICA

**European Community Information
Service**

2100 M Street, NW
 Suite 707
 Washington, DC 20037
 Tel. (202) 862 9500

CANADA

Renouf Publishing Co., Ltd

61 Sparks Street
 Ottawa
 Ontario K1P 5R1
 Tel. Toll Free 1 (800) 267 4164
 Ottawa Region (613) 238 8985-6
 Telex 053-4936

JAPAN

Kinokuniya Company Ltd

17-7 Shinjuku 3-Chome
 Shinjuku-ku
 Tokyo 160-91
 Tel. (03) 354 0131

Journal Department

PO Box 55 Chitose
 Tokyo 156
 Tel. (03) 439 0124

Price (excluding VAT) in Luxembourg: ECU 3.50



OFFICE FOR OFFICIAL PUBLICATIONS
OF THE EUROPEAN COMMUNITIES

L-2985 Luxembourg

ISBN 92-824-0573-7



9 789282 405734