

ACP-EEC COUNCIL OF MINISTERS
Brussels

COMPILATION OF TEXTS

XVI

ACP-EEC CONVENTIONS OF LOMÉ

1 January 1991 — 31 December 1991





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¹ The text of the Agreement is published in this volume, since this Agreement was signed only on 17 July 1991.

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I — ACP-EEC Acts

1. Acts of the Council of Ministers

DECISION No 1 /91
OF THE ACP-EEC COUNCIL OF MINISTERS
of 27. 11. 1991

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

THE ACP-EEC COMMITTEE OF AMBASSADORS,

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

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

Whereas the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989, has not yet entered into force;

Whereas Decision No 2/90 of the ACP-EEC Council is valid only until 28 February 1991; whereas, therefore, in order to avoid an interruption of relations between the ACP States and the Community, it is appropriate to extend the validity of that Decision,

HAS DECIDED AS FOLLOWS:

Article 1

Decision No 2/90 of the ACP-EEC Council of Ministers shall be extended until the Fourth ACP-EEC Convention enters into force and at the latest until 30 June 1991.

Article 2

This Decision shall enter into force on 1 March 1991.

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Geschehen zu Brüssel am
Εγινε στις Βουξέλλες, στις
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Fait à Bruxelles, le
Fatto a Bruxelles, addì
Gedaan te Brussel,
Feito em Bruxelas, em

27. 11. 1991

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

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Dr Ghebray BERRANE BJØRNEKÆR

**DECISION No 2/91
OF THE ACP-EEC COUNCIL OF MINISTERS
of 6 May 1991**

**adopting the rules of procedure of
the ACP-EEC Commodities Committee**

THE ACP-EEC COUNCIL OF MINISTERS,

Whereas Article 75 of the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989, hereinafter referred to as the "Convention", provides for the setting up of a Commodities Committee, whose task it is to monitor the general implementation of the Convention in the commodities sector, taking account of the Parties' mutual interests, and, in particular:

- (a) to examine any general problems relating to ACP-EEC trade in these products which may be submitted to it by the relevant subcommittees set up under the Convention;

(b) to recommend measures that will solve these problems and develop the competitiveness of the production and export systems;

(c) to hold exchanges of views and information on the short and medium-term prospects and forecasts for production, consumption and trade.

HAS DECIDED AS FOLLOWS:

Article 1

1. The Commodities Committee set up by Article 75 of the Convention, hereinafter referred to as the "Committee", shall be composed, on the one hand, of a representative of each of the Member States of the European Economic Community and a representative of the Commission of the European Communities and, on the other, of thirteen representatives of the ACP States.

2. The term of office of representatives designated by the ACP-EEC Council of Ministers or, by delegation, by the ACP-EEC Committee of Ambassadors, shall be one year and shall be renewable.

Article 2

Without prejudice to Article 1, any ACP State not represented on the Committee may send an observer to meetings of the Committee.

Article 3

The office of Chairman of the Committee shall be held alternately for a term of one year by the ACP States and the Community and shall coincide with the Presidency of the ACP-EEC Council of Ministers.

Article 4

Meetings of the Committee shall be convened by the Chairman in accordance with the rules of procedure.

Article 5

In carrying out its duties, the Committee shall act by common agreement between the ACP States and the Community.

Article 6

The Committee shall submit regular reports to the ACP-EEC Council of Ministers or to the ACP-EEC Committee of Ambassadors.

Article 7

The Committee's rules of procedure appear in the Annex hereto.

Article 8

Regional economic groupings of ACP States carrying out activities falling within the scope of this Decision that are approved by the ACP-EEC Council of Ministers may send observers to meetings of the Committee.

Article 9

The Centre for the Development of Industry and the Technical Centre for Agricultural and Rural Co-operation may send observers to meetings of the Committee.

Article 10

The Committee shall adopt detailed arrangements for the possible consultation of operators and organizations representing operators in the ACP States and the Community.

Article 11

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

Article 12

This Decision shall enter into force on the same day as the Convention.

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Geschehen zu Brüssel am
Έγινε στις Βουξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Gedaan te Brussel,
Feito em Bruxelas, em

6. V. 1991

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

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Dr Ghebray B. BJØRNEKER

RULES OF PROCEDURE
OF THE COMMODITIES COMMITTEE

Article 1

1. The Commodities Committee, hereinafter referred to as the "Committee", shall meet once a year at ministerial level and, where necessary, every six months at ambassador or expert level on dates to be decided by agreement between the ACP States and the Community. Insofar as possible, the dates of the meetings at ministerial level shall coincide with those of the ACP-EEC Council of Ministers.
2. The Committee may also decide to meet, at the request of either the Community or the ACP States and after consultation with the Chairman, on any other date at the level deemed most appropriate by the two parties.
3. There shall normally be at least two weeks notice of meetings of the Committee but the period of notice may be reduced to seven days in urgent cases.

Article 2

The Committee shall meet either at the places designated for ACP-EEC ministerial meetings, or at the usual places for meetings of the Council of the European Communities or at the office of the General Secretariat of the ACP States.

Article 3

1. The draft agenda for each meeting shall be drawn up by the Chairman, in close co-operation with the partner who is not holding the office of chairman. That agenda shall be sent to other Committee members at least two weeks before the date of the meeting.
2. The agenda shall be adopted by the Committee at the start of each meeting. In cases of urgency the Committee may, at the request of the ACP States or the Community, decide to add items to the agenda, for which the time-limit laid down in paragraph 1 has not been adhered to.
3. If the Committee is convened for urgent reasons under Article 1(3), the time-limit laid down in paragraph 1 may be reduced to seven days.

Article 4

The members of the Committee shall be designated by the ACP States and the Community respectively.

Article 5

The members of the Committee may be accompanied by officials to assist them.

They may be represented by persons designated by them.

Article 6

At the request of the ACP States or the Community, the Committee may exclude from meetings the observers from regional economic groupings of the ACP States, provided for in Article 8 of Decision No /91.

Article 7

The Committee may, by an ad hoc decision, invite representatives of ACP and/or EEC operators to take part in the Committee's work as observers with the right to speak for the purpose of discussing particular items requiring specific knowledge.

Article 8

Meetings of the Committee shall not be public.

The proceedings of the Committee shall be covered by the obligation of professional secrecy unless the Committee decides otherwise.

Article 9

Correspondence to the Committee shall be addressed to its Chairman via the office of the Secretariat of the ACP-EEC Council of Ministers.

Article 10

Unless a decision is taken to the contrary, the Committee shall work on the basis of documentation drawn up in Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish.

Article 11

The Committee's proceedings shall not be valid without the participation of at least seven representatives of the Member States of the Community, one representative of the Commission and eight representatives of the ACP States.

Article 12

The secretariat and other services necessary for the work of the Committee shall be provided by the Secretariat of the ACP-EEC Council of Ministers.

Article 13

The Secretariat shall draw up the minutes of meetings of the Committee, after each meeting.

DECISION No 3/91
OF THE ACP-EEC COUNCIL OF MINISTERS
of 6 May 1991
on the composition of the Committee on Industrial Co-operation
and its rules of operation

THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on
15 December 1989, hereinafter referred to as "the Convention", and in
particular Article 87(2) thereof,

Anxious to ensure the fulfilment of the objectives which the ACP States and the European Economic Community have set themselves in Title V of Part Two of the Convention,

Having regard to the contribution that effective industrial co-operation between the ACP States and the Community can make to the industrial development of the ACP States;

Whereas the composition and the rules of operation of the Committee on Industrial Co-operation should be laid down,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Committee on Industrial Co-operation set up by Article 87 of the Convention (hereinafter referred to as "the Committee") shall be composed, on the one hand, of a representative of each of the Member States of the Community, a representative of the Commission of the European Communities and a representative of the European Investment Bank and, on the other hand, of eighteen representatives of the ACP States.
2. The term of office of the representatives designated by the ACP Group of States shall be no longer than five years. The Secretariat of the ACP States shall forward a list of these representatives to the Community.

Article 2

1. The tasks of the Committee, as defined in Article 87(1) of the Convention, are as follows:

- (a) to review progress made with the overall industrial co-operation programme resulting from the Convention and, where appropriate, submit recommendations to the Committee of Ambassadors; in this framework it shall examine and give its opinion on the reports referred to in Article 327 of the Convention concerning the progress of industrial co-operation and the growth of investment flows, and regularly monitor the mechanics of the interventions undertaken by the European Investment Bank, the Commission of the European Communities, the Centre for the Development of Industry, hereinafter referred to as "the Centre" and the ACP authorities responsible for the implementation of industrial projects in order to ensure the best possible co-ordination.
- (b) to examine problems and policy issues in the field of industrial co-operation submitted to it by the ACP States or by the Community, and make any appropriate proposals;
- (c) to organize, at the request of the Community or of the ACP States, a review of trends in industrial policies of the ACP States and of the Member States of the Community as well as developments in the world industrial situation with a view to exchanging information necessary for improving co-operation in and facilitating the industrial development and related mining and energy activities of the ACP States;

(d) to establish, on a proposal of the Executive Board, the general strategy of the Centre, select the members of its Executive Board, appoint its Director and Deputy Director, the members of the Advisory Council and the two Auditors, apportion on an annual basis the overall financial allocation provided for in Article 3 of the Financial Protocol annexed to the Convention and approve the budget and annual accounts;

(e) to examine in addition the Centre's annual report and any other report presented by the Advisory Council or the Executive Board in order to assess whether the Centre's activities are in conformity with the objectives assigned to it in the Convention, report to the Committee of Ambassadors and, through it, to the Council of Ministers and carry out such other duties as may be assigned to it by the Committee of Ambassadors.

2. In accordance with Article 93(3) of the Convention, the Committee shall also submit to the Committee of Ambassadors drafts of the Centre's statute, financial and staff regulations and rules of procedure, for proposal to the Council of Ministers.

Article 3

The Committee may, for the purpose of executing specific tasks, set up ad hoc working parties and shall determine their composition and terms of reference in advance. These working parties shall report to the Committee.

Article 4

The office of Chairman of the Committee shall be held alternately for periods of six months by the ACP States and the Community.

Article 5

Meetings of the Committee shall be convened by the Chairman under the conditions set out in the rules of procedure provided for in Article 8.

Article 6

Without prejudice to Article 1, any ACP State which is not a member of the Committee may participate in meetings of the Committee as an observer.

Article 7

Within the framework of its duties, the Committee shall act by agreement between the ACP States on the one hand and the Community on the other.

Article 8

The Committee shall adopt its own rules of procedure.

Article 9

The regional economic organizations of the ACP States, referred to in Annex VII to the Final Act attached to the Convention, as well as any other regional economic organizations between ACP States that may be approved by the Council of Ministers, may be represented at meetings of the Committee as observers.

Article 10

The Centre shall be invited, unless the Committee decides otherwise, to those meetings of the Committee at which it establishes the general strategy of the Centre, apportions, on an annual basis, the overall financial allocation provided for in Article 93(1) of the Convention or conducts its annual examination of the Centre's activities.

Article 11

The Technical Centre for Agricultural and Rural Co-operation may be invited by the Chairman of the Committee to those of its meetings at which matters concerning that Technical Centre are to be discussed.

Article 12

The Committee shall lay down detailed arrangements for the regular consultation of the economic and social sectors of the ACP States and of the Community.

Article 13

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

Article 14

This Decision shall enter into force on the same day as the Convention.

Hecho en Bruselas, el
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Έγινε στις Βρυξέλλες, στις
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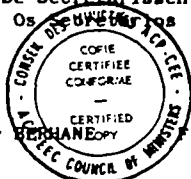
Por el Consejo de Ministros ACP-CEE
PÅ AVS-EEF-Ministerrådets vegne
Im Namen des AKP-EWG-Ministerrates
Για το Συμβούλιο των Υπουργών ΑΚΕ-ΕΟΚ
For the ACP-EEC Council of Ministers
Par le Conseil des Ministres ACP-CEE
Per il Consiglio dei Ministri ACP-CEE
Voor de ACS-EEG-Raad van Ministers
Pelo Conselho de Ministros ACP-CEE

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

A. NGIRABATWARE

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De Secretarissen
Os Secretários



Dr Ghebray

BJØRNEKJØR

DECISION NO 4/91
OF THE ACP-EEC COUNCIL OF MINISTERS
of 6 May 1991

laying down the statute and rules of procedure
of the Centre for the Development of Industry

THE ACP-EEC COUNCIL OF MINISTERS,

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

Having regard to the proposal from the Committee of Ambassadors,

Anxious to ensure the fulfilment of the objectives which the ACP States and the European Economic Community have set themselves in Title V of Part Two of the Convention,

Having regard to the contribution that effective industrial co-operation between the ACP States and the Community can make to the industrial development of the ACP States,

Whereas Articles 89 to 97 of the Convention define the objective, tasks and general conditions of operation of the Centre for the Development of Industry;

Whereas the statute and rules of procedure of the Centre for the Development of Industry should be laid down,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Centre for the Development of Industry, referred to in Articles 89 to 97 of the Convention and hereinafter referred to as "the Centre", shall enjoy in each of the States which are Parties to the Convention the most extensive legal capacity accorded to legal persons.
2. The Centre shall be non-profit-making. It shall have its seat in Brussels.

Article 2

The Centre shall help, within the framework of the provisions and principles of Title V of Part Two of the Convention, to establish and strengthen industrial enterprises in the ACP States, notably by encouraging joint initiatives by economic operators of the Community and the ACP States. The Centre shall also, in the light of its experience, contribute to discussion of industrial development and promotion strategies and measures in ACP States, notably in the least-developed, landlocked and island ACP States.

As a practical operational instrument, the Centre shall give priority to the identification of industrial operators for viable projects, assist in the promotion and implementation of those projects that meet the needs of ACP States, taking special account of domestic and external market opportunities for the processing of local raw materials, while making optimum use of the ACP States' endowments by way of factors of production. Assistance shall also be given to the presentation of such projects to the financing institutions and to the follow-up.

In carrying out the above tasks, the Centre shall take care to operate selectively by giving priority to small and medium-sized industrial enterprises, rehabilitation operations and operations to restore existing industrial capacities to full utilization. It shall place special emphasis on opportunities for joint ventures and subcontracting.

In implementing these tasks, the Centre shall also pay special attention to the objectives referred to in Article 97 of the Convention, assisting Community initiatives designed, in particular, to add value to raw materials and other local resources of the least-developed, landlocked and island ACP States.

At the request of one or more least-developed ACP States, the Centre shall grant special assistance for identifying on-the-spot industrial promotion and development possibilities, notably in raw materials processing and the production of equipment and inputs for the rural sector.

Article 3

The Centre shall act in close operational co-operation with the Commission of the European Communities and the European Investment Bank within their respective areas of responsibility.

The activities of the Centre shall be subject to periodic monitoring and evaluation by the Committee on Industrial Co-operation in accordance with Article 87 of the Convention. The evaluations shall be carried out by independent consultants.

Article 4

1. In undertaking the tasks referred to in Article 2, the Centre shall operate by giving priority to viable projects. In particular, it shall:

(a) identify, appraise, evaluate, promote and assist in the implementation of economically viable industrial projects of the ACP States;

- (b) carry out studies and appraisals aimed at identifying practical opportunities for industrial co-operation with the Community in order to promote the industrial development of the ACP States, and facilitating the implementation of appropriate schemes;
- (c) supply information and also specific advisory services and expertise, including feasibility studies, with a view to expediting the setting-up and/or restoration of industrial enterprises;
- (d) identify potential partners of the ACP States and the Community for joint investment operations and assist in the implementation and follow-up;
- (e) identify and provide information on possible sources of financing, assist in the presentation for financing, and, where necessary, assist in the mobilization of funds from these sources for industrial projects in ACP States;
- (f) identify, collect, evaluate and supply information and advice on the acquisition, adaptation and development of appropriate industrial technology relating to specific projects and, where appropriate, assist in the setting-up of experimental or demonstration schemes.

2. In order to improve the attainment of its objectives, the Centre, in addition to its main activities, may also pursue the following:

- (a) carry out studies, market research and evaluation work and gather and disseminate all relevant information on the industrial co-operation situation and opportunities, notably on the economic environment, and on the treatment which potential investors may expect, as well as the potential of viable industrial projects;
- (b) help, in appropriate cases, to promote the marketing of ACP manufactures on their domestic markets and on the markets of the other ACP States and the Community in order to encourage optimum exploitation of installed or projected industrial capacity;
- (c) identify industrial policy-makers, promoters and economic and financial operators in the Community and ACP States, and organize and facilitate contacts and meetings of all kinds between them;
- (d) identify, on the basis of needs indicated by ACP States, opportunities in industrial training, chiefly on the job, to meet the requirements of existing and planned industrial undertakings in ACP States and, where necessary, assist in the implementation of appropriate schemes;

- (e) gather and disseminate all relevant information concerning the industrial potential of the ACP States and trends of industrial sectors in the Community and the ACP States;
- (f) promote the subcontracting and also the expansion and consolidation of regional industrial projects.

Article 5

In accordance with Article 87(1)(d) of the Convention, the general strategy of the Centre shall be established by the Committee on Industrial Co-operation on a proposal from the Joint Executive Board (hereinafter referred to as "the Executive Board").

Article 6

In accordance with Article 3(2)(i) of the Financial Protocol annexed to the Convention, the Community shall contribute to the financing of the budget of the Centre by means of a separate allocation of a maximum of ECU 60 million. The budget of the Centre may receive additional resources from other parties.

The Centre may, in the framework of its objectives, manage resources on behalf of third parties intended for the execution of activities laid down for it in the Convention, the recipients of which are the promoters of projects.

Article 7

1. The Centre shall be headed by a Director assisted by a Deputy Director, recruited on the basis of technical skills and management experience, both of whom shall be appointed by the Committee on Industrial Co-operation.

The maximum duration of their term of office is five years. At the end of this period, a rotation of posts between ACP and EEC nationals shall apply in accordance with Annex XIV of the Convention. The outgoing Director may not be appointed Deputy Director.

2. The Director shall be responsible for the legal representation of the Centre and the implementation of the guidelines laid down by the Committee on Industrial Co-operation. He shall be answerable to the Executive Board.

3. The Director shall consult the Deputy Director on important matters of policy-making and administration of the Centre and shall then take decisions.

The duties of the Deputy Director, to be performed under the authority of the Director, shall be determined by the Committee on Industrial Co-operation. They will be defined on the basis of a proposal of the Director to the Executive Board. The Committee may delegate its authority in this respect to the Executive Board.

Article 8

1. The Executive Board, established in accordance with Article 92 of the Convention shall:

- (a) advise and back up the Director in providing impetus and motivation in managing the Centre and shall ensure that the guidelines laid down by the Committee on Industrial Co-operation are implemented satisfactorily;
- (b) on a proposal from the Director of the Centre:
 - (i) approve multiannual and annual programmes of activities, the annual report, the organizational structures, staffing policy and establishment plan;
 - (ii) approve the recruitment of the new staff and the renewal and termination of the contracts of the existing staff;
 - (iii) adopt the budgets and annual accounts for submission to the Committee on Industrial Co-operation;
- (c) take decisions on management proposals concerning points (b)(i), (ii) and (iii);
- (d) transmit an annual report to the Committee on Industrial Co-operation and report on any problems arising in connection with the points referred to in point (c).

2. The Executive Board may, should the need arise, propose to the Committee on Industrial Co-operation, by a duly substantiated proposal, the removal of the Director and/or the Deputy Director.

3. The Executive Board shall establish the procedures to be adopted to step up the Centre's operational presence in ACP States, notably as regards identification of projects and promoters and assistance in the submission of applications for financing, taking account of the need to decentralize activities.

4. The Executive Board shall be composed of six persons - three ACP and three EEC nationals - with substantial experience in the private or public industrial or banking sectors or in industrial development planning and promotion. They shall be chosen on an individual basis by the Committee on Industrial Co-operation on the grounds of their qualifications from nationals of the States Party to this Convention and, as far as possible, from the members of the Advisory Council of the Committee. They shall be appointed by the Committee according to the procedures laid down by it.

A representative of the Commission of the European Communities, a representative of the European Investment Bank, a representative of the General Secretariat of the Council of the European Communities and a representative of the ACP Secretariat shall take part in the Executive Board's proceedings as observers. The Executive Board shall take decisions by a simple majority of the members present or represented in accordance with its rules of procedure; in the event of parity, the Chairman shall have the deciding vote.

5. The members of the Executive Board shall be appointed for a period of no longer than five years with a mid-term review.
6. The Chairman and Deputy-Chairman of the Executive Board shall be selected by its members, for a period of two and a half years. When this period expires, a rotation of these posts shall apply between ACP and EEC nationals.
7. The Executive Board shall closely monitor the Centre's activities. It shall meet every two months and whenever necessary for the performance of its duties, either on the initiative of its Chairman or at the request of the Director.
8. The Director and the Deputy Director of the Centre shall normally take part in the proceedings of the Executive Board in an advisory capacity. The Centre shall provide the secretariat of the Executive Board. The Secretary shall be appointed by the Executive Board on a proposal from the Director. He may be removed only by the Executive Board.
9. The Executive Board may invite staff members of the Centre and/or experts from outside the Centre to give opinions on specific questions.
10. The Executive Board shall adopt its own rules of procedure.

Article 9

Two auditors appointed by the Committee on Industrial Co-operation shall audit the financial management of the Centre.

The Executive Board shall ensure that periodic evaluations of the activities of the Centre are carried out.

Article 10

1. The Director shall be responsible for preparing the drafts of:

- multiannual and annual programmes of activities;
- the Centre's annual budget;
- the annual accounts and activity report;
- the organizational structures, staffing policy and establishment plan.

He shall submit these drafts for approval by the Executive Board. The Executive Board shall submit the budget and annual accounts for final approval by the Committee on Industrial Co-operation. It shall also forward to the Committee the annual report to allow it to assess whether the activities of the Centre are in conformity with the objectives assigned to it by the Convention.

2. The Director shall be responsible for the management of the Centre.

3. The Director shall draw up the internal rules of application of the provisions relating to the Centre and inform the Executive Board accordingly.

Article 11

Members of the Executive Board, the Director, the Deputy Director, the staff and all other persons participating in the activities of the Centre shall be bound, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

Article 12

Protocol 3 on Privileges and Immunities, annexed to the Convention, shall apply to the Centre and to its staff under the terms of that Protocol.

Article 13

This statute and these rules of procedure may be amended by the ACP-EEC Council of Ministers on the recommendation of the ACP-EEC Committee of Ambassadors.

Article 14

Article 366 of the Convention shall apply to the Centre.

Article 15

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

Article 16

This Decision shall enter into force on the same day as the Convention.

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

' 6. V. 1991

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

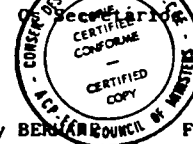
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Formand
Der Präsident
Ο Πρόεδρος
The President
Le président
Il Presidente
De Voorzitter
O Presidente

A. NGIRABATWARE

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Die Sekretäre
Οι Γραμματείς
The Secretaries
Les Secrétaires

I Secretari
De Secretarissen



Dr Ghebray BERHANOU ROUNCIL OF MINISTERS F. BJØRNEKÆR

DECISION No 5/91
OF THE ACP-EEC COUNCIL OF MINISTERS
of 6 May 1991

adopting the Financial Regulation
of the Centre for the Development of Industry

THE ACP-EEC COUNCIL OF MINISTERS,

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

Having regard to the proposal from the Committee of Ambassadors,

Whereas Decision No 4/91 of the ACP-EEC Council of Ministers of 6 May 1991 laying down the statutes and rules of procedure of the Centre for the Development of Industry, hereinafter referred to as "the Centre", provides inter alia for the adoption of the Centre's budget by the Executive Board, for submission to the Committee on Industrial Co-operation, hereinafter referred to as "the Committee";

Whereas the procedures for the adoption and implementation of the Centre's budget should be adopted,

HAS DECIDED AS FOLLOWS:

I. GENERAL PRINCIPLES

Article 1

1. All items of revenue and expenditure of the Centre shall be included in estimates to be drawn up for each financial year and shall be shown in the budget.
2. The revenue and expenditure shown in the budget shall be in balance.

Article 2

The budget shall be drawn up in ecus as defined by the Council of the European Communities.

Article 3

1. Revenue shall include the contribution by the European Development Fund and the amount levied in taxes on the salaries, wages and other emoluments paid by the Centre.

2. Revenue may also include resources administered by the Centre on behalf of third parties intended for the execution of activities laid down for it in the Convention, the recipients of which are the promoters of projects.

Article 4

The estimates of expenditure shall include operating, investment and programme expenditure.

Article 5

1. The financial year shall begin on 1 January and end on 31 December of each year.

2. Expenditure entered in the budget shall be authorized for a period of one financial year.

(a) However, appropriations duly committed during a financial year but not paid by 31 December of that year shall be carried over automatically to the following financial year.

(b) Appropriations which have been carried over to the following financial year shall be distinguished in the accounts of the current year.

(c) At the end of the first five years of the term of the Convention, any appropriations committed but not yet paid out shall be carried over automatically but only at the beginning of the second five-year period of the Convention. Appropriations committed but not yet paid out at the end of the second five-year period shall be carried over but only during the transitional period between this Convention and the next or, if applicable, the twelve-month winding up period.

(d) In accordance with the rules applicable to the drawing up of the budget, appropriations that lapse at the end of one financial year shall be available again for subsequent budgets.

3. If, at the beginning of a financial year the budget has not yet been established, the Director shall, in agreement with the Chairman of the Executive Board, in order to ensure continuity in the operation of the Centre, authorize commitment to, authorization of and payment of monthly operating and programme expenditure in accordance with the procedures laid down in this Regulation. Such monthly expenditure for the current year may not, however, exceed one twelfth of the corresponding appropriations entered in the budget for the preceding year.

II. ESTABLISHMENT OF THE BUDGET

Article 6

1. On the basis of the annual work programme approved by the Board, the Director shall draw up a draft annual budget, within the annual limits set by the Committee, and shall submit it, not later than 15 July of the year preceding that of its implementation, for adoption by the Executive Board. Following adoption, and not later than 31 July, the draft budget shall be forwarded to the Committee for approval.

The budget must obtain the Committee's approval by 1 October at the latest. It shall be forwarded to the Commission of the European Communities, which shall initiate the Community procedures in force as regards the contribution requested from the European Development Fund, on the basis of the separate allocation provided for this purpose.

2. The budget shall be deemed to be finally adopted on the date on which the competent Community authority took the financing decision on the contribution requested from the European Development Fund. The Centre shall be informed of this decision.

3. The budget shall include a schedule for the paying in of the funds provided for in the Convention and a list of revenues obtained from other sources.

Article 7

1. The dates for the payment of the contribution from the European Development Fund shall be fixed by agreement with the Commission of the European Communities. The contribution from preceding financial years representing lapsed appropriations shall be deducted.

2. The budget shall be subdivided into titles, chapters, articles and items according to the nature or purpose of the revenue or expenditure.

3. Revenue and expenditure administered on behalf of third parties shall be shown separately in the budget.

Article 8

Where necessary the Director shall submit a draft supplementary or amending budget which shall be examined, adopted and approved in the same form and according to the same procedure as the budget containing the original estimates.

III. IMPLEMENTATION OF THE BUDGET

Article 9

1. The Director shall ensure that the budget is implemented under his own responsibility and within the limit of the appropriations allotted. He shall report to the Executive Board on the administration of the budget.
2. The authorized appropriations shall be used only in accordance with the principles of economy and sound financial management.

Article 10

1. No revenue shall be collected or expenditure effected unless credited to or charged against an appropriate article in the Budget.

No expenditure may be committed or authorized in excess of the appropriations authorized for the financial year concerned or of the appropriations carried over from previous financial years.
2. Revenue and expenditure shall be entered in full in the accounts without any adjustment against each other.

By way of derogation from that rule, the following shall be deducted from the amounts authorized:

- (a) fines imposed on a party to a contract;
- (b) adjustment of amounts paid in error, which may be achieved by means of deduction when a subsequent validation is effected under the chapter, article and financial year in respect of which the excess payment was made;

(c) the value of vehicles, equipment and installations taken in part exchange upon purchase of new items of the same kind.

Again by way of derogation from the rule, the following amounts may be re-used:

(a) refunds of amounts paid in error;

(b) insurance payments received;

(c) proceeds from the sale of vehicles, equipment and installations disposed of when replaced.

Article 11

1. Transfers from one title to another shall be decided by the Executive Board, following a proposal from the Director.

2. Transfers from one chapter to another and within chapters shall be decided by the Director, who shall inform the Executive Board accordingly.

Article 12

The revenue of the Centre shall be paid into one or more accounts opened in the name of the Centre.

IV. INTERNAL AUDIT

Article 13

1. An internal auditor shall exercise financial control over dossiers concerning commitments, expenditure, revenue and imprests in accordance with Article 14.

2. The internal auditor must be experienced in the financial regulations of international organizations. He may be assisted by one or more subordinate auditors. He shall be appointed by the Executive Board on a proposal from the Director.

3. The special rules applicable to the internal auditor shall be such as to guarantee his independence in the performance of his duties.

4. Insofar as his responsibilities and financial control occupations permit, the internal auditor may be invited by the Director to give his opinion on matters relating to the diagnosis, organization or improvement of the Centre's internal procedures.

Article 14

1. The commitment and authorization of all expenditure and all revenue or imprests shall be scrutinized in advance by the internal audit body. The internal audit shall result in the granting or withholding of approval.

2. The purpose of the approval to be given by the internal audit body shall be to establish that expenditure has been charged to the correct item in the budget, that appropriations are available, that expenditure and revenue are in order and conform to the budget and regulations and that, where payments are concerned, there is concordance with the commitment of expenditure and the existence and conditions of payments due. The internal audit body shall satisfy itself that principles of sound financial management are applied.

3. The internal audit body shall withhold its approval if it considers that the above conditions are not fulfilled. If the internal auditor withholds his approval he shall make a written statement, stating the full reasons therefor, and shall notify the Director.

4. Except where the availability of the appropriations is in doubt, the Director may, by a decision stating the full reasons therefore and taken on his sole responsibility, overrule such a refusal. This decision shall be final and binding and shall be communicated for information to the internal audit body. Every quarter the Director shall inform the Executive Board and the auditors referred to in Article 26 of all such decisions in writing.

V. ADMINISTRATION OF THE BUDGET

Article 15

1. The budget of the Centre shall be administered in accordance with the principle that authorizing officers and accounting officers are different individuals.
2. The appropriations shall be administered by the authorizing officer, who alone shall be empowered to enter into commitments regarding expenditure, establish entitlements to be collected and issue revenue and payment orders. Collection and payment operations shall be carried out by the accounting officer.
3. The duties of authorizing officer, internal auditor and accounting officer shall be mutually incompatible.

Article 16

1. All measures which may give rise to expenditure payable by the Centre shall be preceded by a proposal for commitment from the authorizing officer. The proposal shall be sent to the internal audit body for prior approval, accompanied by the original supporting documents.

2. A provisional commitment may be entered into in respect of current expenditure.
3. An account shall be kept of commitments and authorizations.

Article 17

1. The purpose of validation of expenditure by the authorizing officer shall be:
 - (a) to verify the existence of the rights of the creditor;
 - (b) to determine or verify the existence and the amount of the debt;
 - (c) to verify the conditions under which payment falls due.
2. Validation of any expenditure shall be subject to the submission of supporting documents showing the creditor's claim and, where appropriate, the service rendered.

Article 18

1. Authorization is the act whereby the authorizing officer, by the issue of a payment order, instructs the accounting officer to pay an item of expenditure which he has validated.
2. The payment order shall be accompanied by the original supporting documents, which shall bear or be accompanied by the approval of the authorizing officer confirming that the amounts to be paid are correct, that the supplies have been received or that the service has been performed.

3. Copies of the supporting documents, certified as true copies by the authorizing officer may, in some cases, be accepted in place of the originals.
4. Payment orders shall be sent to the internal audit body for prior approval.

Article 19

1. Payment is the final action whereby the Centre is discharged of its obligations towards its creditors.
2. Payment shall be made by the accounting officer within the limits of the funds available.

In the event of a substantive error or of the validity of the discharge being contested or of failure to observe the formalities prescribed by this financial regulation, the accounting officer shall suspend payment, and shall immediately inform the authorizing officer and the internal audit body of the suspension and his reasons therefor.

Where payments are suspended and except where the validity of the discharge is contested, the Director may require in writing, and on his own responsibility, that payment be effected.

Each quarter the Director shall inform the Executive Board and the auditors referred to in Article 26 in writing of all such decisions. This quarterly report shall be submitted at the same time as that provided for in Article 14(4).

Article 20

1. Payments shall, as a general rule, be effected through a bank or post office giro account, preferably by bank transfer or, where good grounds exist, by cheque. In this case the transaction shall be denominated in the currency specified in the commitment or, where appropriate, in the currency of a Community Member State or an ACP State. Where another currency is to be used, grounds shall be stated by the authorizing officer.
2. Cheques and post office or bank transfer orders shall bear two signatures, one of which must be that of the accounting officer.
3. A receipt shall be obtained in respect of cash payments.
4. The conversion rates to be used for the calculation in ecus of payments to be made or of revenue to be collected shall be those in force on the first working day of the month in which the real date of the operation falls, as published in the Official Journal of the European Communities. Such real date shall be that on which the account or accounts of the Centre were debited or credited.

Article 21

1. For the payment of certain categories of expenditure, imprest accounts may be set up in accordance with the conditions laid down by the Centre.
2. The measures governing imprest accounts shall contain specific provisions concerning in particular:
 - (a) the appointment of administrators of imprest accounts,

(b) the nature and maximum amount of each item of expenditure to be incurred,

(c) the maximum amount of the imprest which may be advanced,

(d) how, and the time within which, supporting documents must be produced,

(e) the responsibility of the administrators of imprest accounts.

3. The authorizing officer and the accounting officer shall take whatever steps are necessary to ensure that clearances in respect of the advances granted are issued for the correct amounts and within an appropriate lapse of time.

Article 22

1. The Director shall be the authorizing officer for the appropriations entered in the budget of the Centre.

2. The Director may delegate some of his duties to agents under his authority. Each decision to delegate powers shall state the duration and extent of the mandate to act as authorizing officer.

Article 23

The collection of revenue and the payment of expenditure shall be carried out by the accounting officer, who shall alone be empowered to manage funds and assets. He shall be responsible for their care.

He may be assisted in his duties by one or more assistant counting officers.

The accounting officer may delegate some of his powers in respect of the management of funds to the administrator of the imprest account. Such delegation shall obtain the prior approval of the Director.

Article 24

1. The recovery of any sum due to the Centre shall give rise to the issue, by the authorizing officer, of a revenue order. Revenue orders shall be submitted to the internal audit body for prior approval.
2. The accounting officer shall assume responsibility for revenue orders forwarded to him by the authorizing officer.
3. A receipt shall be issued in respect of all cash payments made to the accounting officer or the administrator of the imprest account.

VI. ACCOUNTS, RENDERING AND CHECKING
OF ACCOUNTS, AUDIT

Article 25

1. The accounts shall be kept in ecus, by the double entry method and on the basis of the calendar year. They shall show all revenue and expenditure from 1 January to 31 December of each year and shall include the original supporting documents.

The accounts shall be closed at the end of the financial year to enable financial statements to be drawn up for the Centre.

2. Entries shall be made on the basis of an accounting system comprising a nomenclature of budgetary items which makes a clear distinction between the accounts which permit the balance sheet to be drawn up and those which permit the revenue and expenditure account to be drawn up. These entries shall be recorded in books or on cards, which shall make it possible to draw up a general monthly balance. All imprests shall be entered in a suspense account and cleared no later than the end of the following financial year, except in the case of standing imprests.

3. Separate accounts shall be kept for any resources administered for third parties as provided for in Article 3(2) and shall be annexed to the balance sheet and the revenue and expenditure account in the form of suspense accounts.

4. The Centre shall draw up, not later than 1 May of each year, a balance sheet and a revenue and expenditure account.

The balance sheet shall show the Centre's assets and liabilities as at 31 December of the previous financial year.

The revenue and expenditure account shall include:

(a) a table of revenue comprising:

- estimated revenue for the calendar year,
- amendments to the revenue estimates,
- entitlements established in the course of the calendar year,
- amounts still to be collected at the end of the calendar year,
- additional revenue;

(b) tables of expenditure comprising:

- a summary table of appropriations committed, cancelled and carried over,
- a table listing the decisions taken by the Centre during the financial year and another indicating the overall situation as regards commitments established and authorizations granted.

5. Each quarter a statement shall be drawn up showing the situation as regards implementation of the current budget and use of the appropriations carried over; this statement shall be approved by the internal audit body and forwarded to the Executive Board.

Article 26

1. The Committee shall jointly appoint two auditors who shall discharge their duties jointly.

2. The auditors shall audit the books and the cash of the Centre, verify that the inventories and balance sheets have been drawn up in a regular manner and in good faith and ensure that the information regarding the accounts of the Centre is correct.

The purpose of the audit, which shall be based on records and, if necessary, performed on the spot, shall be to establish that all revenue has been received and all expenditure incurred in a lawful and regular manner and that the financial management has been sound.

After the close of each financial year the auditors shall draw up a report on the manner in which they have carried out their task. The report shall be forwarded to the Centre, to the Executive Board and to the Committee.

On the basis of this report and the revenue and expenditure account for the financial year, the Committee shall give the Director a discharge in respect of the implementation of the budget.

VII. RESPONSIBILITIES OF AUTHORIZING OFFICERS,
INTERNAL AUDITORS, ACCOUNTING OFFICERS,
AND ADMINISTRATORS OF IMPREST ACCOUNTS

Article 27

Authorizing officers who, when establishing entitlements to be recovered or issuing recovery orders, entering into a commitment of expenditure or signing a payment order do so without complying with this Financial Regulation, shall render themselves liable to disciplinary action and, where appropriate, to payment of compensation. The same shall apply if they omit to draw up a document establishing a debt or if they neglect to issue recovery orders or are, without justification, late in issuing them.

Article 28

Internal auditors shall render themselves liable to disciplinary action and, where appropriate, to payment of compensation for any action taken during their term of office, in particular by granting their approval in excess of the appropriations.

Article 29

The authorizing officer and internal auditor shall render themselves liable to disciplinary action and, where appropriate, to payment of compensation only where a fault was committed intentionally or was the result of serious negligence on their part.

Article 30

1. The accounting officer and assistant accounting officers shall render themselves liable to disciplinary action and, where appropriate, to payment of compensation as regards payments made by them in disregard of Article 19.

They shall render themselves liable to disciplinary action and to payment of compensation as regards any loss or deterioration of the monies, assets and documents in their charge where such loss or deterioration was caused intentionally or results from serious negligence on their part.

Under the same conditions, they shall be responsible for the correct execution of orders received by them in respect of the use and the administration of bank and post office cheque accounts, and in particular:

(a) where the recoveries or payments made by them do not agree with the amount on the corresponding recovery or payment orders;

(b) where they effect payment to a party other than the payee entitled.

2. Administrators of imprest accounts shall render themselves liable to disciplinary action and, where appropriate, to payment of compensation in the following cases:

(a) where they cannot show due warrant with proper documents for payments made by them;

(b) where they effect payments to parties other than entitled payees.

They shall be liable to disciplinary action and to payment of compensation in respect of any loss or deterioration of the monies, assets and documents in their charge where such loss or deterioration was caused intentionally or results from serious negligence on their part.

3. The accounting officer, assistant accounting officers and administrators of imprest accounts shall insure themselves against the risks arising under this Article.

The Centre shall cover the insurance costs relating thereto. It shall specify the categories of officials serving as accounting officer, assistant accounting officers and administrators of imprest accounts as well as the conditions subject to which it will cover the insurance costs borne by the said officials to guard against the risks inherent in their duties.

4. Special allowances shall be granted to the accounting officers, assistant accounting officers and administrators of imprest accounts. The level of these allowances shall be laid down in a regulation to be drawn up by the Centre. The sums corresponding to these allowances shall be credited each month to an account opened by the Centre on behalf of each official in order to establish a guarantee fund for the purpose of covering any cash or bank shortage for which the person concerned might render himself liable, insofar as such a shortage has not been covered by refunds from insurance companies.

The credit balance in these guarantee accounts shall be paid over to the persons concerned after they terminate their appointment as accounting officer, assistant accounting officer or administrator of imprest accounts and receive the final discharge in respect of their management in accordance with Article 32.

Article 31

The liability to payment of compensation and to disciplinary action of authorizing officers, the internal auditor, accounting officers, assistant accounting officers and administrators of imprest accounts shall be determined in accordance with the rules applicable to the staff of the Centre.

Article 32

The Centre shall be allowed a maximum of two years from the date when the financial statement is submitted to the Committee to take a decision on the final discharge to be given to accounting officers for the transactions relating thereto.

VIII. GENERAL PROVISIONS

Article 33

1. Contracts relating to the purchase or hire of supplies, equipment and movable property, the provision of services, or performance of construction work shall be concluded following an open or restricted invitation to tender to at least three candidates. Those candidates must be nationals of Member States of the Community or of ACP States.

2. The successful contractor will be selected on the basis of the price quoted, evidence of professional competence and financial soundness, and the time quoted for performance of the contract.

3. Contracts shall be drawn up in ecus or, where the contractor so requests, advancing good grounds, in the currency of a Member State of the Community or an ACP State.

4. However, contracts may be concluded by private treaty:

(a) where the total value of goods and services does not exceed ECU 20 000, but, as far as possible, the Centre shall obtain several offers for purposes of comparison;

(b) where the total value of the goods and services is between ECU 20 001 and 40 000 and one of the following applies:

1) the contract is for ancillary supplies, services or works and, for technical or ethical reasons, cannot be separated from the main contract, reasons nevertheless being annexed to the commitment;

2) where the Centre is contributing along with ACP promoters and potential Community investors to the financing of a contract for services aimed at the establishment or improvement of an ACP industry, on the following conditions:

(i) the ACP promoter shall cover the local costs of the contract, with external costs shared between the Community partner and the Centre;

(ii) the contractor or contractors shall be chosen jointly by all parties;

(iii) both the ACP promoter and the Community partner shall indicate in writing their agreement in principle that the proposed co-operation should go ahead if the study shows that an operation of the type in question is viable;

3) where the Chairman of the Executive Board has given prior authorization based on complete documentation duly setting out the reasons and sent to him by the Director.

5. Where for reasons of urgency or for specifically technical and duly substantiated reasons a contract for over ECU 40 000 cannot be put out to tender, the prior authorization of the Chairman of the Executive Board, as set out in paragraph 4(b)(3) above, is required.

6. The total amounts of the services covered by paragraph 4(a) and (b) and paragraph 5 may not constitute parts of larger contracts.

7. In specific cases the Centre may delegate the organization of the invitation to tender to an external body or firm, provided the choice of companies approached, the terms of reference and selection of the contractor are left to its sole discretion or, in the case of cofinancing, to the joint discretion of the Centre and the other cofinanciers.

Article 34

1. A permanent quantitative inventory shall be kept of all movable and immovable property belonging to the Centre. Only movable property whose value is ECU 200 or more shall be entered in the inventory. The inventory number shall be entered on each invoice before the latter is paid.
2. The sale of movable property and equipment of a unit purchase value in excess of ECU 200 shall be suitably advertised.
3. A record signed by both the Director of the Centre and the person responsible for the equipment and approved by the internal audit body shall be drawn up whenever any property or article in the inventory is disposed of, scrapped or is missing on account of loss or theft, or for any other reason.

Article 35

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

Article 36

This Decision shall enter into force on the same day as the Convention.

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16. V. 1991

Por el Consejo de Ministros ACP-CEE
På AVS-EEF-Ministerrådets vegne
Im Namen des AKP-EWG-Ministerrates
Για το Συμβούλιο των Υπουργών ΑΚΕ-ΕΟΚ
For the ACP-EEC Council of Ministers
Par le Conseil des Ministres ACP-CEE
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Dr Ghebray B. B. F. BJØRNEKÆR

**DECISION No 6/91
OF THE ACP-EEC COUNCIL OF MINISTERS
of 6 May 1991**

**adopting the Rules of Procedure of the ACP-EEC Development
Finance Co-operation Committee provided for in
Article 325 of the Fourth ACP-EEC Convention**

THE ACP-EEC COUNCIL OF MINISTERS,

**Having regard to the Fourth ACP-EEC Convention, signed at Lomé on
15 December 1989 (hereinafter referred to as "the Convention"), and in particular
Article 325 thereof,**

Whereas Article 325 of the Convention sets up an ACP-EEC Development Finance Co-operation Committee (hereinafter referred to as "the Committee") within the ACP-EEC Council of Ministers;

Whereas it is for the ACP-EEC Council of Ministers to lay down the Rules of Procedure of the Committee, as provided for in Article 326(2) of the Convention,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Committee shall be composed, on the one hand, of a Minister from each Member State of the European Economic Community and a member of the Commission of the European Communities and, on the other hand, on a basis of parity, of Ministers of the ACP States.
2. Every year the ACP-EEC Council of Ministers shall designate the representatives of the Community and of the ACP States on the Committee.
3. Each member of the Committee shall designate his authorized representative. He shall notify the Committee's secretariat thereof.
4. Any member of the Committee unable to attend a meeting may be represented. The representative shall exercise all the rights of the accredited member.
5. The co-Chairmen of the ACP-EEC Committee of Ambassadors or their representatives shall attend meetings of the Committee.

6. The Directors of the Centre for the Development of Industry and the Technical Centre for Agricultural and Rural Co-operation or their representatives shall attend the Committee's proceedings on issues which concern them.

7. As provided for in Article 326(1) of the Convention, a representative of the European Investment Bank shall be present at the Committee's meetings.

8. The members of the Committee and their authorized representatives may be assisted by advisers.

Article 2

1. The Committee shall meet every quarter either at Ministerial or at authorized representatives level.

2. The Committee shall meet at Ministerial level at least once a year, generally on the occasion and at the venue of a meeting of the ACP-EEC Council of Ministers.

3. Other meetings at Ministerial level shall be held upon request by either party and at a venue to be agreed by both parties.

4. Meetings at the level of authorized representatives shall be held at the normal venues of meetings of the Council of the European Communities, at the ACP General Secretariat or at such other venue to be decided by the Committee.

Article 3

1. A working party shall be set up for the purpose of preparing the technical work and all documents to be submitted to meetings of the Committee.

2. The working party shall include, *inter alia*, a representative of each of the co-Chairmen of the Committee, of the Commission and of the Secretariat of the Committee. A representative of the European Investment Bank shall participate as appropriate in the work of the working party. The co-Chairmen may be assisted by other members of the Committee.

Article 4

The Committee shall be chaired by the ACP States and the Community in turn for a period of six months each.

Article 5

The Committee shall exercise the powers conferred on it under Articles 287(4), 289(2), 305, 306, 307, 323, 325, 326(1), (3), (4), (5), (6) and 327(2) of the Convention.

Article 6

In the exercise of its powers as referred to in Article 5, the Committee shall take decisions by common accord between the ACP States and the Community.

Article 7

The Committee's proceedings shall be valid only if at least half the representatives of the Member States of the Community, a Commission representative and at least half the representatives of the ACP States are present.

Article 8

1. The Committee shall be convened by its Chairman either on his own initiative or at the request of the ACP States or the Community.
2. At least three weeks before the date fixed for each meeting, the Committee's Secretariat shall send the members of the Committee a draft agenda, to which any documents required shall be attached.
3. The agenda shall be adopted by the Committee at the start of each meeting. In urgent cases, the Committee may decide, at the request of the representatives of the ACP States or the Community, to include items on the agenda for which the deadline specified in paragraph 2 has not been observed.

Article 9

1. Unless otherwise decided, meetings of the Committee shall not be public.
2. Without prejudice to other provisions applicable, deliberations of the Committee shall be covered by the obligation of professional secrecy unless the Committee decides otherwise.

Article 10

1. The Secretariat for the Committee shall be provided by the ACP-EEC co-Secretaries.

2. After each meeting of the Committee, the record of the meeting shall be sent to the members of the Committee within three weeks of the date of the meeting. The record of each meeting shall be submitted at the start of the next meeting for approval.

Article 11

The annual report of the Committee provided for in Article 327(2) of the Convention shall be prepared by the Committee's Secretariat. It shall be submitted to the Committee for approval before being forwarded to the ACP-EEC Council of Ministers.

Article 12

This Decision shall enter into force on the same day as the Convention.

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Por el Consejo de Ministros ACP-CEE
På AVS-EDF-Ministerrådets vegne
Im Namen des AKP-EWG-Ministerrates
Για το Συμβούλιο των Υπουργών ΑΚΕ-ΕΔΚ
For the ACP-EEC Council of Ministers
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Dr Ghebray BERHANE BJØRNEKÆR



**DECISION No 7/91
OF THE ACP-EEC COUNCIL OF MINISTERS
of 6 May 1991**

**appointing members, at Ministerial level,
of the ACP-EEC Development Finance Co-operation Committee
provided for in Article 325
of the Fourth ACP-EEC Convention**

THE ACP-EEC COUNCIL OF MINISTERS,

**Having regard to the Fourth ACP-EEC Convention of Lomé, signed at Lomé on
15 December 1989 (hereinafter referred to as "the Convention"), and in particular
Article 325 thereof,**

**Having regard to Decision No 6/91 of the ACP-EEC Council of Ministers of
6 May 1991 adopting the Rules of Procedure of the ACP-EEC Development Finance
Co-operation Committee provided for in Article 325 of the Fourth
ACP-EEC Convention, hereinafter referred to as "the Committee", and in particular
Article 1(1) and (2) thereof,**

Whereas the ACP-EEC Council of Ministers is required to appoint each year the representatives of the Community and of the ACP States within the Committee meeting at Ministerial level; whereas it is required that a Minister for each of the Member States, a member of the Commission and thirteen Ministers of the ACP States be appointed,

HAS DECIDED AS FOLLOWS:

Article 1

The following shall be appointed members of the Committee meeting at Ministerial level:

A. Representatives of the Community

(a) Member States

1. Belgium : the Minister for Foreign Affairs,
Brussels
2. Denmark : the Minister for Foreign Affairs,
Copenhagen
3. Germany : the Federal Minister for Economic Co-operation,
Bonn
4. Greece : the Minister for Foreign Affairs,
Athens
5. Spain : the Minister for Foreign Affairs,
Madrid

6. France : the Minister for Foreign Affairs,
Paris
7. Ireland : the Minister for Foreign Affairs,
Dublin
8. Italy : the Minister for Foreign Affairs,
Rome
9. Luxembourg : the Minister for Foreign Affairs,
Luxembourg
10. Netherlands : the Minister for Foreign Affairs,
the Hague
11. Portugal : the Minister for Foreign Affairs,
Lisbon
12. United Kingdom : the Minister for Overseas Development,
London

(b) Commission

The Commission member responsible for development, Brussels.

B. Representatives of the ACP States

A ministerial representative from each of the following ACP States:

(a) West Africa

1. Côte d'Ivoire
2. Mali

(b) Central Africa

3. Chad
4. Congo

(c) East Africa

5. Mauritius
6. Tanzania

(d) Southern Africa

7. Mozambique
8. Lesotho

(e) Caribbean

9. Guyana
10. Trinidad and Tobago

(f) Pacific

11. Papua New Guinea

12. Western Samoa

(g) Outgoing Chairman

13. Kenya

Article 2

This Decision shall enter into force on the same day as the Convention.

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[6. V. 1991

Por el Consejo de Ministros ACP-CEE
På AVS-EØF-Ministerrådets vegne
Im Namen des AKP-EVG-Ministerrates
Για το Συμβούλιο των Υπουργών ΑΚΕ-ΕΟΚ
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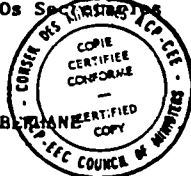
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Dr Ghebray B. BJØRNEKÆR



DECISION No 8 /91
OF THE ACP-EEC COUNCIL OF MINISTERS
of 27 June 1991

extending Decision No 2/90 on transitional measures
to be applied from 1 March 1990

THE ACP-EEC COMMITTEE OF AMBASSADORS,

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

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

Whereas the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989, has not yet entered into force;

Whereas Decision No 2/90 is valid only until 28 February 1991 and the extension thereof, accorded by Decision No 1/91, will expire on 30 June 1991; whereas, in consequence, in order to avoid an interruption of relations between the ACP States and the Community it is appropriate to extend that Decision,

HAS DECIDED AS FOLLOWS:

Article 1

Decision No 2/90 of the ACP-EEC Council of Ministers of 27 February 1990 on transitional measures to be applied from 1 March 1990 is hereby extended until the entry into force of the Fourth ACP-EEC Convention or 30 September 1991, whichever is the earlier.

Article 2

This Decision shall enter into force on 1 July 1991.

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27. VI. 1991

Por el Consejo de Ministros ACP-CEE
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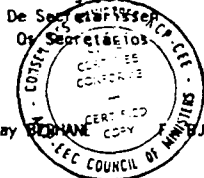
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Namen des AKP-EWG-Botschafterausschusses
Για την Επιτροπή των Πρέσβων ΑΚΕ-ΕΟΚ
For the ACP-EEC Committee of Ambassadors
Par le Comité des Ambassadeurs ACP-CEE
Per il Comitato degli Ambasciatori ACP-CEE
Voor de ACS-EEG-Comité van Ambassadeurs
Pelo Comité dos Embaixadores ACP-CEE

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Dr Ghebray BOHANE F. BURNEKAR

DECISION NO 9/91
OF THE ACP-EEC COUNCIL OF MINISTERS
of 18 November 1991

on the conditions of employment of the
staff of the Centre for the Development of Industry
under Lomé IV

THE ACP-EEC COUNCIL OF MINISTERS,

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

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

Whereas contracts must be concluded with the staff of the Centre as from 1 October 1991;

Whereas these contracts require a legal basis and whereas such a basis is constituted by a Decision of the ACP-EEC Council of Ministers laying down the conditions of employment applicable to the staff of the Centre during the period of application of the Convention;

Whereas no Decision of that nature was adopted by 1 October 1991,

HAS DECIDED AS FOLLOWS:

Sole Article

Without prejudice to the provisions concerning staff contained in the Convention and in the statute and rules of procedure of the Centre, as laid down in Decision No 4/91 of the ACP-EEC Council of Ministers, Decision No 4/86 of the ACP-EEC Council of Ministers of 24 March 1986 laying down the conditions of employment of the staff of the Centre for a period covered by the Third ACP-EEC Convention shall apply mutatis mutandis until the entry into force of a new Decision to be adopted for the period of application of the Convention.

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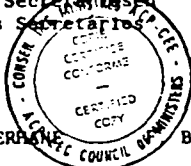
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Dr Ghebray BERHANE

BJØRNEKÆR

DECISION No 10/91
OF THE ACP-EEC COUNCIL OF MINISTERS
of 19 November 1991

on the removal of the obligation for ACP States,
other than the least-developed States, to contribute to the
replenishment of the resources of the System for the
stabilization of export earnings (STABEX) under the
first, second and third ACP-EEC Conventions

THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the first ACP-EEC Convention signed in Lomé on
28 February 1975, and in particular Article 21(4) thereof,

Having regard to the second ACP-EEC Convention, signed in Lomé on
31 October 1979, and in particular Articles 35 and 44 thereof,

Having regard to the third ACP-EEC Convention, signed in Lomé on
8 December 1984, and in particular Article 156 thereof,

Whereas the difficult financial situation of the ACP States is making their economies frail and may pose a threat to their cohesion and put a brake on their long-term development;

Whereas any commitment to contribute to the replenishment of Stabex resources has been abandoned under the fourth ACP-EEC Lomé Convention;

Whereas the financial implications resulting from the provisions concerning the commitment to contribute to the replenishment of the Stabex system resources in the first, second and third ACP-EEC Conventions may, in some cases, take on major proportions for those ACP States which have made this commitment;

Whereas the said commitment should be cancelled,

HAS DECIDED AS FOLLOWS:

Article 1

1. The commitment under the first, second and third ACP-EEC Conventions for ACP States, other than the least developed States, to contribute to the replenishment of the resources from which they have benefited by means of Stabex transfers is hereby removed.

2. This Decision shall concern all the amounts concerned which are:

- either subject to a decision of the ACP-EEC Council of Ministers pursuant to Article 21(4) of the first ACP-EEC Convention or Article 44 of the second ACP-EEC Convention,
- actually payable, after the date on which this Decision is adopted, in annual instalments pursuant to Article 43(4) of the second ACP-EEC Convention and Article 174 of the third ACP-EEC Convention,
- or subject to annual examination by the Commission pursuant to Article 43(2) of the second ACP-EEC Convention or Article 173(2) of the third ACP-EEC Convention.

Article 2

The ACP States, the Member States and the Community, are obliged, each for its own part, to take appropriate measures in order to implement this Decision.

Article 3

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

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

19. XI. 1991

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

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

J.M.M. RITZEN

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Dr Ghebray BERHANE BJØRNEKÆR

CONCLUSIONS OF THE ACP-EEC COUNCIL OF MINISTERS
of 19 November 1991

concerning humanitarian aid for ACP countries
for which the Fourth ACP-EEC Convention
has not yet entered into force

The ACP-EEC Council of Ministers has assessed the current or potential crisis in the ACP countries for which the Fourth ACP-EEC Convention has not yet entered into force and which are therefore not yet eligible for appropriations for "emergency aid" or "aid for refugees" provided for in that Convention. It has examined the provisions to be taken with a view to preventing any hiatus in emergency aid and aid for refugees and returnees.

To conclude, the ACP-EEC Council of Ministers has decided, in accordance with the provisions of Article 205(3) of the Third ACP-EEC Convention, that appropriations not committed for emergency aid or aid for refugees and returnees (Articles 203 and 204 of that Convention) shall remain available for the same types of action and for emergency aid as a priority, for ACP countries for which the Fourth ACP-EEC Convention has not yet entered into force.

The ACP-EEC Council of Ministers, noting moreover that the Community is currently examining a suggestion from the Commission to use, on a provisional basis, unexpended balances of national indicative programmes under the Second and Third ACP-EEC Conventions to finance actions of emergency aid and aid to refugees and returnees for such countries and in accordance with the procedures in force for such actions, has delegated powers to the ACP-EEC Ambassadors Committee to take, where appropriate, the necessary decisions to that end.

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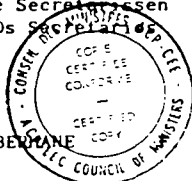
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Dr Ghebray BEMANE BJØRNEKÆR

I — ACP-EEC Acts

2. Acts of the Committee of Ambassadors

**DECISION No 1/91
OF THE ACP-EEC COMMITTEE OF AMBASSADORS
of 19 April 1991**

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

THE ACP-EEC COMMITTEE OF AMBASSADORS,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on
15 December 1989, hereinafter referred to as "the Convention", and in particular
Article 53(5) thereof,

Whereas it falls to the Committee of Ambassadors to lay down the rules of operation of the Technical Centre for Agricultural and Rural Co-operation,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Technical Centre for Agricultural and Rural Co-operation, hereinafter referred to as "the Centre", shall enjoy in each of the States which are Parties to the Convention the most extensive legal capacity accorded to legal persons.
2. The Centre shall be non-profit-making.
3. The Centre provisionally has its seat in Wageningen (Netherlands) with a branch office in Brussels.

Article 2

1. The tasks of the Centre, as set out in Article 53(2) of the Convention, shall be to:
 - (a) assure, where so requested by the ACP States, the dissemination of scientific and technical information on methods and means of encouraging agricultural production and rural development and also scientific and technical support for drawing up regional programmes in its own spheres of activity;
 - (b) foster the development by ACP States, at national and regional level, of their own capacities for production, purchase and exchange of technical and scientific information on agriculture, rural development and fisheries;

- (c) refer ACP States' requests for information to bodies qualified to deal with them, or deal directly with such requests;
- (d) provide ACP national and regional documentation centres and research institutes with easier access to scientific and technical publications dealing with agricultural and rural development issues and to data banks in the European Economic Community and the ACP States;
- (e) help, in general, the ACP States to gain easier access to the results of work carried out by the national, regional and international bodies, more especially those qualified in the technical aspects of agricultural and rural development, based in the Community and in the ACP States, and maintain contact with those bodies;
- (f) foster the exchange of information between those engaged in agricultural and rural development, notably research workers, instructors, technicians and extension workers, on the results of agricultural and rural development operations;
- (g) sponsor and help organize meetings of specialists, research workers, planners and development personnel so that they may exchange experiences of specific ecological environments;

- (h) facilitate access by the ACP States training and extension personnel to the information they need to carry out their tasks and refer requests for specific training to existing qualified bodies;
 - (i) help facilitate the adaptation of available technical and scientific information to the needs of the ACP States' departments responsible for development, extension services and training including "functional literacy programmes" in rural areas;
 - (j) facilitate the dissemination of technical and scientific information for use in integration strategies of agricultural and rural development, by reference to the priority requirements of development.
2. In the performance of its tasks, the Centre shall pay particular attention to the needs of the least-developed, land-locked and island ACP States.
3. To carry out its work, the Centre shall be supported by decentralized regional or national information networks. Such networks shall be built up gradually and efficiently as needs are identified with, as far as possible, the support of the most appropriate organizations and institutions.

Article 3

1. The activities of the Centre shall be guided, supervised and controlled by the Committee of Ambassadors and by the Subcommittee for Co-operation on Agricultural and Rural Development, hereinafter referred to as the "Subcommittee", and in accordance with Article 53(5) of the Convention and point 1) of Article 15 of the Rules of Procedure of the Committee of Ambassadors.

2. In accordance with Article 53(7) of the Convention and in order to provide the director of the Centre with technical and scientific assistance in working out appropriate solutions to the problems encountered by the ACP States, in particular to improve their access to information, technical innovation, research and development in the sphere of agricultural and rural development and to devise the Centre's action programmes, an advisory committee, hereinafter referred to as the "Advisory Committee", shall be set up, composed on a parity basis of agricultural and rural development experts.

The members of the Advisory Committee shall be appointed by the Committee of Ambassadors in accordance with the procedures and criteria determined by it and on the basis of their personal qualities and their experience in the technical and scientific field.

3. The activities of the Centre shall be conducted in close co-operation with the institutions and bodies referred to in the Convention or in the declarations annexed thereto, in accordance with Article 53(1) of the Convention; regional and international institutions shall be called upon for assistance as appropriate, particularly those located in the Community and in the ACP States dealing with agricultural and rural development matters.

4. On the initiative of the Centre's supervisory bodies, the activities of the Centre shall be periodically evaluated by independent experts. The Centre's advisory committee may suggest such evaluations to these same bodies.

Article 4

1. The Centre shall be headed by a Director appointed by the Committee of Ambassadors, for a maximum duration of five years.

The Co-Chairman of the Committee of Ambassadors shall be authorized by the Committee to sign the Director's contract. This contract shall be drawn up and administered in accordance with the conditions of employment of the staff of the Centre. The Committee of Ambassadors shall have the power to take any decision which may prove necessary with regard to the Director, after receiving the opinion of the Subcommittee.

2. The Director shall be the legal representative of the Centre, and shall implement the orientations defined by the Committee of Ambassadors. He shall be responsible to the latter.

3. The Director, after having received the opinion of the Advisory Committee, shall submit to the Subcommittee for approval the annual work programmes and budgets of the Centre, drawn up in accordance with the tasks set out in Article 2.

4. The Director shall keep the Subcommittee and the Advisory Committee regularly informed of the activities of the Centre.

5. The Director shall each year draw up a general report on the activities and accounts of the Centre and shall submit it to the Committee of Ambassadors, the Subcommittee and the Advisory Committee.

6. The Director shall be responsible for the organization and management of the Centre. In this respect, he shall draw up the internal regulation concerning the Centre and shall inform the Subcommittee.

Article 5

On a proposal from the Subcommittee, the Committee of Ambassadors shall adopt the conditions of employment of the staff of the Centre.

Article 6

The Community shall contribute to the financing of the Centre by means of the financial resources earmarked in Article 3 of the Financial Protocol of the Convention for the financing of regional projects and programmes. The Centre could benefit from other financial resources.

Article 7

The budget provisions applicable to the Centre, and in particular those concerning the procedure for adopting the budget, shall be laid down in the Decision of the Committee of Ambassadors adopting the Financial Regulation of the Centre.

Article 8

Two Auditors appointed by the Subcommittee shall verify the financial operation of the Centre.

Article 9

Protocol n° 3 on Privileges and Immunities and the Community Declaration (Annex LXXI) annexed to the Convention shall apply to the Centre.

Article 10

Article 366 of the Convention shall apply to the Centre.

Article 11

These rules of operation could be amended by the Committee of Ambassadors following a recommendation by the Subcommittee.

Article 12

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

Article 13

This Decision shall enter into force on the same day as the Convention.

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19. IV. 1991

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

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Dr Ghebray BERRANE F. BØRNEKÆR





**DECISION NO 2/91
OF THE ACP-EEC COMMITTEE OF AMBASSADORS
of 19 April 1991**

adopting the Financial Regulation of the
Technical Centre for Agricultural and Rural Co-operation .

THE ACP-EEC COMMITTEE OF AMBASSADORS,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé
on 15 December 1989, hereinafter referred to as "the
Convention", and in particular Article 53(5) thereof;

Whereas it is for the Committee of Ambassadors to determine the procedure for adopting the budget and other budget provisions of the Technical Centre for Agricultural and Rural Co-operation, hereinafter referred to as "the Centre",

HAS DECIDED AS FOLLOWS:

I. GENERAL PRINCIPLES

Article 1

1. All items of revenue and expenditure of the Centre shall be included in estimates to be drawn up for each financial year and shall be entered in the budget.

2. The revenue and expenditure shown in the budget shall be in balance.

Article 2

The budget shall be drawn up in ecus, the ecu being as defined by the Council of the European Communities.

Article 3

Revenue shall include the contribution by the European Development Fund, the amount levied in taxes on the salaries, wages and other emoluments paid by the Centre, and any resources which the Centre may possess (sale of books etc.).

Article 4

The estimates of expenditure shall include recurrent capital and intervention expenditure.

Article 5

1. The financial year shall run from 1 January to 31 December of each year.
2. Expenditure entered in the budget shall be authorized for a period of one financial year.
 - (a) However, appropriations duly committed during a financial year but not paid by 31 December of that year shall be carried over automatically to the following financial year;
 - (b) Appropriations which have been carried over to the following financial year shall be distinguished in the accounts of the current year;
 - (c) At the end of the first five years of the term of the Convention, any appropriations committed but not yet paid out shall be carried over automatically but only at the beginning of the second five-year period of the Convention. Appropriations committed but not yet paid out at the end of the second five-year period shall be carried over but only during the transitional period between this Convention and the next or, if applicable, the twelve-month winding up period;
 - (d) In accordance with the rules applicable to the drawing up of the budget, appropriations that lapse at the end of one financial year shall be available again for subsequent budgets.

3. If, at the beginning of a financial year, the budget has not yet been adopted, the Director may, on the authority of the Chairman of the Committee of Ambassadors, incur expenditure on a monthly basis, provided that such expenditure does not exceed one-twelfth of the appropriations entered under this title in the budget for the previous financial year.

II. ESTABLISHMENT OF THE BUDGET

Article 6

1. On the basis of the annual work programme of the Centre, the Director shall draw up a preliminary draft annual budget for the Centre which he shall submit to the Subcommittee for Co-operation on Agricultural and Rural Development (hereinafter referred to as "the Subcommittee") not later than 1 July of the year prior to that of its implementation.

2. The draft budget, drawn up as far as possible within the framework of multiannual estimates, shall be finalized by the Subcommittee. It shall be forwarded to the Commission of the European Communities, which shall initiate the Community procedures in force as regards the contribution requested from the European Development Fund. The budget shall be finally adopted by the Committee of Ambassadors in the light of the decision taken by the Commission of the European Communities on the contribution from the Fund.

3. The budget shall include a schedule for the paying in of the funds provided for in the Convention and a list of revenues obtained from other resources.

Article 7

1. The dates for the payment of the contribution to be made by the European Development Fund shall be fixed by agreement with the Commission of the European Communities and the contribution from preceding financial years representing lapsed appropriations shall be deducted.

2. The budget shall be subdivided into titles, chapters, articles and items according to the nature or purpose of the revenue or expenditure.

Article 8

Where necessary, the Director may submit a draft supplementary or amending budget, which shall be submitted, examined, established and finally adopted in the same form and according to the same procedure as the budget of which it amends the estimates.

III. IMPLEMENTATION OF THE BUDGET

Article 9

1. The Director shall ensure that the budget is implemented on his own responsibility and within the limit of the appropriations allocated. He shall report to the Subcommittee on the administration of the budget.

2. The Director must apply the budget appropriations in accordance with the principles of economy and sound financial management.

Article 10

1. No revenue or expenditure may be effected unless charged to the appropriate article of the budget.

2. No expenditure may be committed nor authorized in excess of the appropriations authorized for the financial year concerned or of the authorizations granted in respect of previous financial years.

3. Revenue and expenditure shall be entered in full in the accounts without any adjustment against each other.

By way of derogation from that rule, the following shall be deducted from the amounts authorized:

(a) fines imposed on a party to a contract;

(b) adjustment of amounts paid in error, which may be achieved by means of deduction when a subsequent validation is effected under the chapter, article and financial year in respect of which the excess payment was made;

(c) the value of vehicles, equipment and installations taken in part exchange upon purchase of new items of the same kind.

Again by way of derogation from the rule, the following amounts may be re-used:

(a) refunds of amounts paid in error;

(b) insurance payments received;

(c) proceeds from the sale of vehicles, equipment and installations disposed of when replaced.

Article 11

Transfers from one title to another shall be decided on by the Subcommittee.

Transfers from one chapter to another and from one article to another within a chapter shall be decided on by the Director, who shall inform the Subcommittee accordingly.

Article 12

The revenue of the Centre shall be paid into one or more accounts opened in the name of the Centre.

IV. ADMINISTRATION OF THE BUDGET

Article 13

1. The budget of the Centre shall be administered in accordance with the principle that authorizing officers and accounting officers fulfil separate functions. The appropriations shall be administered by the authorizing officer, who alone shall have the power to enter into commitments regarding expenditure, establish sums due to be collected and issue revenue and payment orders.

2. Collection and payment operations shall be carried out by the accounting officer.
3. The authorizing officer may not exercise the functions of accounting officer.

Article 14

1. All measures which may give rise to expenditure payable by the Centre must be preceded by a commitment on the part of the authorizing officer. This commitment proposal accompanied by supporting documents shall be transmitted in advance to the accounting officer for prior approval.
2. Current expenditure may be covered by a provisional commitment.
3. An account shall be kept of commitments and authorizations.

Article 15

1. The purpose of clearance of expenditure by the authorizing officer shall be:
 - (a) to verify the existence of the rights of the creditor;
 - (b) to determine or verify the existence and the amount of the debt;
 - (c) to verify the conditions under which payment becomes due.

2. Clearance of any expenditure shall be subject to the submission of supporting documents showing the creditor's claim and, where appropriate, the service rendered.

Article 16

1. Authorization shall be the act whereby the authorizing officer, by the issue of a payment order, authorizes the accounting officer to pay an item of expenditure which he has cleared.

2. The payment order shall be accompanied by the original supporting documents, which shall bear or be accompanied by the approval of the authorizing officer confirming that the amounts to be paid are correct and that the supplies have been received or that the service has been performed.

3. Copies of the supporting documents, certified as true copies by the authorizing officer, may, in some cases, be accepted in place of the originals.

4. The payment order shall be transmitted to the accounting officer for prior approval.

Article 17

1. Payment shall be the final act whereby the Centre is discharged of its obligations towards its creditors.

2. Payment shall be made by the accounting officer within the limits of the funds available.

In the event of an error of substance or of the validity of the discharge being contested or of failure to comply with the procedures prescribed by this Financial Regulation, the accounting officer shall suspend payment. He shall immediately inform the authorizing officer of the suspension and his reasons therefore.

Where payments are suspended and except where the validity of the discharge is contested, the Director may require in writing, and on his own responsibility, that payment be effected.

Quarterly he shall inform the Subcommittee and the Auditors on these decisions in writing.

3. The accounting officer shall scrutinize in advance the commitment and authorization of all payments, the revenue and the advances. This control shall result in the granting or withholding of approval.

The purpose of the approval shall be to establish that expenditure has been charged to the correct item in the budget, that appropriations are available, that expenditure and revenue are in order and conform to the budget and regulations and that, where payments are concerned, there is concordance with the commitment of expenditure and the existence and conditions of payments due.

The accounting officer withholds his approval if he considers that the above conditions are not fulfilled. If the accounting officer withholds his approval he shall make a written statement, stating the full reasons therefore, and shall notify the Director.

Except where the availability of appropriations is in doubt, the Director may, by a decision stating the full reasons therefore and taken on his sole responsibility, overrule such a refusal. This decision shall be final and binding.

Article 18

1. Payments shall, as a general rule, be effected through a bank or post office giro account, preferably by bank transfer or, where good grounds exist, by cheque. In this case, the transaction shall be denominated in the currency specified in the commitment or, where appropriate, in the currency of a Community Member State or an ACP State. Where another currency is to be used, grounds shall be stated by the authorizing officer.

2. Cheques and post office or bank transfer orders shall bear two signatures, one of which must be that of the accounting officer.
3. A receipt shall be obtained in respect of cash payments.
4. The conversion rates to be used for the calculation in ecus of payments to be made or of revenue to be collected shall be those in force on the first working day of the month in which the real date of the operation falls, as published in the Official Journal of the European Communities. Such real date shall be that on which the account or accounts of the Centre were debited or credited.

Article 19

1. For the payment of certain categories of expenditure, imprest accounts may be set up in accordance with the conditions laid down by the Centre.

2. The measures governing imprest accounts shall contain specific provisions concerning in particular:

- (a) the appointment of administrators of imprest accounts;
- (b) the nature and maximum amount of each item of expenditure to be incurred;
- (c) the maximum amount of the imprest which may be advanced;
- (d) how, and the time within which, supporting documents must be produced;
- (e) the responsibility of the administrators of imprest accounts.

3. The authorizing officer and the accounting officer shall take whatever steps are necessary to ensure that clearances in respect of the advances granted are issued for the correct amounts and within an appropriate lapse of time.

Article 20

1. The Director shall be the authorizing officer for the appropriations entered in the budget of the Centre.

2. The Director may delegate some of his duties to an agent under his authority. Each decision to delegate powers shall state the duration and extent of the mandate.

Article 21

Revenue collection and payments effecting expenditure shall be effected by the accounting officer, who shall alone be empowered to manage funds and assets. He shall be responsible for their care. The accounting officer may delegate some of his powers in respect of the management of funds to the administrator of the imprest account. Such delegation shall obtain the prior approval of the Director and be confirmed in writing.

Article 22

1. The recovery of any sum due to the Centre shall give rise to the issue, by the authorizing officer, of a revenue order.
2. The accounting officer shall assume responsibility for revenue orders forwarded to him by the authorizing officer.
3. A receipt shall be issued in respect of all cash payments made to the accounting officer.

V. ACCOUNTS, RENDERING AND CHECKING OF ACCOUNTS, AUDIT

Article 23

1. The accounts shall be kept in ecus, by the double entry method and on the basis of the calendar year. They shall show all revenue and expenditure from 1 January to 31 December of each year and shall include the original supporting documents.

The accounts shall be closed at the end of the financial year to enable financial statements to be drawn up for the Centre.

2. Entries shall be made on the basis of an accounting system comprising a nomenclature of budgetary items which made a clear distinction between the accounts which permit the balance sheet to be drawn up and those which permit the revenue and expenditure account to be drawn up. These entries shall be recorded in books or on cards, which shall make it possible to draw up a general monthly balance. All imprests shall be entered in a suspense account and cleared no later than the end of the following financial year, except in the case of standing imprests.

3. The Centre shall draw up, not later than 31 March of each year, a balance sheet and a revenue and expenditure account.

The balance sheet shall show the Centre's assets and liabilities as at 31 December of the previous financial year.

The revenue and expenditure account shall include:

(a) a table of revenue comprising:

- estimated revenue for the calendar year,
- amendments to the revenue estimates,
- entitlements established in the course of the calendar year,
- amounts still to be collected at the end of the calendar year,
- additional revenue;

(b) tables of expenditure comprising:

- a summary table of appropriations committed, cancelled and carried over,

- a table listing the decisions taken by the Centre during the financial year and another indicating the overall situation as regards commitments established and authorizations granted.

4. Each quarter a statement shall be drawn up and sent to the Subcommittee showing the up-to-date situation of the ongoing budget and the utilisation of carried over credits.

Article 24

The Subcommittee shall appoint on a joint basis two auditors who shall carry out their duties jointly.

The task of the auditors shall be to audit the books and the cash of the Centre, to verify that the inventories and balance sheets have been drawn up in a regular manner and in good faith and to ensure that the information given regarding the accounts of the Centre is correct.

The purpose of the audit, which shall be based on records and, if necessary, performed on the spot, shall be to establish that all revenue has been received and all expenditure incurred in a lawful and regular manner and that the financial management has been sound.

After the close of each financial year, the auditors shall draw up a report to the Subcommittee on the execution of their task.

On the basis of this report and the balance sheet for the financial year, the Subcommittee shall give the Director a discharge in respect of the implementation of the budget.

VI. RESPONSIBILITIES OF AUTHORIZING OFFICER,
ACCOUNTING OFFICER AND ADMINISTRATORS OF ADVANCE FUNDS

Article 25

Authorizing officers who, when establishing entitlements to be recovered or issuing recovery orders, entering into a commitment of expenditure or signing a payment order do so without complying with this Financial Regulation, shall render themselves liable to disciplinary action and, where appropriate, to payment of compensation. The same shall apply if they omit to draw up a document establishing a debt or if they neglect to issue recovery orders or are, without justification, late in issuing them.

Article 26

The authorizing officer shall render himself liable to disciplinary action and, where appropriate, to payment of compensation only where a mistake was committed intentionally or was the result of serious negligence on his part.

Article 27

1. The accounting officer shall render himself liable to disciplinary action and, where appropriate, to payment of compensation as regards payments made by him in disregard of Article 17.

He shall render himself liable to disciplinary action and to payment of compensation as regards any loss or deterioration of the monies, assets and documents in his charge where such loss or deterioration was caused intentionally or results from serious negligence on his part.

Under the same conditions, he shall be responsible for the correct execution of orders received by them in respect of the use and the administration of bank and post office cheque accounts, and in particular:

- (a) where the recoveries or payments made by him do not agree with the amount on the corresponding recovery or payment orders;
- (b) where he effects payment to a party other than the payee entitled.

2. Administrators of advance funds shall render themselves liable to disciplinary action and, where appropriate, to payment of compensation in the following cases:

- (a) where they cannot show due warrant with proper documents for payments made by them;
- (b) where payments are made to parties other than entitled payees.

They shall be liable to disciplinary action and to payment of compensation in respect of any loss or deterioration of the monies, assets and documents in their charge where such loss or deterioration was caused intentionally or results from serious negligence on their part.

3. The accounting officer and administrators of advance funds shall insure themselves against the risks arising under this Article.

The Centre shall cover the insurance costs relating thereto. It shall specify the categories of officials serving as accounting officer and administrators of advance funds as well as the conditions subject to which it will cover the insurance costs borne by the said officials to guard against the risks inherent in their duties.

4. Special allowances shall be granted to the accounting officers and administrators of advance funds. The level of these allowances shall be laid down in a regulation drawn up by the Centre. The sums corresponding to these allowances shall be credited each month to an account opened by the Centre on behalf of each official in order to establish a guarantee fund for the purpose of covering any cash or bank shortage for which the person concerned might render himself liable, in so far as such a shortage has not been covered by refunds from insurance companies.

The credit balance in these guarantee accounts shall be paid over to the persons concerned after they terminate their appointment as accounting officer or administrator of advance funds and receive the final discharge in respect of their management, in accordance with Article 29.

Article 28

The liability to payment of compensation and disciplinary action of authorizing officers, accounting officers and administrators of advance funds shall be determined in accordance with the provisions of the rules applicable to the staff of the Centre.

Article 29

The Centre shall be allowed a maximum period of two years from the date when the financial statement is submitted to the Committee of Ambassadors to take a decision on the final discharge to be given to accounting officers for the transactions relating thereto.

VII. GENERAL PROVISIONS

Article 30

1. Contracts relating to the purchase or hire of supplies, equipment and movable property shall be concluded following an open or restricted invitation to tender for which bids shall be sought from at least three candidates. The candidates shall be nationals from Community Member States or from ACP States.

2. The successful contractor will be selected on the basis of the price quoted, evidence of professional competence and financial soundness and the time quoted for performance of the contract.

3. Contracts shall be drawn up in ecus or, where the contractor so requests, advancing good grounds, in the currency of a Member State of the Community or an ACP State.

4. However contracts may be concluded by private treaty:

(a) where the total value of goods does not exceed ECU 10.000 but, as far as possible, the Centre shall obtain several offers for purposes of comparison;

(b) where the total value of the goods is between ECU 10.001 and 20.000 and if the contract is for ancillary supplies and, for technical or ethical reasons, cannot be separated from the main contract, reasons nevertheless being annexed to the commitment;

- (c) The total amounts of the services indicated in point 4 a) and 4 b) cannot constitute a part of a more important contract;
- (d) where, because of the extremely urgent nature of the supplies, services or works concerned there is no time to use the tendering procedure, provided that prior approval has been obtained from the Chairman of the Subcommittee;
- (e) exceptionally, where the nature or specialized character of the operation necessitates recourse to the specific equipment or to a specific expert, and provided the Chairman of the Subcommittee has given prior approval.

Article 31

1. A permanent quantitative inventory shall be kept of all movable and immovable property belonging to the Centre.

Only movable property whose value is ECU 200 or more shall be entered in the inventory.

The inventory number shall be entered on each invoice before the invoice is paid.

2. The sale of movable property and equipment of a unit purchase value in excess of ECU 200 shall be suitably advertised.

3. A record signed by both the Director of the Centre and the person responsible for the equipment shall be drawn up whenever any property or article in the inventory is disposed of, scrapped or is missing on account of loss, theft, or for any other reason.

Article 32

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

Article 33

This Decision shall enter into force on the same day as the Convention.

Hecho en Bruselas, el
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Εγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addi' 19. IV. 1991
Gedaan te Brussel,
Feito em Bruxelas, em

Por el Comité de Embajadores
På AVS-EEF Ambassaderudvalgets vegne
Im Namen des AKP-EEG-Botschafterausschusses
Για την Επιτροπή των Πρέσβων ΑΚΕ-ΕΟΚ
For the ACP-EEC Committee of Ambassadors
Par le Comité des Ambassadeurs ACP-CEE
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Dr Ghebray BEHAYE JØRNEKÆR



**DECISION NO 3/91
OF THE ACP-EEC COMMITTEE OF AMBASSADORS
of 19 April 1991**

**Laying down the statute and operating procedures of the
Advisory Committee of the Technical Centre for Agricultural
and Rural Co-operation**

THE ACP-EEC COMMITTEE OF AMBASSADORS,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on
15 December 1989, hereinafter referred to as "the Convention", and in
particular Article 53(7) thereof,

Whereas the statute and operating procedures of the Advisory Committee of the Technical Centre for Agricultural and Rural Co-operation set up under Article 53(7) of the Convention, hereinafter referred to as "the Advisory Committee", should be adopted,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Advisory Committee shall be responsible for providing the Director of the Technical Centre for Agricultural and Rural Co-operation, hereinafter referred to as "the Centre", with technical and scientific assistance in working out appropriate solutions to the problems encountered by the ACP States, notably to improve their access to information, technical innovation, research and development in the sphere of agricultural and rural development and to devise the Centre's action programmes.

2. To that end it shall meet once a year, namely, at the headquarters of the Centre to formulate its opinion on:

- the execution of the programme of activities of the Centre in the preceding year and in the current year;
- the programme of work prepared by the Centre for the following year.

Other meetings may be organized at the request of the ACP-EEC Committee of Ambassadors.

3. The opinions adopted by the Advisory Committee shall be based on the general guidelines determined by the Committee of Ambassadors for the activities of the Centre.

These opinions shall be sent to the Subcommittee for Cooperation on Agricultural and Rural Development, along with the report on the Centre's activities, work programme and budget.

4. The preparations for its annual meeting will be assigned by the Advisory Committee each year on a joint representation basis to two of its members. The latter, accompanied where necessary by a representative of the Commission of the European Communities and of the General Secretariat of the ACP States, shall carry out missions to the headquarters of the Centre. There will be at least two such missions each year, one in March to prepare the Centre's programme of activities for the following year and the other in September to monitor the execution of the programme for the year in progress.

Other missions may be carried out at the request of the Subcommittee for Co-operation on Agricultural and Rural Development.

Article 2

1. The Advisory Committee shall be made up, on a joint representation basis, of 24 members known to have considerable experience in the sphere of agricultural and rural development or agricultural research or the processing and dissemination of information in the abovementioned spheres.

2. The members of the Advisory Committee shall be chosen for their personal qualities and their knowledge and expertise in the technical and/or scientific field from among the nationals of the States party to the Convention. The Committee of Ambassadors shall confirm their appointment. In order to ensure a continuity of the operation of the Advisory Committee its members are appointed for a period of five years subject to a mid-term review of the situation.

The members of the Advisory Committee may be replaced, if necessary, by similarly qualified persons with the agreement of the Committee of Ambassadors.

3. Representatives of the Council and of the Commission of the European Communities and of the General Secretariat of the ACP States and the directorate of the Centre shall attend the meetings of the Advisory Committee.

Article 3

The Advisory Committee shall elect a chairman. The Committee shall be chaired for alternate periods of one year by the ACP States and by the Community.

Article 4

The Centre, in liaison with the chairman of the Advisory Committee, shall prepare the meetings of the Committee and shall provide the necessary secretarial services.

Article 5

The Advisory Committee shall adopt its rules of procedure.

Article 6

The costs incurred by members of the Advisory Committee in participating in the work of the Committee shall be refunded to them under the conditions laid down for the administrative staff of the Centre.

Article 7

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

Article 8

This Decision shall enter into force on the same day as the Convention.

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Feito em Bruxelas, em

19. IV. 1991

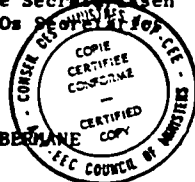
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Dr Ghebray BERHANE BJØRNEKÆR

**DECISION No 4/91
OF THE ACP-EEC COMMITTEE OF AMBASSADORS
of 11 October 1991**

**on the conditions of employment of the staff
of the Technical Centre for Agricultural and Rural Co-operation**

THE ACP-EEC COMMITTEE OF AMBASSADORS,

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

Having regard to Decision No 1/91 of the ACP-EEC Committee of Ambassadors of 19 April 1991 on the rules of operation of the Technical Centre for Agricultural and Rural Co-operation, and in particular Article 5 thereof,

Whereas contracts must be concluded with the staff of the Centre as from 1 October 1991;

Whereas these contracts require a legal basis and whereas such a basis will be constituted by a Decision of the Committee laying down the conditions of employment applicable to the staff of the Centre during the period of application of the Convention;

Whereas that Decision was not adopted by 1 October 1991,

HAS DECIDED AS FOLLOWS:

Sole Article

Without prejudice to the provisions concerning staff contained in the Convention and in Decision No 1/91, Decision No 4/86 of the ACP-EEC Committee of Ambassadors of 24 March 1986 laying down the conditions of employment of the staff for the period covered by the Third ACP-EEC Convention shall apply *mutatis mutandis* until the entry into force of a similar Decision to be adopted for the period of application of the Convention.

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Dr Ghebray BERHANE BJORNEKER

DECISION NO 5/91
OF THE ACP-EEC COMMITTEE OF AMBASSADORS
of 11 October 1991
adopting the budget
of the Technical Centre for
Agricultural and Rural Co-operation (1992)

THE ACP-EEC COMMITTEE OF AMBASSADORS,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989, and in particular Article 53(5) thereof,

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

Having regard to Decision No 2/91 of the ACP-EEC Committee of Ambassadors of 19 April 1991 adopting the Financial Regulation of the Technical Centre for Agricultural and Rural Co-operation, and in particular Articles 6 and 7 thereof,

Whereas, pursuant to Article 6(1) of Decision No 2/91, the Director of the Centre submitted to the ACP-EEC Subcommittee for Co-operation on Agricultural and Rural Development (hereinafter referred to as the "Subcommittee") a preliminary draft annual budget of the Centre (financial year 1992) and the annual work programme of the Centre for 1992;

Whereas the draft budget has been forwarded to the Commission which, with regard to the contribution requested from the European Development Fund, has implemented the current Community procedures,

Whereas, on 9 October 1991, the competent Community authority adopted the financing decision on the said contribution;

Whereas, this being so, the Committee of Ambassadors is in a position to adopt the budget definitively,

HAS DECIDED AS FOLLOWS:

Sole article

The budget for the Centre for the financial year 1992 is hereby definitively adopted as it appears in the Annex hereto.

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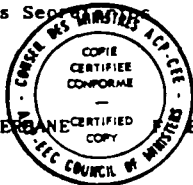
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Dr Ghebray BEGANE BJØRNEKÆR



SUMMARY BUDGET 1992 (ecus)

	<u>Budget 1992</u>	<u>Budget 1991</u>
TITLE I - STAFF EXPENDITURE		
<u>Chapter 11 - Staff</u>		
Article 111 - Salaries and wages (38 staff members)	1 515 000	1 370 000
Article 112 - Provision for adjustments of salaries	105 000	60 000
Article 113 - Welfare contributions	579 000	523 000
Article 114 - Allowances	253 000	234 000
Article 115 - Training	14 000	10 000
	<hr/>	<hr/>
TOTAL TITLE I	2 466 000	2 197 000
	=====	=====
TITLE II - BUILDING, EQUIPMENT AND MISCELLANEOUS OPERATING EXPENDITURE		
<u>Chapter 21 - Rental of buildings and associated costs</u>		
Article 211 - Rent	146 000	125 000
Article 212 - Associated costs	34 000	30 000
	<hr/>	<hr/>
Total Chapter 21	180 000	155 000
	=====	=====
<u>Chapter 22 - Movable property and associated costs</u>		
Article 221 - Purchase of office machines and movable furniture and equipment	55 000	130 000
Article 222 - Rental of furniture and equipment	24 000	6 000
Article 223 - Maintenance of furniture and equipment	4 000	3 000
Article 224 - Maintenance, repair and use of vehicles	31 000	43 000
	<hr/>	<hr/>
Total Chapter 22	114 000	182 000
	=====	=====

	<u>Budget 1992</u>	<u>Budget 1991</u>
<u>Chapter 23 - Current administrative expenditure</u>		
Article 231 - Stationery and office supplies	27 000	24 000
Article 232 - Postage and telecommunications	82 000	75 000
Article 234 - Subscriptions to periodicals, etc.	32 000	29 000
Article 235 - Other operating expenditure	143 000	129 000
Total Chapter 23	284 000 =====	257 000 =====
<u>Chapter 24 - Mission expenses, representation and entertainment expenses</u>		
Article 241 - General expenditure on missions	3 000	3 000
Article 242 - General representation and entertainment expenses	16 000	15 000
Total Chapter 24	19 000 =====	18 000 =====
<u>Chapter 25 - Brussels Branch Office</u> (excluding staff expenditure)		
	49 000	47 000
TOTAL TITLE II	646 000 =====	602 000 =====
TITLE III - ACTIVITIES		
<u>Chapter 31 - Studies, expert reports</u>		
	750 000	750 000
<u>Chapter 32 - Technical meetings</u>		
Article 321 - Seminars and technical meetings (1984: 3; 1985-1991: 6 per year)	750 000	750 000
Article 322 - Attendance at seminars and meetings	350 000	325 000
Total Chapter 32	1 100 000 =====	1 075 000 =====
<u>Chapter 33 - Publications and documents</u>		
	1 300 000	125 000
<u>Chapter 34 - Missions</u>		
Article 341 - Programmed missions	350 000	300 000

	<u>Budget 1992</u>	<u>Budget 1991</u>																																																												
<u>Chapter 35 - Information and Documentation Centres in ACP States</u>																																																														
Article 351 - Projects to assist and strengthen agricultural information systems in ACP States	1 000 000	900 000																																																												
Article 352 - Regional branch offices	550 000	250 000																																																												
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Total Chapter 35	1 550 000	1 150 000																																																												
	=====	=====																																																												
<u>Chapter 36 - Question and Answer Service</u>																																																														
	300 000	250 000																																																												
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TOTAL TITLE III	5 350 000	4 775 000																																																												
	=====	=====																																																												
<u>TOTAL EXPENDITURE</u>	8 462 000	5 574 000																																																												
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<table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th>(1992)</th> <th>(1991)</th> <th>(1990)</th> <th>(1989)</th> <th>(1988)</th> <th>(1987)</th> <th>(1986)</th> <th>(1985)</th> <th>(1984)</th> </tr> </thead> <tbody> <tr> <td>title I =</td> <td>2 466 000 (29,04%)</td> <td>(29,00%)</td> <td>(30,54%)</td> <td>(31,0%)</td> <td>(32,0%)</td> <td>(29,2%)</td> <td>(30%)</td> <td>(39%)</td> <td>(57%)</td> </tr> <tr> <td>title II =</td> <td>646 000 (7,61%)</td> <td>(7,95%)</td> <td>(9,98%)</td> <td>(9,1%)</td> <td>(9,4%)</td> <td>(10,8%)</td> <td>(13%)</td> <td>(14%)</td> <td>(28%)</td> </tr> <tr> <td>title III =</td> <td>5 350 000 (63,35%)</td> <td>(63,05%)</td> <td>(59,48%)</td> <td>(59,9%)</td> <td>(58,6%)</td> <td>(60,0%)</td> <td>(57%)</td> <td>(47%)</td> <td>(35%)</td> </tr> <tr> <td>TOTAL</td> <td>8 462 000 (100%)</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>=====</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				(1992)	(1991)	(1990)	(1989)	(1988)	(1987)	(1986)	(1985)	(1984)	title I =	2 466 000 (29,04%)	(29,00%)	(30,54%)	(31,0%)	(32,0%)	(29,2%)	(30%)	(39%)	(57%)	title II =	646 000 (7,61%)	(7,95%)	(9,98%)	(9,1%)	(9,4%)	(10,8%)	(13%)	(14%)	(28%)	title III =	5 350 000 (63,35%)	(63,05%)	(59,48%)	(59,9%)	(58,6%)	(60,0%)	(57%)	(47%)	(35%)	TOTAL	8 462 000 (100%)										=====								
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TOTAL	8 462 000 (100%)																																																													
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a. Contribution of the European Development Fund	8 330 000	7 284 000																																																												
b. Income taxes and other income ⁽¹⁾	132 000	290 000																																																												
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<u>TOTAL INCOME</u>	8 462 000	7 574 000																																																												
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(1) Explanatory note
- income taxes = 8% of Article 111 (A,B) = ECU 132 000
=====

CONCLUSIONS OF THE ACP-EEC COMMITTEE OF AMBASSADORS
of 17 December 1991

on humanitarian aid for
Somalia and Liberia

1. A reminder is given that when assessing the current or potential crisis in the ACP countries for which the Fourth ACP-EEC Convention has not yet entered into force and which are therefore not yet eligible for appropriations for emergency aid or aid for refugees and returnees provided for in that Convention, the ACP-EEC Council of Ministers considered what steps should be taken with a view to preventing any hiatus in emergency aid and aid for refugees and returnees. Following this examination, it (see ACP/21/004/91 and ACP-CEE 2228/1/91 REV 1):

- decided, in accordance with Article 205(3) of the Third ACP-EEC Convention, that appropriations not committed for emergency aid or aid for refugees and returnees (Articles 203 and 204 of the Third ACP-EEC Convention) shall remain available for the same types of action and for emergency aid as a priority, for ACP countries for which the Fourth ACP-EEC Convention has not yet entered into force

- delegated powers to the ACP-EEC Committee of Ambassadors to take, where appropriate, the necessary decisions regarding the possible use, on a provisional basis, of unexpended balances of national indicative programmes under the Second and Third ACP-EEC Conventions of the ACP countries concerned to finance actions of emergency aid and aid to refugees and returnees for such countries and in accordance with the procedures in force for such actions.

2. In the context of the delegation of powers referred to in the third indent of paragraph 1, the ACP-EEC Committee of Ambassadors, noting that Somalia and Liberia are unable at present, for reasons beyond their control, to ratify the Fourth ACP-EEC Convention and that the emergency aid requirements of those countries are such that it will doubtless be necessary to mobilize additional resources, has given its agreement to the following:

- 1) unexpended balances of the national indicative programmes for these two countries under the Second and Third ACP-EEC Conventions may be used, on an exceptional and provisional basis, to finance emergency aid actions and aid to refugees and returnees for such countries in accordance with the procedures in force for actions of this kind. These resources will be mobilized as and when necessary and on the basis of the absorptive and managerial capacity of the bodies responsible for putting the aid into effect;
- 2) when the Fourth ACP-EEC Convention enters into force for the countries concerned, the resources used as indicated above will be replenished in the respective national indicative programmes by taking a corresponding amount from the humanitarian aid appropriations provided for in Articles 254 and 255 of the Fourth ACP-EEC Convention;
- 3) if the countries in question do not ratify the Fourth ACP-EEC Convention within the time limits laid down by Article 360 of the Convention, the two parties intend to seek means of replenishing the national indicative programmes from any unexpended balances or other resources under the Second and Third ACP-EEC Conventions.

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

17. XII. 1991

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

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

P.C. NIEMAN

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Les Secrétaires
I Segretari
De Secretarissen
Os Secretários

Dr Ghebray BERNARD BJØRNEKÆR



I — ACP-EEC Acts

3. Agreements between the EEC and the ACP States

p.m. Sugar ¹

¹ See note 1. This agreement is published in the *Compilation of texts* of 1992.

AGREEMENT
IN THE FORM OF AN EXCHANGE OF LETTERS
BETWEEN THE EUROPEAN ECONOMIC COMMUNITY
AND BARBADOS, DELIZE, THE PEOPLE'S REPUBLIC OF THE CONGO, FIJI,
THE CO-OPERATIVE REPUBLIC OF GUYANA, THE REPUBLIC OF COTE D'IVOIRE,
JAMAICA, THE REPUBLIC OF KENYA,
THE DEMOCRATIC REPUBLIC OF MADAGASCAR, THE REPUBLIC OF MALAWI,
MAURITIUS, ST CHRISTOPHER AND NEVIS, THE REPUBLIC OF SURINAME,
THE KINGDOM OF SWAZILAND, THE UNITED REPUBLIC OF TANZANIA,
THE REPUBLIC OF TRINIDAD AND TOBAGO, THE REPUBLIC OF UGANDA
AND THE REPUBLIC OF ZIMBABWE
ON THE GUARANTEED PRICES FOR CANE SUGAR
FOR THE 1988/1989 DELIVERY PERIOD

The representatives of the ACP States referred to in Protocol No 7 on ACP sugar annexed to the Third ACP-EEC Convention and of the Commission, on behalf of the European Economic Community, have agreed, pursuant to the provisions of the said Protocol, to submit to their competent authorities for approval, to be the subject of an Exchange of Letters between the ACP States concerned and the Community, the following.

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

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

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

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

Les ruego acepten, Señores, el testimonio de mi mayor consideración.

Modtag, mine herrer, forsikringen om min mest udmærkede højagtelse.

Genehmigen Sie, sehr geehrte Herren, den Ausdruck meiner ausgezeichnetsten Hochachtung.

Παρακαλώ δεχθείτε, Κύριοι, τη διαβεβαίωση της υψηλής εκτιμήσεώς μου.

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

Veillez agréer, Messieurs, l'assurance de ma très haute considération.

Vogliano accettare, Signori, l'espressione della mia profonda stima.

Gelieve, Mijne Heren, de verzekering van mijn zeer bijzondere hoogachting te aanvaarden.

Queiram aceitar, Exmos. Senhores, a expressão da minha mais elevada consideração.

En nombre del Consejo de las Comunidades Europeas
På vegne af Rådet for De Europæiske Fællesskaber
Im Namen des Rates der Europäischen Gemeinschaften
Εξ ονόματος του Συμβουλίου των Ευρωπαϊκών Κοινοτήτων
On behalf of the Council of the European Communities
Au nom du Conseil des Communautés européennes
A nome del Consiglio delle Comunità Europee
Namens de Raad van de Europese Gemeenschappen
Em nome do Conselho das Comunidades Europeias



Brussels, 17. IV. 1991

Letter n° 2

Sir,

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

"The representatives of the ACP States referred to in Protocol No 7 on ACP sugar annexed to the Third ACP-EEC Convention and of the Commission, on behalf of the European Economic Community, have agreed, pursuant to the provisions of the said Protocol, to submit to their competent authorities for approval, to be the subject of an Exchange of Letters between the ACP States concerned and the Community, the following.

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

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

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

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

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

Le rogamos aceptar, Señor, el testimonio de nuestra mayor consideración.

Modtag, hr., forsikringen om vor mest udmærkede højagtelse.

Genehmigen Sie, sehr geehrter Herr, den Ausdruck unserer ausgezeichnetsten Hochachtung.

Παρακαλώ δεχθείτε, Κύριε, τη διαβεβαίωση της υψηλής εκτίμησής μας.

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

Veuillez agréer, Monsieur, l'assurance de notre très haute considération.

Voglia accettare, Signore, l'espressione della nostra profonda stima.

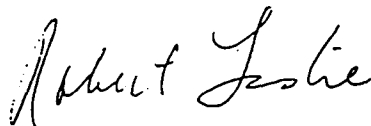
Gelieve, Mijnheer, de verzekering van onze zeer bijzondere hoogachting te aanvaarden.

Queira aceitar, Exmo. Senhor, a expressão da nossa mais elevada consideração.

For the Government of Barbados



For the Government of Belize



Pour le Gouvernement de la République Populaire du Congo



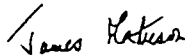
Pour le Gouvernement de la République de Côte d'Ivoire



For the Government of the Republic of Fiji



For the Government of the Cooperative Republic of Guyana



For the Government of Jamaica



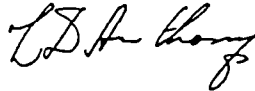
For the Government of the Republic of Kenya



Pour le Gouvernement de la République Démocratique de Madagascar

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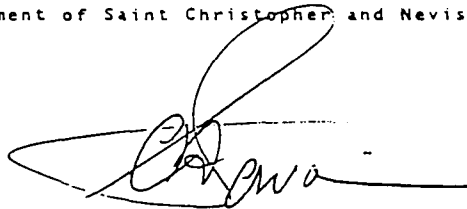
For the Government of the Republic of Malawi

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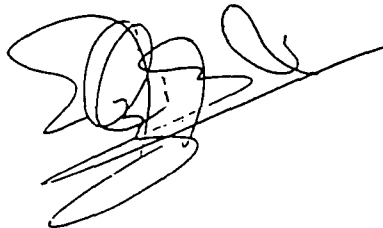
Pour le Gouvernement de l'île Maurice

A handwritten signature in cursive script, appearing to read "M. M. M.", with a horizontal line underneath.

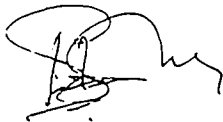
For the Government of Saint Christopher and Nevis

A handwritten signature in cursive script, appearing to read "M. M. M.", with a horizontal line underneath.

For the Government of the Republic of Suriname

A handwritten signature in cursive script, appearing to read "M. M. M.", with a horizontal line underneath.

For the Government of the Kingdom of Swaziland



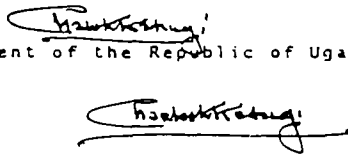
For the Government of the United Republic of Tanzania



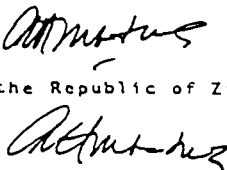
For the Government of the Republic of Trinidad and Tobago



For the Government of the Republic of Uganda



For the Government of the Republic of Zimbabwe



El texto que precede es copia certificada conforme del original depositado en los archivos de la Secretaria General del Consejo de las Comunidades Europeas en Bruselas y en la Secretaria de los Estados de Africa, del Caribe y del Pacifico.

Foranstående tekst er en bekræftet genpart af originaldokumentet deponeret i arkiverne for Generalsekretariatet for Rådet for De Europæiske Fællesskaber i Bruxelles og i Sekretariatet for Staterne i Afrika, Vestindien og Stillehavet.

Der vorstehende Text ist eine beglaubigte Abschrift des Originals, die im Archiv des Generalsekretariats des Rates der Europäischen Gemeinschaften in Brüssel und beim Sekretariat der Staaten im karibischen Raum und im Pazifischen Ozean hinterlegt ist.

Το κείμενο είναι ακριβές αντίγραφο του πρωτοτύπου που είναι κατατεθειμένο στο αρχείο της Γενικής Γραμματείας του Συμβουλίου των Ευρωπαϊκών Κοινοτήτων στις Βρυξέλλες και στη Γραμματεία των Κρατών της Αφρικής, των Καραϊβικών και Ειρηνικού.

The preceding text is a certified true copy of the original deposited in the archives of the General Secretariat of the Council of the European Communities in Brussels and with the Secretariat of the African, Caribbean and Pacific States.

Le texte qui précède est une copie certifiée conforme à l'original déposé dans les archives du Secrétariat général du Conseil des Communautés européennes à Bruxelles et au Secrétariat des Etats d'Afrique, des Caraïbes et du Pacifique.

Il testo che precede è certificata conforme all'originale depositato negli archivi del Segretariato generale del Consiglio delle Comunità europee a Bruxelles e presso il Segretariato degli Stati d'Africa, dei Caraibi e del Pacifico.

De voorgaande tekst is het bevestigd gewaarmerkt afschrift van het origineel, nedergelegd in de archieven van het Secretariaat-Generaal van de Raad der Europese Gemeenschappen te Brussel en bij het Secretariaat der Staten in Afrika, van het Caribische gebied en de Stille Oceaan.

O texto que precede é uma cópia autêntica do original depositado nos arquivos do Secretariado-Geral do Conselho das Comunidades Europeias em Bruxelas e no Secretariado dos Estados de Africa, das Caraïbas e do Pacifico.

Bruselas,
Bruxelles, den
Brüssel, den
Βρυξέλλες,
Brussels,
Bruxelles, le
Bruxelles, addi
Brussel,
Bruxelas, em

0 4. XII. 1991

CONSILIUM

Los Secretarios del Consejo de Ministros ACP-CEE
Sekretererna for AVS/EØF-Ministerrådet
Die Sekretäre des AKP-EWG-Ministerrates
Οι Γραμματείς του Συμβουλίου Υπουργών ΑΚΕ-ΕΟΚ
The Secretaries of the ACP-EEC Council of Ministers
Les Secrétaires du Conseil des Ministres ACP-CEE
I Segretari del Consiglio dei Ministri ACP-CEE
De Secretarissen van de ACS-EEG-Raad van Ministers
Os Secretários do Conselho de Ministros ACP-CEE

I — ACP-EEC Acts

4. Acts of the ACP-EEC Customs Cooperation Committee

Decision No 1/91
of the ACP-EEC Customs Co-operation Committee
of 23 January 1991
derogating from the definition of the concept
of "originating products"
to take account of the special situation
of Lesotho with regard to its production of certain garments

The ACP-EEC CUSTOMS COOPERATION COMMITTEE,

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

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

Whereas Article 31 of Protocol No 1 to the Convention concerning the definition of the concept of 'originating products' and methods of administrative cooperation makes provision for derogations to be made from the said Protocol by the Customs Cooperation Committee, in particular to facilitate the development of existing industries or the creation of new industries;

(1) OJ No L 84, 30.3.1990, p. 2.

Whereas the ACP States have submitted a request from the government of Lesotho for a derogation from the definition set out in Protocol No 1 in respect of certain garments;

Whereas the requested derogation is justified under the relevant provisions of Protocol No 1 and it cannot cause serious injury to an established Community industry, provided that certain conditions relating to quantities, surveillance or duration are respected,

HAS DECIDED AS FOLLOWS:

Article 1

Notwithstanding the special provisions of Annex II to Protocol No 1, the products listed in the Annex to this Decision manufactured in Lesotho shall be considered as originating in the ACP States subject to the following conditions.

Article 2

The derogation provided for in Article 1 shall relate to products exported from Lesotho to the Community between 1.3.1990 and 28.2.1993.

Article 3

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

Article 4

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

Article 5

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

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

23. 1. 1991

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

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

Carlos MUNOZ BETEMPS

Ernest S. MPOFU

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Os Secretários

Dr Ghebray BESHANE BJØRNEKÆR



ITEM	PRODUCT	HS CODE(S)	TEXTILE CATEGORY	ANNUAL QUANTITY (PIECES)		
				1990	1991	1992
a	T-Shirts, knitted or crocheted, of cotton	ex 8109.10	ex 4	252.200	503.300	754.800
b	men's or boy's trousers, bib and brace overalls, breeches and shorts, of cotton or of synthetic fibres, other than Industrial and occupational	ex 8203.42 ex 8203.43,	ex 6	800.000	800.000	800.000
c	men's or boy's shirts of cotton or of man-made fibres	8205.20 8205.30	ex 8	8.500	9.500	14.000
d	men's or boy's underpants and briefs, of cotton	8107.11	ex 13	950.000	1.900.000	1.900.000
e	men's or boy's jackets and blazers of cotton or of synthetic fibres, other than Industrial and occupational	ex 8203.32 ex 8203.33	ex 17	4.400	8.400	9.400
f	men's or boy's swimwear	8211.11	ex 72	8.500	12.000	18.000

**DECISION No 2/91
OF THE ACP-EEC CUSTOMS CO-OPERATION COMMITTEE
of 23 April 1991**

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

THE ACP-EEC CUSTOMS CO-OPERATION COMMITTEE,

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

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

(1) OJ No L 84, 30.3.1990, p. 2.

Having regard to Protocol No 1 to the Fourth ACP-EEC Convention concerning the definition of the concept of originating products and methods of administrative co-operation and in particular Articles 30 and 31 thereof;

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

Whereas Article 31(8) of Protocol No 1 lays down a special procedure for derogations concerning canned tuna which are automatically granted within an annual quota;

Whereas the African, Caribbean and Pacific (ACP) States have submitted a request under the said Article 31(8) from the Government of Senegal for a derogation from the definition set out in Protocol No 1 in respect of 500 tonnes of canned tuna produced by Senegal;

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

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from the special provisions of the List in Annex II to Protocol No 1, canned tuna falling within heading No 1604 of the Common Customs Tariff and manufactured by Senegal shall be considered as originating in Senegal under the conditions set out in this Decision.

Article 2

The derogation provided for in Article 1 shall relate to a quantity of 500 tonnes of canned tuna falling within heading No 1604 of the Common Customs Tariff produced in and exported from Senegal between 1 April 1991 and 31 December 1991.

Article 3

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

Article 4

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

Article 5

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

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

23. IV. 1951

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

Los Presidentes
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P. WILMOTT

Ernest S. MPOFU

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Dr Ghebray BERNANE BJØRNEKÆR

DECISION N° 3/91
OF THE ACP-EEC CUSTOMS CO-OPERATION COMMITTEE
of 23 April 1991

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

THE ACP-EEC CUSTOMS CO-OPERATION COMMITTEE,

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

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

Having regard to Protocol No 1 to the Fourth ACP-EEC Convention concerning the
definition of the concept of originating products and methods of administrative
co-operation and in particular Articles 30 and 31 thereof,

(1) OJ No L 84, 30.3.1990, p. 2.

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

Whereas Article 31(8) of Protocol No 1 lays down a special procedure for derogations concerning canned tuna which are automatically granted within an annual quota;

Whereas the African, Caribbean and Pacific (ACP) States have submitted a request under the said Article 31(8) from the Government of Fiji for a derogation from the definition set out in Protocol No 1 in respect of the canned tuna produced by that State;

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

HAS DECIDED AS FOLLOWS:

Article 1

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

Article 2

The derogation provided for in Article 1 shall relate to a quantity of 500 tonnes of canned tuna falling within heading No 16.04 of the Common Customs Tariff produced in and exported from Fiji between 1 January 1992 and 31 December 1992. It shall relate to an annual quantity of 1 500 tonnes for exports of canned tuna from Fiji between 1 January 1993 and 31 December 1996.

Article 3

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

Article 4

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

Article 5

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

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23. IV. 1991

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

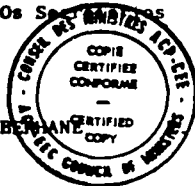
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Os Secretários



Dr Ghebray

BJØRNEKÆR

DECISION No 4/91
OF THE ACP-EEC CUSTOMS CO-OPERATION COMMITTEE
of 23 April 1991

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

THE ACP-EEC CUSTOMS CO-OPERATION COMMITTEE,

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

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

(1) OJ No L 84, 30.3.1990, p. 2.

Whereas Article 31 of Protocol No 1 to the Convention concerning the definition of the concept of "originating products" and methods of administrative co-operation makes provision for derogations to be made from the said Protocol by the Customs Co-operation Committee, in particular to facilitate the development of existing industries or the creation of new industries;

Whereas the African, Caribbean and Pacific (ACP) States have submitted a request from the Government of Fiji for a derogation from the definition set out in Protocol No 1 in respect of certain garments;

Whereas the requested derogation is justified under the relevant provisions of Protocol No 1 and it cannot cause serious injury to an established Community industry, provided that certain conditions relating to quantities, surveillance or duration are respected,

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from the special provisions of Annex II to Protocol No 1, the products listed in the Annex to this Decision manufactured in Fiji shall be considered as originating in the ACP States, subject to the following conditions.

Article 2

The derogation provided for in Article 1 shall relate to products exported from Fiji to the Community between 1 July 1990 and 31 December 1993.

Article 3

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

Article 4

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

Article 5

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

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

23. IV. 1991

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

Los Presidentes
Formænd
Die Präsidenten
Οι Πρόεδροι
The Chairmen
Les présidents
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Os Presidentes

P. WILMOTT

Ernest S. MPOFU

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Dr Ghebray BERNARD ORNEKÆR



ANNEX

ITEM	PRODUCT	HS CODE(S)	TEXTILE CATEGORY (ex)	ANNUAL QUANTITY (PIECES)	
				1.7.90 - 31.12.90	1991 to 1993
a	Men's or boys' overcoats, anoraks, wind-cheaters, wind-jackets and similar articles other than those of heading No 6203, of wool, of cotton, of man-made fibres or of other textile materials	6201 11	14		61 000
		6201 12	14 + 21		
		6201 13	14 + 21		
		6201 19	161		
b	men's or boys' suits, of wool, of synthetic fibres or of other textile materials	6203 11	16		15 000
		6203 12			
		6203 19			
c	men's or boys' jackets, of wool, of cotton, of synthetic fibres or of other textile materials	6203 31	17		30 000
		6203 32			
		6203 33			
		6203 39			
d	men's or boys' and women's or girls' trousers and shorts, of wool, of cotton, of synthetic fibres or of other textile materials	6203 41	6	58 065	750 000
		6203 42			
		6203 43			
		6203 49			
		6204 61			
		6204 62			
e	women's or girls' jackets, of wool, of cotton, of synthetic fibres or of other textile materials	6204 31	15		10 000
		6204 32			
		6204 33			
		6204 39			
f	men's or boys' shirts, of cotton, of man-made fibres or of other textile materials	6205 20	8		50 000
		6205 30			
		6205 90	161		
g	women's or girls' blouses, of silk, of wool, of cotton, of man-made fibres or of other textile materials	6206 10	159		40 000
		6206 20	7		
		6206 30			
		6206 40			
		6206 90	161		

I — ACP-EEC Acts

5. Acts of the Committee on Industrial Cooperation

DECISION No 1/91
OF THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION
of 3 April 1991

on the appointment of the
auditors for the
Centre for the Development of Industry

THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on
15 December 1989, and in particular Article 93(2) thereof,

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

Having regard to Decision No 2/86 of the ACP-EEC Council of Ministers of
24 March 1986 laying down the statutes and rules of operation of the Centre for
the Development of Industry, and in particular Article 7 thereof,

Having regard to Decision No 3/86 of the ACP-EEC Council of Ministers of 24 March 1986 adopting the Financial Regulation of the Centre for the Development of Industry, and in particular Article 21 thereof,

Whereas it is the responsibility of the Committee on Industrial Co-operation to appoint, on the basis of parity, two auditors to discharge jointly their duties as defined in the second, third and fourth subparagraphs of Article 21 of Decision No 3/86;

Whereas the Community, on the one hand, and the ACP States, on the other, have each announced the name of the person they propose for the discharge of the duties of auditor, and whereas each party has agreed to the proposal of the other,

HAS DECIDED AS FOLLOWS:

Article 1

Mr José HEUSGHEM and Mr Vasdev HASSAMAL are hereby appointed to discharge jointly the duties of auditors of the Centre for the Development of Industry.

Article 2

This Decision shall take effect on the day of its adoption.

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

3. IV. 1991

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

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

M.B. EKPANG

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Dr Ghebray BERHANE F. BJØRNEKÆR

DECISION No 2/91
OF THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION
of 3 April 1991

laying down the statutes and rules of operation
of the Advisory Council
of the Committee on Industrial Co-operation

THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé
on 15 December 1989, hereinafter referred to as the
"Convention", and in particular Articles 87(1)(d), 88 and 96
thereof,

Whereas it is necessary to adopt the statutes and rules of operation of the Advisory Council of the Committee on Industrial Co-operation, set up under Article 88 of the Convention,

HAS DECIDED AS FOLLOWS:

4

Article 1

An Advisory Council to the Committee on Industrial Co-operation, hereinafter referred to as the "Advisory Council", is hereby set up by Article 88 of the Convention. Its role shall be to allow the Committee on Industrial Co-operation to take into account the point of view of industrial operators concerning:

- the reports referred to in Article 327 of the Convention on the progress of industrial co-operation and the growth of investment flows;
- regular monitoring of the mechanics of interventions undertaken by the European Investment Bank, the Commission of the European Communities, the Centre for the Development of Industry and the ACP authorities responsible for the implementation of industrial projects;
- problems and policy issues in the field of industrial co-operation submitted to the Committee on Industrial Co-operation by the ACP States or by the European Economic Community;
- reviewing of trends in industrial policies of the ACP States and of the Member States as well as developments in the world industrial situation.

Article 2

1. The Advisory Council shall be composed of, on the one hand, a representative of each of the Member States of the Community and, on the other, twelve representatives of the ACP States. The twenty-four members shall be drawn from the business world or experts on industrial development. Representatives of the Commission of the European Communities, the European Investment Bank and the ACP-EEC Co-Secretariat shall attend meetings as observers.

2. Members of the Advisory Council shall be appointed in a personal capacity by the Committee on Industrial Co-operation.

3. Members of the Advisory Council shall be appointed for a period of no more than five years.

4. Opinions of the Advisory Council shall not be valid unless delivered by a majority of its members present at the meeting.

Article 3

Meetings shall be chaired alternately by an ACP member and by a Community member.

Article 4

The preparation, secretariat and physical and logistical organization of meetings shall be ensured by the ACP-EEC Co-Secretariat in close co-operation with the Commission of the European Communities.

Article 5

Expenses in respect of Advisory Council members' attendance at meetings shall be defrayed in accordance with arrangements adopted by the Committee on Industrial Co-operation on a proposal from the Co-Chair.

Article 6

The Advisory Council shall hold one official meeting each year at the usual meeting venue of the Committee on Industrial Co-operation. Meetings shall be called by the Co-Chair of the Committee on Industrial Co-operation.

Article 7

1. The provisional agenda for each meeting shall be drawn up by the ACP-EEC Co-Secretariat. It shall be notified to Advisory Council members, together with the reference documents, at least three weeks before the date of the meeting.
2. Advisory Committee members may propose to the Chair at the meeting that items be added to the agenda. The agenda shall be adopted by the Advisory Council at the start of each meeting.

Article 8

The Centre for the Development of Industry shall be invited to attend Advisory Council meetings by the ACP-EEC Co-Chair of the Committee on Industrial Co-operation.

Article 9

Correspondence for the Advisory Committee shall be addressed to the Co-Secretariat of the ACP-EEC Council of Ministers.

Article 10

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

Article 11

This Decision shall enter into force on the same day as the Convention.

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

† 3 AVR. 1951

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

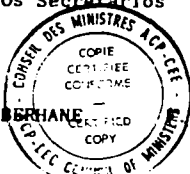
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Dr Ghebray BERNHANE BJØRNEKÆR



DECISION NO 3/91
OF THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION
of 14 June 1991

on the appointment of the members
of the Advisory Council
of the Committee on Industrial Co-operation

THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on
15 December 1989, hereafter referred to as the "Convention", and in particular
Article 88 thereof,

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

Whereas Article 88 of the Convention provides for a Joint Advisory Council to allow the Committee on Industrial Co-operation to take into account the point of view of industrial operators concerning matters referred to in Article 87(1)(a), (b) and (c) of the Convention;

Whereas Article 88 of the Convention provides that the Advisory Council shall be composed of persons drawn from the business world of experts on industrial development;

Whereas Article 88 of the Convention provides that the Advisory Council shall be composed, on a basis of parity of twenty-four members;

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

HAS DECIDED AS FOLLOWS:

Article 1

The following are hereby appointed, for a period no longer than five years, members of the Advisory Council of the Committee on Industrial Co-operation of the Fourth ACP-EEC Convention:

1) nominated by the Community:

Mr A. BOUVERS	(Belgium)
Mr J.B. JENSEN	(Denmark)
Dr SIEBEL	(Germany)
Mr G. XANTHOULIS	(Greece)
Mr A. CENDAN BLANCO	(Spain)
Mr Y. SALMON	(France)
Mr M. SHEEHY	(Ireland)
Mr M. PEDINI	(Italy)
Mr R. SADELER	(Luxembourg)
Mr W.A. DE JONGE	(Netherlands)
Mr A.J. LEITAO	(Portugal)
Mr A. McGARVEY	(United Kingdom)

2) nominated by the ACP States:

Mr J.P.N. SIMBA	(Kenya)
Mr B. YUSUF	(Ethiopia)
Mr L.J. NAARDEN	(Suriname)
Mr R. KASUBA	(Zambia)
Mr A. READ	(Zimbabwe)
Mr E. LAMBERT	(Dominica)
Mr L. KONE	(Mali)
Mr M. ELENGA	(Congo)
Mr M. BANGULI	(Zaire)
Mr K.R.R. WARI	(Papua New Guinea)
Mr J.M. AH KOY	(Fiji)
Mr J.A.S. BORGES	(Cape Verde)

Article 2

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

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

14, VI. 1931

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

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

M.B. EKPANG

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Dr Ghebray BERHANE BJØRNEKÆR

**DECISION No 4/91
OF THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION
of 18 November 1991**

**approving the budget
of the Centre for Industrial Development (1992)**

The ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989, and in particular Article 87(1)(d) and Article 92(1)(b)(ii) thereof,

Having regard to Decision No 4/91 of the ACP-EEC Council of Ministers of 6 May 1991 laying down the statutes and rules of procedure of the Centre for Industrial Development, and in particular Article 8(1)(b)(iii) and Article 10(1), second indent, thereof,

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

Whereas, in accordance with Article 6(1) of Decision No 5/91, the Director of the Centre drew up and submitted to the Executive Board of the Centre a draft annual budget for the financial year 1992;

Whereas the Executive Board, at its meeting on 17 and 18 July 1991, examined that draft, and adopted the draft budget in accordance with Article 6(1) of Decision No 5/91;

Whereas the draft budget was submitted to the Commission which, as regards the contribution requested from the European Development Fund, implemented the Community procedures in force;

Whereas, accordingly, the Committee is able to proceed with final adoption of the budget,

HAS DECIDED:

Sole Article

The budget of the Centre for the financial year 1992, as contained in the Annex hereto, is hereby finally adopted.

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

18. XI. 1991

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

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The Chairmen
Les présidents
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J.P. ROOSEGARDE BTSSHOP

R. EKPANG

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Os Secretarissen

Dr Ghebray BERHANE BJØRNEKÆR





WORK PROGRAMME 1992

BUDGET 1992

ECU Appropriations
1991 1992

ORGANIZATION (TITLE I)

TITLE I - STAFF ORGANIZATION

STAFF COSTS (Chapter II)

Chapter II - STAFF COSTS

Salaries (Art. 111)

Art. 111 - Salaries

2 962 000

3 522 000*

The staff of the Centre, as foreseen in the organizational structure :

Established posts (3 385 000)

1992**	Basic Post/Category	ECU
2	Director/Deputy Director	
7	Technical Advisers 3A	
6	Technical Advisers 3B	
9	Special Duty Officers 4A	
10	Special Duty Officers 4B	
7	Assistants 5A	
15	Secretaries 5B	
56		3 385 000 ***

Local staff force and temporary staff

Local staff force and temporary staff

2 drivers/messengers, 1 receptionist/telephone operator, short-term & temporary staff.

(137 000)

- * Including salary adjustments for cost of living index and purchasing power for the period 1/7/89 - 31/12/91 (not yet received).
- ** The Director is authorized to modify, according to the needs of the organizational structure of the Centre, the number of staff members in the various categories, within the framework of the approved budget. He will inform the Joint Executive Board accordingly.
- *** It has been assumed that all staff will be in place as from 1.1.92. As this assumption will certainly prove optimistic, funds will become available for transfer to article 114 in order to pay the recruitment expenses.

WORK PROGRAMME 1992Provision for adjustment in salaries (Art. 112)

A provision for adjustment in salaries for the six last months of 1992, based on the change of the cost of living and purchasing power during the first six months of 1992, has been calculated. A global rise of 4% has been estimated for 1992.

Social charges (Art. 113)Allowances (Art. 114)

Basic allowances and reimbursable expenses of staff.

Training and development of staff (Art. 115)

The CDI must give its staff the opportunity to adapt to new techniques, such as computers, to improve their knowledge of foreign languages and to acquire new skills in relation to office duties.

* If the recruitment procedure has not been completed in 1991, this provision will not be enough to cover all recruitment expenses. The extra amount needed will be allocated either from unutilized funds from the 1991 budget, or from the 1992 budget by transfer from Article 111 to Article 114 (see remarks on page 3).

BUDGET 1992

- Art. 112 - Provision for adjustment in salaries
 - Adjustment from 01/01/92 up to 30/06/92.

Art. 113 - Social chargesArt. 114 - Allowances

- Education (130,000)
- Transport (2,000)
- Expenses for changes in staff (installation, removal, travel) (38,000)*
- Relocation (p.m.)
- Periodic home leave (175,000)
- Miscellaneous (10,000)

Art. 115 - Training and development of staffECU Appropriations

	<u>1991</u>	<u>1992</u>
Art. 112 - Provision for adjustment in salaries	40 000	45 000
Art. 113 - Social charges	1 261 000	1 467 000
Art. 114 - Allowances	280 000	355 000
Art. 115 - Training and development of staff	40 000	50 000

WORK PROGRAMME 1992

BUDGET 1992

ECU Appropriations

Welfare expenses (Art. 116)

Art. 116 - Welfare expenses

1991 1992

5 000 5 000

In view of the varied nationalities and backgrounds of CDI staff, the Centre, according to the wishes of the Staff Committee wants to contribute towards special events and social activities aimed at integrating staff members and their families and hence contributing to better staff relations.

TOTAL Chapter 11

4 588 000 5 444 000

TOTAL TITLE I

4 588 000 5 444 000

TITLE II - BUILDING, EQUIPMENT AND MISCELLANEOUS EXPENDITURE (FCU 1,190,000)

In order to be able to perform well, the CDD need an adequate infrastructure adapted to fixed objectives and the number of staff recruited.

Title II summarizes the material means necessary to allow staff members to meet their goals; in particular, office space, office equipment, computer system, telecommunication and photocopying facilities.

All this equipment will be put into operation gradually, following the evolution in the staff and the increase in activities.

BUILDING, EQUIPMENT & MISCELLANEOUS EXPENDITURE
(TITLE II)TITLE II - BUILDING, EQUIPMENT & MISCELLANEOUS
EXPENDITURERENTAL OF BUILDING AND INCIDENTAL EXPENDITURE
(Chapter 21)Chapter 21 - RENTAL OF BUILDING AND INCIDENTAL
EXPENDITURE

In view of the rise in the number of staff required by the increased volume of activities, the CDI has been obliged to find additional office space. As the Customs Co-operation Council (CCC) was not in a position to provide this and wished to recover one half of the 11th floor rented by the CDI, the CDI was obliged to rent additional space in a nearby building (budget ECU 250 000 for the rent of additional space + ECU 155 000 to cover the rent payable to CCC).

Rent (Art. 211)

Art. 211 - <u>Rent</u>	460 000	460 000
- Office space (405 000)		
- Archives + garage space (55 000)		

Incidental expenditure (utilities, insurance, etc.)
(Art. 212)

Art. 212 - <u>Incidental expenditure</u> <u>(utilities, insurance, etc.)</u>	111 000	111 000
---	---------	---------

TOTAL Chapter 21	<u>571 000</u>	<u>571 000</u>
------------------	----------------	----------------

WORK PROGRAMME 1992BUDGET 1992ECU Appropriations
1991 1992MOVABLE PROPERTY & INCIDENTAL EXPENDITURE
(Chapter 22)Chapter 22 - MOVABLE PROPERTY & INCIDENTAL
EXPENDITUREPurchase of office machinery and furniture
(Art. 221)Art. 221 - Purchase of office machinery and
furniture

20 000 20 000

Having financed the majority of office equipment from the 1990 budget, only a small allowance was included for unforeseen expenses.

Rental of furniture and equipment (Art. 222)Art. 222 - Rental of furniture and equipment

66 000 79 000

This takes into account the rental/leasing of a new telephone installation (to replace the one that is 9 years old) and the additional demand on telecommunication and photocopying facilities which will result from the development of activities.

Maintenance of furniture and equipment (Art. 223)Art. 223 - Maintenance of furniture and
equipment

50 000 60 000

This takes into account the maintenance of the new computer system financed out of the 1990 budget.

Transport equipment, maintenance, repairs, use
(Art. 224)Art. 224 - Transport equipment, maintenance,
repairs, use

9 000 10 000

Utilization of the computer (Art. 225)Art. 225 - Utilization of the computer

70 000 70 000

The implementation of the new computer system will necessitate additional software development. *

TOTAL Chapter 22

215 000 239 000

* The corresponding hardware and basic software were financed from the 1990 budget.

WORK PROGRAMME 1992

BUDGET 1992

ECU Appropriations
1991 1992

CURRENT ADMINISTRATIVE OPERATIONS (Chapter 23)

Chapter 23 - CURRENT ADMINISTRATIVE OPERATIONS

Stationery and office supplies (Art. 231)

Art. 231 - Stationery and office supplies

45 000

50 000

This provision takes into account the increase in activities.

Postal charges and telecommunications (Art. 232)

Art. 232 - Postal charges and telecommunications

190 000

190 000

In view of the slowness and unreliability of the postal service to ACP countries, the CDI has increased its use of telefax, courier services and telex in 1991. The provision for the 1992 budget remains the same as in 1991.

Bank charges and losses on exchange rates (Art. 233)

Art. 233 - Bank charges and losses on exchange rates

28 000

28 000

The amount provided for under this article was increased in 1991 at the request of the Internal Audit Body. It will remain the same for the 1992 budget.

Other operating expenditures (Art. 234)

Art. 234 - Other operating expenditures

45 000

70 000

The CDI will use free-lance translators only, hence the increase in the provision.

The provision for legal fees takes into account current problems facing the CDI.

- Translation costs (20,000)

- Legal expenses (30,000)

- Other administrative expenses (20,000)

TOTAL Chapter 23

208 000

338 000

HRF PROGRAMME 1992

BUDGET 1992

ECU Appropriations
1991 1992

MISSION EXPENSES, REPRESENTATION AND ENTERTAINMENT
EXPENDITURE (Chapter 24)

Chapter 24 - MISSION EXPENSES, REPRESENTATION
AND ENTERTAINMENT EXPENDITURE

General representation and entertainment expenses
(Art. 241)

Art. 241 - General representation and
entertainment expenses

42 000 42 000

The amount provided for under this article
was increased in 1991. It will remain the same
for the 1992 budget.

TOTAL Chapter 24

42 000 42 000

TOTAL TITLE II

1 136 000 1 190 000

ANNEX II - ACP INTERVENTION PROGRAMME (2014-97% CDB)

Annex II.2

2.1. Object and presentation of the budget

The new structure used in 1991 remains appropriate to the CDI's work programme in the framework of the Convention of 1969 and has therefore been retained. It stresses four main areas:

Chapter 31 is related to the creation and the strengthening of the CDI's ACP and EEC networks.

This Chapter stresses the vital importance of reinforcing the CDI's permanent presence in ACP countries in order to identify and follow up projects, as well as in the EEC to mobilize EEC institutional and entrepreneurial resources for the benefit of ACP projects.

- Chapter 32 covers the need for better identification, evaluation and studies of projects, search for European partners, and assistance to investment projects.

This Chapter aims to produce sound partnerships and project preparation, mobilization of funds and implementation management.

- Chapter 33 allows direct assistance and training to ACP enterprises, technical, marketing and management assistance.

An important aspect of this Chapter is the assistance to pilot projects and to demonstration projects as the preparatory phase to industrial scale operations.

- Chapter 34 is related to missions and Board's expenses. Missions are aimed at identifying and substantiating industrial projects, to ensure the progress of developing projects and to assess the impact of the CDI's interventions.

The policy of strengthening the CDI's antennae and ACP network aims to establish decentralized assistance for projects whereby direct involvement from Brussels would, over time, increasingly concentrate on the crucial phases of the projects' development.

WORK PROGRAMME 1992

ACP INTERVENTIONS PROGRAMME (TITLE VII)

ACP/EEC NETWORK - EXTERNAL RELATIONS (CHAPTER 31)

Creation and strengthening of ACP network and assistance to ACP institutions (Art. 311)

The CDI maintains a network of contacts in ACP States that provides country information and assists in identifying, substantiating and following projects.

Each country has one or more privileged contacts that act as an active arm of the CDI, the CDI contributes towards the infrastructure costs and out-of-pocket expenses of the antennae; for example, when they promote CDI or assist CDI missions. The selection and strengthening of this network require familiarization, training and supervision of the representatives to ensure a high level of service.

The CDI provides specific assistance to new and existing financial and technical institutions, including assistance to DFCs to improve their project identification and evaluation. Elaboration of the project profiles on the basis of ACP cooperation offers.

BUDGET 1992

TITLE VII - ACP INTERVENTIONS PROGRAMME

Chapter 31 - ACP/EEC NETWORK - EXTERNAL RELATIONS

Art. 311 - Creation and strengthening of ACP network and assistance to ACP institutions

Promotion of the CDI in ACP States, support to missions and network costs.

Familiarisation, training and supervision of representatives - regional antennae meetings held locally or at the CDI.

Specific assistance to ACP institutions.

ECU Appropriations

1991 1992

416 000 466 000

(202 000)

(102 000)

(162 000)

Creation and strengthening of EEC network,
mobilization of EEC institutional
resources (Art. 312)

The CDI intends to reinforce and increase its network of cooperating institutions in Europe, at both national and regional level. This effort is intended to mobilize further cooperation, including co-financing operations, from both institutions and enterprises, so that there is an efficient framework for promoting industrial projects in ACP countries.

Meetings will be held in Europe to inform institutions and enterprises about CDI activities and opportunities in ACP countries. The CDI will cover preparation and participation costs related to such meetings, together with cooperating institutions whenever possible.

In its efforts to Mobilize EEC Interest in ACP investment and industrial cooperation, the CDI assists in putting forward EEC proposals to ACP sponsors. An effort in this field will be sustained and improved in thematic approach, involving special and sectoral surveys and short-term contracts for sectoral experts. Such action may be co-financed by cooperating agencies.

BUDGET 1992

EEC Appropriations
1991 1992

Art. 312 - Creation and strengthening
of EEC network, Mobilization
of EEC institutional
resources

256 000 256 000

- Information meetings (56 000)

- Mobilization of interest (96 000)

WORK PROGRAMME 1992

It is intended to elaborate STANDARD PROJECT PROFILES on the basis of EEC enterprises' cooperation offers, with valid technology and perspectives for involvement in various partnerships in ACP investments.

SPECIALIZED WORKSHOPS or FOIA will be organized in ACP or EEC countries, whenever possible with EEC cooperating institutions, based on special sectoral, national or regional interest. Costs of preparing such meetings are covered here, but costs related to travel are covered in Article 322.

BUDGET 1992

- Standard project profiles

(64 000)

Specialized workshops

(40 000)

ECU Appropriations

1991

1992

WORK PROGRAMME 1992

External communications and publications (Art. 313)

Media activities are aimed at target audiences to reinforce efforts to attract projects, partners, investment and cooperation, as well as inspiring trust and confidence in the CDI's operations.

The methods to be used include a newsletter (with mailing list), brochures and other literature, space in external publications, the annual report and visual aids (including video), exhibition stands, publicity in ACP and EEC countries and regions, contacts with journalists and other relevant groups.

BUDGET 1992

Art. 313 - External communications
and publications

ECU appropriations
1991 1992

160 000 160 000

TOTAL Chapter 31

832 000

882 000

WORK PROGRAMME 1992

BUDGET 1992

ECU Appropriations
1991 1992

PROJECT IDENTIFICATION, EVALUATION, STUDIES AND PREPARATION (Chapter 32)

Chapter 32 - PROJECT IDENTIFICATION, EVALUATION, STUDIES AND PREPARATION

Identification and evaluation of projects (Art. 321)

Art. 321 - Identification and evaluation of projects

400 000

430 000

A main task of the CDI is to identify, select and substantiate industrial projects, both new and existing, with sponsors with the capacity to implement the projects. These tasks are undertaken by external or preferably local experts possibly on short term contract, under the supervision of CDI staff. In addition, projects having received or receiving current assistance require follow-up and evaluation to ensure best use is made of resources.

Identification and substantiation, of industrial projects in ACP States (210 000).

In-depth pre-evaluation of project proposals up to intervention and ex-post evaluation (220 000).

Search for European partners (Art. 322)

Art. 322 - Search for European partners

80 000

80 000

Mobilization of EEC entrepreneurial resources for ACP projects and promotion of ACP projects will continue to involve identification of EEC partners and follow-up in Europe. The cooperation of EEC cooperating institutions will be increasingly sought in this context, but specific costs (e.g. utilization of consultants for specific partner searches) will continue to be covered by the CDI.

WORK PROGRAMME 1992BUDGET 1992

<u>ECU Appropriation</u>	
<u>1991</u>	<u>1992</u>

Travel assistance to promoters and industrialists (Art. 323)

Missions of industrialists to their partners' countries are a useful and efficient way of fostering understanding between partners and of allowing basic principles of cooperation to be agreed early on in a potential partnership. The CCI contributes towards the travel costs to bring the partners together. Meetings may take place in Europe or in ACP States. Similarly, contacts may be arranged to bring together ACP project sponsors.

Art. 323 - Travel assistance to promoters and industrialists

By project sponsors travelling to meet or negotiate with potential partners (200 000)

By project sponsors travelling to meet actual partners for financial cooperation and for the negotiations (100 000)

Intra-ACP partners (80 000)

400 000

380 000

Assistance through expertise and studies, and help for mobilization of funds (Art. 324)

(New projects, rehabilitation/privatization, diversification, expansion)

Art. 324 - Assistance through expertise and studies, and help for mobilization of funds

688 000

718 000

WORK PROGRAMME 1992

BUDGET 1992

ECU Appropriations
1991 1992

(a) Expertise, evaluation for restoration of enterprises

Technical/economic/commercial/legal analysis of existing enterprises with a view to rehabilitation investments, comprising in particular assessments for privatization and restructuring plans. Expertise of second-hand equipment.

Expertise

(120 000)

(b) Pre-feasibility and feasibility studies

Partial studies to determine essential components for a potentially viable project (market studies, technical/material appraisals, etc.)

Pre-feasibility and feasibility studies

(366 000)

Comprehensive feasibility studies on the basis of sound and promising project proposals, critically assessed and selected.

Financial analysis and further elaboration of bankable documents on the basis of investment proposals received with already largely completed studies, with a view to presenting solid and concise project dossiers to finance institutions.

(c) Assistance for mobilization of funds and finance negotiations

Accompanying assistance to promoters with completed and viable investment dossiers for their negotiations with shareholders and loan finance sources.

This including production of appropriate manual and documents.

Finance negotiations

(80 000)

(d) Assistance with partnership agreements, contracts, legal negotiations

Assistance to evaluate, from a contractual point of view, agreements to be signed between ACP businessmen and EEC companies: equipment supply contract, management, marketing, technical assistance agreements.

Assistance with partnership

(48 000)

Assistance to mediate within the framework of: licensing, franchising, joint venture agreements, and the respective preliminary steps, this including production of appropriate documents.

Assistance to solve legal matters between parties when embarked upon the launching of industrial activities.

WORK PROGRAMME 1992

BUDGET 1992

ECU Appropriation
1991 1992

(c) Project management assistance before production

Project management assistance (96,000)
before production

Assistance to projects after reaching the stage where finance has been secured, and promoters are technically in agreement; assistance will allow the co-financing of the cost of a Project Implementation Manager in charge of matters of a very different nature, e.g. relations with fiscal, customs, and central bank activities, equipment suppliers, notaries and incorporation, transport, insurance, recruitment, etc. The assistance must be provided until a permanent management is established.

Documentation (Art. 325)

Art. 325 - Documentation

Purchase of books and periodicals

Purchases (books, (20 000)
periodicals)

48 000 48 000

Identification of and access to sources of industrial information; maintenance of access to on-line services.

Information services and
on-line connections with
data banks (78 000)

TOTAL Chapter 32

1 616 000 1 656 000

1992 PROGRAMME 1992

ASSISTANCE TO ENTERPRISES (Chapter 33)

Direct assistance to enterprises (Art. 331)

Start-up assistance including training,
transfer of technology, technical assistance.

Marketing assistance: preparation and implementation
of marketing strategy aiming at the commercialization
of ACP manufactured products on local and export markets.

Management assistance.

Emergency interventions and short-term technical
assistance.

Training assistance including seminars.

BUDGET 1992

Chapter 33 - ASSISTANCE TO ENTERPRISES

Art. 331 - Direct assistance to enterprises

Start-up assistance (368 000)

Marketing assistance (240 000)

Management assistance (160 000)

Emergency interventions (280 000)

Training assistance (160 000)

ECU Appropriation:

1992 1992

1 248 000 1 248 000

WORK PROGRAMME 1992

Assistance to pilot and demonstration projects
(Art. 332)

Assistance to pilot and demonstration projects as
preceeding phase to industrial scale operations.

BUDGET 1992

Art. 332 - Assistance to pilot
and demonstration projects

TOTAL Chapter 33

ECU Appropriations
1991 1992

240 000 240 000

1 488 000 1 688 000

	1972	ECU Appropriations	
		1971	1972
MISSIONS AND TRAVEL TO ACP STATES (GO. 010. 36)			
Chapter 34 - <u>Missions and Executive Board Expenses</u>			
<u>Directorate and staff missions (Art. 341)</u>			
In order to undertake the identification and substantiation of industrial projects in both ACP, EEC contexts and directorate, CDI staff travel to the regions.	Directorate and staff missions to EEC States (80 000)	360 000	360 000
Missions are equally required to ensure the progress of developing projects and to assess the impact of CDI interventions.	Directorate and staff missions to ACP States (280 000)		
In addition, missions are required to build and maintain ACP and EEC networks and to promote the image of the CDI.			
<u>Joint Executive Board and Internal Audit Body (Art. 342)</u>			
Art. 342 - <u>Joint Executive Board and Internal Audit Body</u>		190 000	190 000
Six meetings of the Board are provided for, in accordance with the Convention. It is foreseen that one or two meetings of the Board will be held in an ACP country.	Joint Executive Board (145 000)		
	Internal Audit Body (45 000)		
	TOTAL Chapter 34	<u>550 000</u>	<u>550 000</u>
	TOTAL TITLE III	<u>4 486 000</u>	<u>4 576 000</u>

SUMMARY OF APPROPRIATIONS
IN ECUS

	<u>ECU Appropriations</u>	
	<u>1991</u>	<u>1992</u>
<u>TITLES I AND II</u>		
<u>Staff and infrastructure expenditure</u> (intervention and administrative expenses)	5 724 000	6 634 000
TITLE I (5 444 000)		
TITLE II (1 190 000)		
<u>TITLE III</u>		
<u>Specific intervention expenditure</u>	4 486 000	4 576 000
 <u>GRAND TOTAL EXPENDITURE</u>	 <u>10 210 000</u>	 <u>11 210 000</u>
	 <u>REVENUE</u>	
	<u>1991</u>	<u>1992</u>
a) Contribution from the European Development Fund	10 000 000	11 000 000
b) Revenue (estimates), in particular tax on salaries :		
- tax on salaries (160 000)	210 000	210 000
- other revenue (50 000)		
 <u>GRAND TOTAL REVENUE</u>	 <u>10 210 000</u>	 <u>11 210 000</u>

TIMEABLE FOR THE PAYMENT OF REVENUE

IN ECU

1/01/91	2 000 000
1/03/91	1 500 000
1/05/91	2 000 000
1/07/91	1 500 000
1/09/91	2 000 000
1/11/91	1 500 000
1/01/92	500 000
BALANCE
<u>TOTAL</u>	11 000 000

I — ACP-EEC Acts

6. Subcommittee for Cooperation on Agricultural and Rural Development

DECISION No 1/91
OF THE ACP-EEC SUBCOMMITTEE FOR CO-OPERATION
ON AGRICULTURAL AND RURAL DEVELOPMENT
of 17 December 1991

concerning the adjustment of the remuneration
and tax brackets referred to in Article 3(2)
of Decision No 4/86 of the ACP-EEC Committee of Ambassadors
laying down the conditions of employment of the staff
of the Technical Centre for Agricultural and Rural Co-operation

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

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

Having regard to Decision No 2/86 of the ACP-EEC Committee of Ambassadors of
24 March 1986 laying down the rules of operation of the Technical Centre for
Agricultural and Rural Co-operation, and in particular Article 5 thereof,

Whereas, under the third paragraph of Article 27 of Decision No 4/86 of the ACP-EEC Committee of Ambassadors of 24 March 1986 laying down the arrangements applicable to the staff of the Technical Centre for Agricultural and Rural Co-operation, the ACP-EEC Subcommittee may decide, on a proposal from the Director of the Centre, to adjust the remuneration laid down in Article 3 in order to take account of trends in the cost of living and in purchasing power;

Whereas Decision No 2/87 of the ACP-EEC Committee of Ambassadors of 7 December 1987 supplementing Decision No 4/86 laid down the salary scale and tax brackets of the staff of the Centre and the conditions and procedure for applying the tax for the benefit of the Centre with effect from 1 July 1986;

Whereas Decision No 2/88 of the ACP-EEC Committee of Ambassadors fixed in Netherlands guilders the salary scale and tax brackets of the staff of the Centre;

Whereas the Director of the Centre has made proposals for adjusting remuneration to take account of trends in the cost of living in the Netherlands and in purchasing power in the European Community;

Whereas the figures drawn up by the Statistical Office of the European Communities which are used as a basis for calculating adjustments in the remuneration of officials of the European Communities entail adjustment of the remunerations of the staff of the Centre as laid down in Article 1 of Decision No 2/88,

HAS DECIDED AS FOLLOWS:

Article 1

With effect from 1 July 1988 the remuneration and tax brackets referred to in Article 1 of Decision No 2/88 shall be increased by 3,7%.

Article 2

With effect from 1 July 1989 the remuneration and tax brackets referred to in Article 1 of Decision No 2/88 shall be increased by 4,3%.

Article 3

With effect from 1 July 1990 the remuneration and tax brackets referred to in Article 1 of Decision No 2/88 shall be increased by 9,6%.

Article 4

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

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

17. XII. 1991

Por el Subcomité de Cooperación para el Desarrollo Agrícola y Rural ACP-CEE
AVS/EØF-Underudvalget for samarbejde om Landbrugsudvikling og udvikling i
Landdistrikterne

In Namen des AKP-EMG-Unterausschusses für Zusammenarbeit in der
landwirtschaftlichen und ländlichen Entwicklung

Για την Υποεπιτροπή Γεωργικής και Αγροτικής Συνεργασίας ΑΚΕ-ΕΟΚ
For the ACP-EEC Subcommittee for Co-operation of Agricultural and Rural
Development

Par le sous-comité ACP-CEE de coopération agricole et rurale
Per il Sottocomitato di cooperazione agricola e rurale ACP-CEE
Voor het ACS-EEG-Subcomité voor samenwerking op het gebied van landbouw- en
plattelandsontwikkeling

Pelo Subcomité ACP-CEE de Cooperação Agrícola e Rural

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

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Ph. SOUBESTRE

Los Secretarios

Sekretærene

Die Sekretäre

Οι Γραμματείς

The Secretaries

Les Secrétaires

I Segretari

De Secretarissen

Os Secretários



Dr Ghebray BERHANE E. BOHREKAR

**DECISION No 2/91
OF THE ACP-EEC SUBCOMMITTEE FOR CO-OPERATION
ON AGRICULTURAL AND RURAL DEVELOPMENT
of 17 December 1991**

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

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

Having regard to the Fourth ACP-EEC Convention signed in Lomé on
15 December 1989 hereinafter referred to as "the Convention", and in
particular Article 53(5) thereof,

Having regard to Decision No 1/91 of the ACP-EEC Committee of Ambassadors of 19 April 1991 on the rules of operation of the Technical Centre for Agricultural and Rural Co-operation, and in particular Article 8 thereof,

Having regard to Decision No 2/91 of the ACP-EEC Committee of Ambassadors of 19 April 1991 adopting the Financial Regulation of the Technical Centre for Agricultural and Rural Co-operation, and in particular Article 24 thereof,

Whereas the Subcommittee for Co-operation on Agricultural and Rural Development is required to appoint on a joint basis two auditors who shall jointly carry out their duties as laid down in Article 24 of Decision No 2/91 of the ACP-EEC Committee of Ambassadors;

Whereas the Community on the one hand and the ACP States on the other have each given the names of the persons they propose to carry out the duties of auditor and whereas each Party has agreed to the other's proposals,

HAS DECIDED AS FOLLOWS:

Article 1

Mr José HEUSGHEM and Mr Vasdev HASSAMAL are hereby appointed to carry out jointly the duties of auditors of the Technical Centre for Agricultural and Rural Co-operation, the appointment being subject to review by either Party during the period of application of the Convention.

Article 2

The appointment referred to in Article 1 shall take effect on the day of its adoption.

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17. XII. 1991

Por el Subcomité de Cooperación para el Desarrollo Agrícola y Rural ACP-CEE
AVS/EBF-Underudvalget for samarbejde om Landbrugsudvikling og udvikling i
Landdistrikterne

Im Namen des AKP-EMG-Unterausschusses für Zusammenarbeit in der
landwirtschaftlichen und ländlichen Entwicklung

Για την Υποεπιτροπή Γεωργικής και Αγροτικής Συνεργασίας ΑΚΕ-ΕΟΚ
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Pelo Subcomité ACP-CEE de Cooperação Agrícola e Rural

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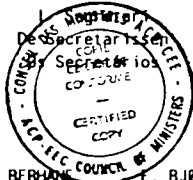
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Die Sekretäre

Οι Γραμματείς

The Secretaries

Les Secrétaires



DECISION No 3/91
OF THE ACP-EEC SUBCOMMITTEE FOR CO-OPERATION
ON AGRICULTURAL AND RURAL DEVELOPMENT
of 17 December 1991

giving a discharge to the Director of the
Technical Centre for Agricultural and Rural Co-operation
in respect of the implementation of the Centre's budget
for the financial year 1989

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

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on
15 December 1989, and in particular Article 53(5) thereof,

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

Having regard to Decision No 2/91 of the ACP-EEC Committee of Ambassadors of 19 April 1991 adopting the Financial Regulation of the Centre, and in particular Article 24 thereof,

Having regard to the Centre's balance sheet for the financial year 1989 drawn up on 31 December 1989,

Having regard to the Auditors' Report on the accounts for the financial year 1989,

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

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

Whereas revenue for the financial year 1989 consisted principally of a contribution from the European Development Fund amounting to ECU 5 360 000;

Whereas the Director's overall implementation of the Centre's budget during the financial year 1989 was such that he should be given a discharge in respect of the implementation of that budget,

HAS DECIDED AS FOLLOWS:

Article 1

The Subcommittee hereby adopts the balance sheet of the Centre as at 31 December 1989 showing the amount of ECU 1 561 870 for both revenue and expenditure.

Article 2

The Subcommittee hereby gives a discharge to the Director of the Centre in respect of the implementation of the Centre's budget for the financial year 1989.

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Dr Ghebray BERNARD - COUNCIL OF MINISTERS - B. JORNEKER



II — Transitional measures (ACP-EEC and Communities)

COUNCIL REGULATION (EEC) No 524/91
of 27 February 1991

on the application of Decision No 1/91 of the ACP-EEC Council of Ministers
extending Decision No 2/90 on transitional measures to be applied from
1 March 1990

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

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

Whereas the Fourth ACP-EEC Convention signed at Lomé on 15 December 1989 has not yet entered into force;

Whereas Decision No 2/90 of the ACP-EEC Council of Ministers is valid only until 28 February 1991;

Whereas Decision No 1/91 of the ACP-EEC Council of Ministers extended the validity of that Decision until the entry into force of the Fourth ACP-EEC Convention or 30 June 1991, whichever is the earlier;

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

Done at Brussels, 27 February 1991.

Whereas it is necessary to take the measures to implement the said Decision No 1/91,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 1/91 of the ACP-EEC Council of Ministers shall be applicable in the Community from 1 March 1991 until the Fourth ACP-EEC Convention enters into force or until 30 June 1991, whichever is the earlier, without prejudice to more favourable arrangements for imports of ACP products to be adopted unilaterally by the Community.

The text of that Decision is attached to this Regulation.

Article 2

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

It shall apply with effect from 1 March 1991.

For the Council

The President

J.-C. JUNCKER

⁽¹⁾ Opinion delivered on 22 February 1991 (not yet published in the Official Journal).

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1907/91

of 17 June 1991

on the application of Decision No 8/91 of the ACP-EEC Council of Ministers extending Decision No 2/90 on transitional measures to be applied from 1 March 1990

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

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

Whereas the Fourth ACP-EEC Convention signed at Lomé on 15 December 1989 has not yet entered into force;

Whereas Decision No 2/90 is valid only until 28 February 1991 and the extension thereof, accorded by Decision No 1/91, will expire on 30 June 1991;

Whereas Decision No 8/91 extended that validity until the entry into force of the Fourth ACP-EEC Convention or 30 September 1991, whichever is the earlier;

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

Done at Luxembourg, 17 June 1991.

For the Council

The President

J. F. POOS

Whereas it is necessary to take the measures to implement that Decision,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 8/91 of the ACP-EEC Council of Ministers extending Decision No 2/90 on transitional measures to be applied from 1 March 1990 shall be applicable in the Community from 1 July 1991 until the entry into force of the Fourth ACP-EEC Convention or until 30 September 1991, whichever is the earlier, without prejudice to more favourable arrangements for imports of ACP products to be adopted autonomously by the Community.

The text of the Decision is attached to this Regulation.

Article 2

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

It shall apply with effect from 1 July 1991.

⁽¹⁾ Opinion delivered on 14 June 1991 (not yet published in the Official Journal).

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

INTERNAL AGREEMENT

on the measures and procedures required for implementation of the fourth ACP-EEC Convention

(91/402/EEC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN ECONOMIC COMMUNITY, MEETING IN THE COUNCIL,

Having regard to the Treaty establishing the European Economic Community (hereinafter called 'the Treaty') and the Fourth ACP-EEC Convention signed at Lomé on 15 December 1989, (hereinafter called 'the Convention'),

Whereas the representatives of the Community will have to adopt common positions in the Council of Ministers provided for by the Convention (hereinafter called 'the Council of ACP-EEC Ministers'); whereas, moreover, implementation of the decisions, recommendations and opinions of this Council may require, as the case may be, action by the Community, joint action by the Member States or action by a Member State;

Whereas, therefore, it is necessary for the Member States to specify the conditions for determining, in the fields for which they are competent, the common positions to be adopted by the representatives of the Community within the Council of ACP-EEC Ministers; whereas, in the same fields, it will also be for them to take the measures implementing such decisions, recommendations and opinions of that Council as may require joint action by the Member States or action by a Member State;

Whereas provision should, likewise, be made for the Member States to communicate to one another and to the Commission any treaty, convention, agreement or arrangement and any part of a treaty, convention, agreement or arrangement which concerns matters dealt with in the Convention and which has been, or will be, concluded between one or more Member States and one or more ACP States;

Whereas procedures should also be laid down whereby Member States may settle any disputes which may arise between them with regard to the Convention;

After consulting the Commission,

HAVE AGREED AS FOLLOWS:

Article 1

1. The common position to be supported by the representatives of the Community in the Council of ACP-EEC Ministers when the latter considers matters for which the Member States are competent shall be adopted by the Council, acting unanimously after consulting the Commission.

2. Where, pursuant to Article 345 of the Convention, the Council of ACP-EEC Ministers envisages delegating to the Committee of Ambassadors provided for by the Convention the power to take decisions or put forward recommendations or opinions in the fields for which the Member States are competent, the common position shall be adopted by the Council, acting unanimously after consulting the Commission.

3. Common positions which the representatives of the Community support in the Committee of Ambassadors shall be adopted in the same manner as those laid down in paragraph 1.

Article 2

1. Decisions and recommendations adopted by the Council of ACP-EEC Ministers in the fields for which the Member States are competent shall be implemented by acts adopted by the latter.

2. Paragraph 1 shall also apply in respect of decisions and recommendations adopted by the Committee of Ambassadors pursuant to Article 346 of the Convention.

Article 3

Any treaty, convention, agreement or arrangement, or any part of a treaty, convention, agreement or arrangement, of whatever form or nature, which has been, or will be, concluded between one or more Member States and one or more ACP States and which concerns matters dealt with in the Convention, shall be communicated at the earliest opportunity by the Member State or States concerned to the other Member States and to the Commission.

At the request of a Member State or of the Commission, any texts so communicated shall be discussed by the Council.

Article 4

1. Any Member States having concluded with any ACP State a treaty, convention, agreement or arrangement or part of a treaty, convention, agreement or arrangement concerning investment promotion and protection, whether or not before entry into force of this Agreement, shall communicate the text at the earliest opportunity to the General Secretariat of the Council, which shall inform the other Member States and the Commission.

2. Any Member State contemplating concluding with an ACP State a treaty, convention, agreement or arrangement or part of a treaty, convention, agreement or arrangement concerning investment promotion and protection may communicate its intention to the other Member States and the Commission through the General Secretariat of the Council.

3. At the request of any interested Member State, exchanges of views may take place within the Council on the basis of the communications referred to in paragraphs 1 and 2. A Member State which has started negotiations that have been the subject of such exchanges of views shall communicate to the other Member States and the Commission through the General Secretariat of the Council any further information of use to them. At the conclusion of the negotiations it shall communicate to them in the same manner the initialled text of the agreement reached as a result of the negotiations.

Article 5

Should a Member State consider it necessary to invoke Article 352 of the Convention in matters for which the Member States are competent, it shall first consult the other Member States.

If the Council of ACP-EEC Ministers has to reach a decision on the action by the Member State referred to in the first paragraph, the position put forward by the Community shall be that of the Member State concerned, unless the representatives of the Governments

of the Member States, meeting in the Council, decide otherwise.

Article 6

Disputes arising between Member States concerning the Convention, the Protocols attached thereto or the Internal Agreements signed for implementation of the Convention shall, at the request of the earliest petitioner, be submitted to the Court of Justice of the European Communities in the manner laid down in the Treaty and in the Protocol on the Statute of the Court of Justice annexed to the Treaty.

Article 7

The representatives of the Governments of the Member States, meeting in the Council, may at any time, after consulting the Commission, amend or supplement this Agreement.

Article 8

This Agreement shall be approved by each Member State in accordance with its own constitutional requirements. The government of each Member State shall notify the General Secretariat of the Council of the completion of the procedures required for the entry into force of the Agreement.

Provided that the provisions of the first paragraph have been complied with, this Agreement shall enter into force at the same time as the Convention⁽¹⁾. It shall remain in force for the duration of that Convention.

Article 9

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, all nine texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council, which shall transmit a certified copy to each of the governments of the Signatory States.

⁽¹⁾ The date of entry into force of the accord will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

Hecho en Bruselas, el dieciséis de julio de mil novecientos noventa.

Udfærdiget i Bruxelles, den sekstende juli nitten hundrede og halvfems.

Geschehen zu Brüssel am sechzehnten Juli neunzehnhundertneunzig.

Έγινε στις Βρυξέλλες, στις δέκα έξι Ιουλίου χίλια εννιακόσια ενενήντα.

Done at Brussels on the sixteenth day of July in the year one thousand nine hundred and ninety.

Fait à Bruxelles, le seize juillet mil neuf cent quatre-vingt-dix.

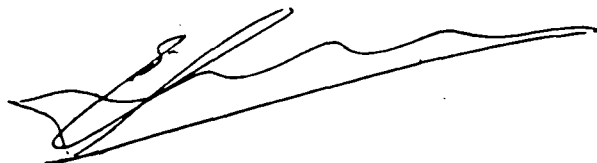
Fatto a Bruxelles, addì sedici luglio millenovecentonovanta.

Gedaan te Brussel, de zestiende juli negentienhonderd negentig.

Feito em Bruxelas, em dezasseis de Julho de mil novecentos e noventa.

Pour Sa Majesté le roi des Belges


Voor Zijne Majesteit de Koning der Belgen

A large, stylized handwritten signature in black ink, likely belonging to the Belgian King, positioned below the text for the Belgian monarch.

For Hendes Majestæt Danmarks Dronning

A handwritten signature in black ink, likely belonging to the Danish Queen, positioned below the text for the Danish monarch.

Für den Präsidenten der Bundesrepublik Deutschland

A handwritten signature in black ink, likely belonging to the German President, positioned below the text for the German president.

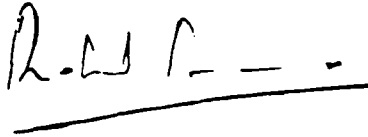
Για τον Πρόεδρο της Ελληνικής Δημοκρατίας

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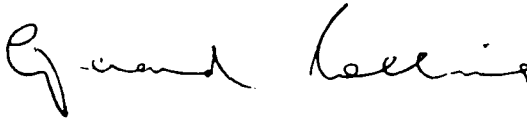
Por Su Majestad el Rey de España

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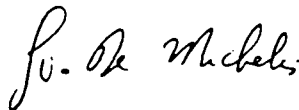
Pour le président de la République française

A handwritten signature in black ink, featuring a large initial 'R' and a long horizontal line.

For the President of Ireland

A handwritten signature in black ink, written in a cursive style.

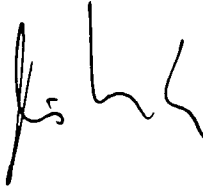
Per il Presidente della Repubblica italiana

A handwritten signature in black ink, written in a cursive style.

Pour Son Altesse Royale le grand-duc de Luxembourg

A handwritten signature in black ink, consisting of a tall, narrow vertical stroke followed by a series of connected loops and a horizontal tail.

Voor Hare Majesteit de Koningin der Nederlanden

A handwritten signature in black ink, featuring a large, stylized initial 'K' followed by several loops and a horizontal tail.

Pelo Presidente da República Portuguesa

A handwritten signature in black ink, appearing to read 'João Balsemão' with a long horizontal line underneath.

For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

A handwritten signature in black ink, appearing to read 'Douglas Hurd' with a long horizontal line underneath.

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

A — Trade

(a) Agricultural products

COUNCIL REGULATION (EEC) No 297/91
of 4 February 1991

amending Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries or territories (OCT) to take into account the accession of Namibia to the fourth ACP-EEC Convention

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 715/90⁽²⁾ lays 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 or territories;

Whereas by its Decision No 4/90 of 23 November 1990, the ACP-EEC Council of Ministers added Namibia to the States signatory to the fourth ACP-EEC Convention;

Whereas, under Protocol 7 to the Convention, the said Decision provides for the allocation of an annual quota of beef and veal to Namibia;

Whereas the list in Annex 1 to Regulation (EEC) No 715/90 should be amended accordingly and an addition made to Title 1 thereof,

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

Done at Brussels, 4 February 1991.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 715/90 is hereby amended as follows:

1. 'Namibia' is added to the list in Annex 1.
2. The following Article is added to Title 1:

'Article 4a

1. Article 3 shall apply to Namibia in respect of the following quantities of boneless meat:

for the first and second calendar years: 10 500 tonnes,
for the third, fourth and fifth calendar years: 13 000 tonnes.

2. Article 4 (2) and (3) shall also apply to Namibia. For the purposes of applying these provisions, the quantities referred to in paragraph 1 of this Article shall be added to the sum referred to in Article 4 (2) and (3).'

Article 2

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

It shall apply with effect from 1 January 1991.

For the Council

The President

J. F. POOS

⁽¹⁾ O) No L 323, 29. 11. 1980, p. 1

⁽²⁾ O) No L 84, 30. 3. 1990, p. 85.

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 523/91
of 27 February 1991**

extending the validity of Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 715/90⁽¹⁾, as amended by Regulation (EEC) No 297/91⁽²⁾, and in particular Article 31 thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 715/90 is to apply only until 28 February 1991;

Whereas it is not certain that the fourth ACP-EEC Convention, signed at Lomé on 15 December 1989, and the Decision which is to be substituted for Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community⁽³⁾ will have entered into force by that date; whereas, in order to avoid a break in continuity

of trade, the validity of the Regulation in question should therefore be extended beyond 28 February 1991,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 31 of Regulation (EEC) No 715/90, '28 February 1991' shall be hereby replaced by '29 February 1992'.

Article 2

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

It shall apply with effect from 1 March 1991.

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

Done at Brussels, 27 February 1991.

For the Council
The President
J.-C. JUNCKER

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 36, 8. 2. 1991, p. 9.

⁽³⁾ OJ No L 175, 1. 7. 1986, p. 1.

COMMISSION REGULATION (EEC) No 1474/91

of 31 May 1991

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1991/92)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or the overseas countries and territories⁽¹⁾, extended by Regulation (EEC) No 523/91⁽²⁾, and in particular Articles 15, 16 and 27 thereof,

Whereas Articles 15 and 16 of Regulation (EEC) No 715/90 provide for the opening by the Community of quotas for imports of the following :

- 2 000 tonnes of tomatoes, other than cherry tomatoes falling within CN codes ex 0702 00 10, for the period 15 November to 30 April,
- 2 000 tonnes of cherry tomatoes, falling within CN code ex 0702 00 10, for the period 15 November to 30 April,
- 200 tonnes of fresh figs falling within CN code ex 0804 20 10, for the period 1 November to 30 April,
- 1 500 tonnes of fresh strawberries falling within CN code ex 0810 10 90, for the period 1 November to 29 February;

Whereas within the limits of these tariff quotas, customs duties are phased out progressively;

- during the same periods and in accordance with the same timetables provided for in Articles 75 and 268 of the Act of Accession of Spain and Portugal, concerning the tariff quotas for chilled tomatoes, fresh figs and, strawberries,
- by 60 % of the said duties concerning the tariff quota in relation to tomatoes other than cherry tomatoes and that these maximal reduction rates shall be applied from the moment of entry into force of the present Regulation ;

Whereas under Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Community⁽³⁾, the abovementioned tariff concession will apply in Spain and in Portugal ; whereas within the limits of their tariff quotas Spain and Portugal apply customs duties calculated in accordance with the abovementioned protocol to the third ACP-EEC Convention ;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and that the rates laid down for those quotas should apply consistently to all imports of the products concerned into all Member States until the quotas have been used up ; whereas, in the present case, it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedures specified in Article 3 ;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the quotas may be carried out by any of its members ;

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

HAS ADOPTED THIS REGULATION :

Article 1

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

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽³⁾ OJ No L 172, 30. 6. 1987, p. 1.

Order No	CN code (*)	Description	Amount of quota (tonnes)	Quota duty (%)
09.1601	ex 0702 00 10	Tomatoes, fresh or chilled, from 15 November 1991 to April 1992	2 000	4,4 min 0,8 ECU/100 kg/net
09.1613	ex 0702 00 10	Cherry tomatoes, fresh or chilled from 15 November 1991 to 30 April 1992	2 000	— from 15 November to 31 December 1991 : 3,6 min 0,6 ECU/100 kg/net — from 1 January to 29 February 1992 : 0,2 ECU/100 kg/net (*) — from 1 March to 30 April 1992 : 2,4 min 0,4 ECU/100 kg/net
09.1608	ex 0804 20 10	Fresh figs, from 1 November 1991 to 30 April 1992	200	— from 1 November to 31 December 1991 : 2,2 — from 1 January to 30 April 1992 : 0
09.1603	ex 0810 10 90	Fresh strawberries, from 1 November 1991 to 29 February 1992	1 500	— from 1 November to 31 December 1991 : 5,6 — from 1 January to 29 February 1992 : 5,0

(*) Tarrif codes appear in the Annex

(†) This specific customs duty is only levied when it exceeds 2 % *ad valorem*

2. From that date and within the limits of the tariff quotas Spain and Portugal shall apply customs duties calculated in accordance with the Protocol to the third ACP-EEC Convention consequent on the Accession of Spain and Portugal to the European Communities.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer preserves an entry for release for free circulation in a Member State in respect of a product covered by this Regulation, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to requirements from the quota.

Requests for drawings, indicating the data on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries

for release for free circulation to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota as soon as possible.

If the quantities requested are greater than the available balance of the quota, the balance shall be allocated among applicants *pro rata*. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quotas so permits.

Article 5

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

Article 6

This Regulation shall enter into force on 1 November 1991.

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

Done at Brussels, 31 May 1991.

For the Commission
Christiane SCRIVENER
Member of the Commission

ANNEX

Taric codes (*)

Order No	CN code	Taric code
09.1601	ex 0702 00 10	0702 00 10 ' 29 0702 00 10 ' 39 0702 00 10 ' 49 0702 00 10 ' 59 0702 00 10 ' 69 0702 00 10 ' 79 0702 00 10 ' 84
09.1613	ex 0702 00 10	0702 00 10 ' 21 0702 00 10 ' 31 0702 00 10 ' 41 0702 00 10 ' 51 0702 00 10 ' 61 0702 00 10 ' 71 0702 00 10 ' 81
09.1608	ex 0804 20 10	0804 20 10 ' 10 0804 20 10 ' 20 0804 20 10 ' 30
09.1603	ex 0810 10 90	0810 10 90 ' 30

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

COMMISSION REGULATION (EEC) No 1475/91

of 31 May 1991

on the arrangements applicable to agricultural products subject to reference quantities and originating in the African Caribbean and Pacific States or in the overseas countries and territories (1991/92)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 71/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽¹⁾, extended by Regulation (EEC) No 523/91⁽²⁾, and in particular Articles 16 and 27 thereof,

Whereas Article 16 of Regulation (EEC) No 715/90 stipulates for certain agricultural products, covered by that Regulation and originating in those countries, the progressive reduction, subject to reference quantities laid down within a set timetable, of the customs duties;

Whereas, under the provisions of Council Regulation (EEC) No 486/85⁽³⁾, as last amended by Regulation (EEC) No 3530/89⁽⁴⁾, when the rate of customs duty applied to imports into the Community of Ten of a product subject to a reference quantity is lower than that applying in respect of Spain, Portugal or both of these Member States, the process of dismantling begins once duty on imports of that product originating in Spain and Portugal falls below that applied to imports of the product in question from the other countries; whereas, for this reason, the Annex to this Regulation lists only products in respect of which tariff dismantling begins or continues in 1991;

Whereas by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention⁽⁵⁾ consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities, the said reference quantities shall be applied in Spain and Portugal;

Whereas, in order to enable the competent authorities within the Commission to establish an annual trade balance sheet for each of the products and, if necessary, to put into application the arrangement provided for in Article 16 (3) of the abovementioned Regulation (EEC)

No 715/90, these products are subject to a statistical surveillance in accordance with Council Regulation (EEC) No 2658/87⁽⁶⁾ and (EEC) No 1736/75⁽⁷⁾;

Whereas imports of the products in question are charged against the reference quantities at Community level within pre-established timetables, as and when the products are entered with the customs authorities for free circulation; whereas, therefore, it is appropriate to establish reference quantities for those products listed in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports into the Community of certain products originating in the African, Caribbean and Pacific States or in the overseas countries and territories shall be subject to reference quantities and to a statistical surveillance.

The products referred to in the first subparagraph, their CN codes, the periods of validity and the levels of the reference quantities are set out in the Annex.

2. Quantities shall be charged against the reference quantities as and when products are entered with customs authorities for free circulation and accompanied by a movement certificate. If the movement certificate is submitted *a posteriori*, the goods shall be charged against the corresponding reference quantity at the moment when the goods are entered for free circulation.

The extent to which the reference quantities are used up shall be determined at Community level on the basis of the imports charged against them in the manner defined in the first subparagraph, as communicated to the Statistical Office of the European Communities in application of Regulations (EEC) No 2658/87 and (EEC) No 1736/75.

Article 2

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

Article 3

This Regulation shall enter into force on 1 July 1991.

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽³⁾ OJ No L 61, 1. 3. 1985, p. 2.

⁽⁴⁾ OJ No L 347, 28. 11. 1989, p. 3.

⁽⁵⁾ OJ No L 172, 30. 6. 1987, p. 1.

⁽⁶⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁷⁾ OJ No L 183, 14. 7. 1975, p. 3.

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

Done at Brussels, 31 May 1991.

For the Commission
Christiane SCRIVENER
Member of the Commission

ANNEX

					(tonnes)
Order No	CN code	Taric codes	Description	Period	Reference quantities
12.0030	ex 0704 90 90	0704 90 90 * 92	Cabbages, fresh or chilled	1. 11 - 31. 12. 1991	1 000
12.0050	ex 0705 11 10	0705 11 10 * 21 0705 11 10 * 33	'Iceberg' lettuce, (<i>Lactuca sativa L.</i> <i>var. capitata L.</i>)	1. 7 - 31. 10. 1991	1 000
12.0060	ex 0709 10 00	0709 10 00 * 10 0709 10 00 * 20	Globe artichokes fresh or chilled	1. 10 - 31. 12. 1991	1 000
12.0080	ex 0809 10 00	0809 10 00 * 10 0809 10 00 * 20 0809 10 00 * 30 0809 10 00 * 40 0809 10 00 * 80	Apricots, fresh	1. 9. 1991 - 30. 4. 1992	2 000
12.0090	ex 0809 20 90	0809 20 90 * 21 0809 20 90 * 25 0809 20 90 * 29 0809 20 90 * 31 0809 20 90 * 33 0809 20 90 * 39 0809 20 90 * 41 0809 20 90 * 45 0809 20 90 * 49	Cherries, fresh	1. 11. 1991 - 31. 3. 1992	2 000
12.0100	ex 0809 30 00	0809 30 00 * 11 0809 30 00 * 12 0809 30 00 * 13 0809 30 00 * 91 0809 30 00 * 92 0809 30 00 * 93	Peaches (including nectarines), fresh	1. 12. 1991 - 31. 3. 1992	2 000
12.0110	ex 0809 40 19	0809 40 19 * 30 0809 40 19 * 40 0809 40 19 * 51	Plums, fresh	15. 12. 1991 - 31. 3. 1992	2 000

COMMISSION REGULATION (EEC) No 3583/91

of 10 December 1991

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States⁽¹⁾, as last amended by Regulation (EEC) No 523/91⁽²⁾, and in particular Articles 16 and 27 thereof,

Whereas the Articles 15 and 16 of Regulation (EEC) No 715/90 provide for the opening by the Community of quotas for imports of the following :

- 1 000 tonnes of fresh apples falling within CN code 0808 10, for the period 1 January to 31 December, and
- 1 000 tonnes of fresh pears falling within CN codes 0808 20 10 to 0808 20 39, for the period 1 January to 31 December,

originating in the countries in question ;

Whereas within the limits of these tariff quotas, customs duties are phased out progressively :

- during the same periods and in accordance with the same timetables provided for in Articles 75 and 268 of the Act of Accession of Spain and Portugal, by 50 % of the said duties ; and that these maximal reduction rates shall be applied from the moment of entry into force of the present Regulation ;

Whereas under 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 of the third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to

the European Community⁽³⁾, the abovementioned tariff concession will apply in Spain and in Portugal ; whereas within the limits of its tariff quotas Spain and Portugal shall apply customs duties calculated in accordance with the abovementioned protocol to the third ACP-EEC Convention ;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and that the rates laid down for those quotas should apply consistently to all imports of the products concerned into all Member States until the quotas have been used up ; whereas, in the present case, it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedures specified in Article 3 ;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the quotas may be carried out by any of its members ;

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

HAS ADOPTED THIS REGULATION :

Article 1

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

(¹) OJ No L 84, 30. 3. 1990, p. 85.

(²) OJ No L 58, 5. 3. 1991, p. 1.

(³) OJ No L 172, 30. 6. 1987, p. 1.

Order No	CN code	Description	Amount of quota (tonnes)	Quota duty (%)	
09.1610	0808 10 10 0808 10 91 0808 10 93 0808 10 99	Fresh apples, from 1 January to 31 December	1 000	4,5 min 0,2 ECU/100 kg/net 7 min 1,2 ECU/100 kg/net 4 min 1,1 ECU/100 kg/net 3 min 0,7 ECU/100 kg/net	
09.1612	0808 20 10 0808 20 31 0808 20 33 0808 20 35 0808 20 39	Fresh pears, from 1 January to 31 December		1 000	4,5 min 0,2 ECU/100 kg/net 5 min 0,7 ECU/100 kg/net 2,5 min 1 ECU/100 kg/net 5 min 0,7 ECU/100 kg/net 6,5 min 1 ECU/100 kg/net

2. Within the limits of the tariff quotas Spain and Portugal shall apply customs duties calculated in accordance with the Protocol to the third ACP-EEC Convention consequent on the Accession of Spain and Portugal to the European Communities.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer presents an entry for release for free circulation in a Member State in respect of a product covered by this Regulation, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to requirements from the quota.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

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

Done at Brussels, 10 December 1991.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full, it shall return any unused portion to the corresponding quota as soon as possible.

If the quantities requested are greater than the available balance of the quota, the balance shall be allocated among applicants *pro rata*. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quotas so permits.

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3594/91
of 11 December 1991

on the arrangements applicable to agricultural products subject to reference quantities and originating in the African, Caribbean and Pacific States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽¹⁾, as amended by Regulation (EEC) No 523/91⁽²⁾, and in particular Articles 16 and 27 thereof,

Whereas Article 16 of Regulation (EEC) No 715/90 stipulates for certain agricultural products, covered by that Regulation and originating in those countries, the progressive reduction, subject to reference quantities and a community surveillance in a set timetable of the customs duties;

Whereas, these duty reductions shall be phased in over the same periods and in accordance with the same timetable as those laid down in the Act of Accession of Spain and Portugal for the same products imported from these countries into the Community as constituted on 31 December 1985;

Whereas, Commission Regulation (EEC) No 3593/91 of 11 December 1991 abolishing in two stages certain customs duties applicable in trade between the Community of Ten and Spain and Portugal as a result of the Mediterranean agreements⁽³⁾ foresees that the residual customs duties applicable to products from Spain and Portugal for which the dismantling of tariffs continues after 1 January 1993 will be eliminated in two equal instalments on 1 January 1992 and 1 January 1993;

Whereas the same concession should be granted for the same products originating in ACP-States;

Whereas by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP/EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention⁽⁴⁾ consequent on the Acces-

sion of the Kingdom of Spain and the Portuguese Republic to the European Communities, the said reference quantities shall be applied in Spain and Portugal;

Whereas, in order to enable the competent authorities within the Commission to establish an annual trade balance sheet for each of the products and, if necessary, to put into application the arrangement provided for in Article 16 (3) of the abovementioned Regulation (EEC) No 715/90, these products are subject to a statistical surveillance in accordance with Council Regulations (EEC) No 2658/87⁽⁵⁾, as last amended by Commission Regulation (EEC) No 3537/91⁽⁶⁾, and (EEC) No 1736/75⁽⁷⁾;

Whereas imports of the products in question are charged against the reference quantities at Community level within pre-established timetables, as and when the products are entered with the customs authorities for free circulation; whereas, therefore, it is appropriate to establish reference quantities for those products listed in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports into the Community of certain products originating in the African, Caribbean and Pacific States shall be subject to reference quantities and to a statistical surveillance.

The products referred to in the first subparagraph, their CN codes, the periods of validity and the levels of the reference quantities are set out in the Annex.

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

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽³⁾ See page 13 of this Official Journal.

⁽⁴⁾ OJ No L 172, 30. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁶⁾ OJ No L 335, 6. 12. 1991, p. 9.

⁽⁷⁾ OJ No L 183, 14. 7. 1975, p. 3.

submitted *a posteriori*, the goods shall be charged against the corresponding reference quantity at the moment when the goods are entered for free circulation.

The extent to which the reference quantities are used up shall be determined at Community level on the basis of the imports charged against them in the manner defined in the first subparagraph, as communicated to the Statis-

tical Office of the European Communities in application of Regulations (EEC) No 2658/87 and (EEC) No 1736/75.

Article 2

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

Article 3

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 11 December 1991.

For the Commission
Christiane SCRIVENER
Member of the Commission

ANNEX

(Annex)

Order Nu	CN code	Taric code (*)	Description	Period	Reference quantities
12.0020	ex 0703 10 19	0703 10 19 * 91 0703 10 19 * 92 0703 10 19 * 93	Onions, fresh or chilled	1.2 — 15.5.	800
12.0040	ex 0703 20 00	0703 20 00 * 10 0703 20 00 * 20 0703 20 00 * 30	Garlic, fresh or chilled	1.2 — 31.5.	500
12.0010	ex 0706 10 00	0706 10 00 * 11	Carrots, fresh or chilled	1.1 — 31.3.	800
12.0120	ex 0706 90 90	0706 90 90 * 20	Salad beetroot, fresh or chilled	1.1 — 31.12.	100
12.0130	ex 0707 00 11 ex 0707 00 19	0707 00 11 * 11 0707 00 11 * 12 0707 00 11 * 18 0707 00 19 * 10	Cucumbers of a length not exceeding 15 cm	1.1 — 31.12.	100
12.0070	0802 31 00 0802 32 00	0802 31 00 * 00 0802 32 00 * 00	Walnut, in shell or shelled	1.1 — 31.12.	700
12.0140	ex 0805 10 21 ex 0805 10 25 ex 0805 10 29 ex 0805 10 31 ex 0805 10 35 ex 0805 10 39 ex 0805 10 70	0805 10 21 * 0805 10 25 * 0805 10 29 * 0805 10 31 * 10 0805 10 35 * 10 0805 10 39 * 10 0805 10 70 * 13 0805 10 70 * 14 0805 10 70 * 92	Oranges, fresh or dried	15.5 — 30.9.	25 000
12.0150	ex 0805 20 10 ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	0805 20 10 * 33 0805 20 10 * 35 0805 20 10 * 38 0805 20 10 * 41 0805 20 10 * 46 0805 20 30 * 33 0805 20 30 * 35 0805 20 30 * 38 0805 20 30 * 41 0805 20 30 * 46 0805 20 50 * 33 0805 20 50 * 35 0805 20 50 * 38 0805 20 50 * 41 0805 20 50 * 46 0805 20 70 * 33 0805 20 70 * 35 0805 20 70 * 38 0805 20 70 * 41 0805 20 70 * 46 0805 20 90 * 11 0805 20 90 * 15 0805 20 90 * 21 0805 20 90 * 25 0805 20 90 * 53 0805 20 90 * 55 0805 20 90 * 58 0805 20 90 * 61 0805 20 90 * 66	Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids	15.5 — 30.9.	4 000
12.0160	0809 40 90	0809 40 90 * 00	Sloes	1.1 — 31.12.	500

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

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

A — Trade

(b) Beef and veal

COMMISSION DECISION

of 20 December 1990

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland and Zimbabwe

(91/19/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (2), as last amended by Regulation (EEC) No 2996/90 (3), and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 December 1990, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland and Zimbabwe, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 January 1991, should be fixed within the scope of the total quantity of 39 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries (4), as last amended by Directive 90/425/EEC (5),

Article 1

The following Member States shall issue on 21 December 1990 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

United Kingdom:

- 857,00 tonnes originating in Botswana,
- 385,00 tonnes originating in Zimbabwe,

Germany:

- 228,00 tonnes originating in Botswana,
- 55,00 tonnes originating in Swaziland,
- 535,00 tonnes originating in Zimbabwe.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of January 1991 in respect of the following quantities of boned beef and veal:

- | | |
|---------------|-------------------|
| — Botswana: | 18 916,00 tonnes, |
| — Kenya: | 142,00 tonnes, |
| — Madagascar: | 7 579,00 tonnes, |
| — Swaziland: | 3 363,00 tonnes, |
| — Zimbabwe: | 9 100,00 tonnes. |

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 December 1990.

Fur the Commission

Ray MAC SHARRY

Member of the Commission

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

(2) OJ No L 241, 13. 9. 1980, p. 5.

(3) OJ No L 286, 18. 10. 1990, p. 17.

(4) OJ No L 302, 31. 12. 1972, p. 28.

(5) OJ No L 224, 18. 8. 1990, p. 29.

COMMISSION DECISION

of 18 January 1991

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland and Zimbabwe

(91/45/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (*), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (**), as last amended by Regulation (EEC) No 2996/90 (***), and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 January 1991, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland and Zimbabwe, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 February 1991, should be fixed within the scope of the total quantity of 39 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection

problems upon importation of bovine animals and swine and fresh meat from third countries (*), as last amended by Directive 90/425/EEC (**).

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 January 1991 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

— 160,00 tonnes originating in Swaziland.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of February 1991 in respect of the following quantities of boned beef and veal:

— Botswana:	18 916,00 tonnes,
— Kenya:	142,00 tonnes,
— Madagascar:	7 579,00 tonnes,
— Swaziland:	3 203,00 tonnes,
— Zimbabwe:	9 100,00 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 18 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(**) OJ No L 241, 13. 9. 1980, p. 5.

(***) OJ No L 286, 18. 10. 1990, p. 17.

(*) OJ No L 302, 31. 12. 1972, p. 28

(**) OJ No L 224, 18. 8. 1990, p. 29.

COMMISSION DECISION

of 20 February 1991

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(91/108/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT) (1), as last amended by Regulation (EEC) No 297/91 (2), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (3), as last amended by Regulation (EEC) No 211/91 (4), and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 February 1991, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 March 1991, should be fixed within the scope of the total quantity of 49 600 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals, swine, fresh meat and meat-based products from

third countries (5), as last amended by Directive 91/69/EEC (6),

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 February 1991 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

— 55,00 tonnes originating in Swaziland,

United Kingdom:

— 15,01 tonnes originating in Namibia,

Italy:

— 12,50 tonnes originating in Madagascar.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of March 1991 in respect of the following quantities of boned beef and veal:

— Botswana:	18 916,00 tonnes,
— Kenya:	142,00 tonnes,
— Madagascar:	7 566,50 tonnes,
— Swaziland:	3 148,00 tonnes,
— Zimbabwe:	9 100,00 tonnes,
— Namibia:	10 484,99 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(2) OJ No L 36, 8. 2. 1991, p. 9.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 24, 30. 1. 1991, p. 11.

(5) OJ No L 302, 31. 12. 1972, p. 28.

(6) OJ No L 46, 19. 2. 1991, p. 37.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 February 1991

amending Decision 90/451/EEC on health protection measures in respect of imports of fresh meat from Namibia

(91/186/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 91/69/EEC⁽²⁾, and in particular Articles 14 and 15 thereof,

Whereas animal health conditions and veterinary certification requirements for imports of bovine fresh meat from Namibia were established by Commission Decision 90/451/EEC⁽³⁾,

Whereas the Namibian Veterinary Services have requested authorization for the export of meat from the ovine and caprine species; whereas following a mission to Namibia the Namibian veterinary authorities have provided sufficient guarantees as regards the animal health situation concerning ovine brucellosis and the control measures taken;

Whereas third countries in which vaccination against foot-and-mouth disease strains SAT and Asia 1 is used may no longer export offal to the Community; whereas

Namibia is one of these countries and therefore it is necessary to prohibit the import of offal, except offal of domestic solipeds;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 90/451/EEC is hereby amended as follows:

1. Point 1 of Article 2 is replaced by the following:
'1. De-boned fresh meat, excluding offal, of domestic animals of the bovine species (including buffalo), sheep and goats originating and slaughtered in Namibia elsewhere than in the areas referred to in Article 1, which satisfies the requirements of the specimen animal health certificate in accordance with Annex A hereto which must accompany the consignment. Such de-boned fresh meat shall not enter the territory of the importing Member State for at least 21 days from the date of slaughter.'
2. Point 2 of Article 2 is deleted.
3. Point 3 of Article 2 becomes Point 2 and the words 'Annex C' are replaced by 'Annex B'.
4. Annex A is replaced by Annex A annexed to this Decision.

(¹) OJ No L 302, 31. 12. 1972, p. 28.

(²) OJ No L 46, 19. 2. 1991, p. 37.

(³) OJ No L 231, 25. 8. 1990, p. 28.

5. Annex B is deleted.

Article 3

6. Annex C is replaced by Annex B annexed to this Decision.

This Decision is addressed to the Member States.

Done at Brussels, 28 February 1991.

Article 2

For the Commission

Ray MAC SHARRY

Member of the Commission

This Decision shall apply from 1 March 1991.

ANNEX A

ANIMAL HEALTH CERTIFICATE

for de-boned fresh meat (*) of domestic animals of the bovine, ovine and caprine species, excluding offal, intended for consignment to the European Economic Community

Country of destination :

Reference number of the public health certificate (†) :

Exporting country : Namibia (excluding that part of the foot-and-mouth disease control area in Namibia, north of the 'Cordon Fences' which extend from Palgrave Point in the west to Gam in the east)

Ministry :

Department :

Reference :

(Optional)

I. Identification of meat

Meat of :

(Animal species)

Nature of cuts (‡) :

Nature of packaging :

Number of cuts or packages :

Net weight :

II. Origin of meat

Address(es) and veterinary approval number(s) (†) of the approved slaughterhouse(s) (†) :

Address(es) and veterinary approval number(s) (†) of the approved cutting plant(s) (†) :

Address(es) and veterinary approval number(s) (†) of the approved cold store(s) (†) :

III. Destination of meat

The meat will be sent from :

(Place of loading)

to :

(Country and place of destination)

by the following means of transport (†) :

Name and address of consignor :

Name and address of consignee :

(*) Fresh meat means all parts fit for human consumption from domestic bovine animals, sheep and goats excluding offal, which have not undergone any preserving process, however, chilled and frozen meat shall be considered as fresh meat.

(†) Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.

(‡) Only de-boned fresh carcase meat from bovine animals, sheep and goats from which all bones and the major accessible lymphatic glands have been removed is authorized for importation.

(§) For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

IV Attestation of health

1. the undersigned, official veterinarian, certify that :

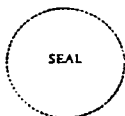
1. the de-boned fresh meat described above is obtained from :

- animals which were born and reared in Namibia and which have remained outside that part of the foot-and-mouth disease control area in Namibia, north of the 'Cordon Fences' which extend from Palgrave Point in the west to Gam in the east for at least 12 months preceding slaughter or since birth in the case of animals less than 12 months old,
- animals which have not been vaccinated against foot-and-mouth disease during the preceding 12 months,
- animals which on the way to the slaughterhouse and while awaiting slaughter therein have not come into contact with animals not satisfying the requirements laid down in Commission Decision 90/451/EEC as regards export of their meat to a Member State, and if they were conveyed by vehicle or container the latter was cleaned and disinfected before loading,
- animals which when subjected to an ante-mortem health inspection at the slaughterhouse during the 24 hours preceding slaughter showed no symptoms of foot-and-mouth disease,
- animals which have been slaughtered on different days from those on which animals which do not comply with the conditions required for export of their meat to the European Economic Community were slaughtered,
- in the case of fresh meat from sheep and goats, animals which have not come from a holding which for animal health reasons is subject to prohibition as a result of an outbreak of ovine or caprine brucellosis during the previous six weeks,
- animals which were slaughtered on (date of slaughter) ;

2. the de-boned fresh meat described above :

- has been produced on different days to that which does not comply with the conditions required for export to the Community,
- originates from carcasses which have matured at a room temperature of more than + 2 °C for at least 24 hours after slaughter and before the bones were removed,
- has had the major accessible lymphatic glands removed,
- has, during all stages of its production, de-boning, packing and storage been kept strictly separate from meat not conforming to the requirements for export to a Member State laid down in Commission Decision 90/451/EEC

Done at on
(Place) (Date)



.....
(Signature of official veterinarian)
(Name in capital letters, title and qualification of signatory)

ANNEX B

ANIMAL HEALTH CERTIFICATE

for fresh meat⁽¹⁾ of domestic solipeds intended for consignment to the European Economic Community

Country of destination :

Reference number of the public health certificate⁽²⁾ :

Exporting country : Namibia

Ministry :

Department :

Reference :

(Optional)

I. Identification of meat

Meat of : domestic solipeds

Nature of cuts :

Nature of packaging :

Number of cuts or packages :

Net weight :

II. Origin of meat

Address(es) and veterinary approval number(s) of the approved slaughterhouse(s)⁽³⁾ :

.....

.....

Address(es) and veterinary approval number(s) of the approved cutting plant(s)⁽³⁾ :

.....

.....

Address(es) and veterinary approval number(s) of the approved cold store(s)⁽³⁾ :

.....

.....

III. Destination of meat

The meat will be sent from :

(Place of loading)

to :

(Country and place of destination)

by the following means of transport⁽⁴⁾ :

Name and address of consignor :

.....

.....

Name and address of consignee :

.....

.....

⁽¹⁾ Fresh meat means all parts fit for human consumption from domestic solipeds which have not undergone any preserving process, however, chilled and frozen meat shall be considered as fresh meat

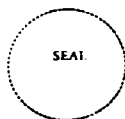
⁽²⁾ Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.

⁽³⁾ For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

IV. Attestation of health

I, the undersigned, official veterinarian, certify that the fresh meat described above is obtained from animals which have remained in the territory of Namibia for at least three months before being slaughtered or since birth in the case of animals less than three months old.

Done at on
(Place) (Date)



.....
(Signature of official veterinarian)
(Name in capital letters, title and qualification of signatory)

COMMISSION DECISION

of 20 March 1991

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(91/197/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT) (1), as last amended by Regulation (EEC) No 523/91 (2), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (3), as last amended by Regulation (EEC) No 625/91 (4), and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 March 1991, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 April 1991, should be fixed within the scope of the total quantity of 49 600 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals, swine, fresh meat and meat-based products from

third countries (5), as last amended by Directive 91/69/EEC (6),

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 March 1991 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 413,60 tonnes originating in Botswana,
- 85,00 tonnes originating in Swaziland;

United Kingdom:

- 570,00 tonnes originating in Botswana,
- 660,00 tonnes originating in Namibia;

Netherlands:

- 190,00 tonnes originating in Botswana.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of April 1991 in respect of the following quantities of boned beef and veal:

- | | |
|---------------|-------------------|
| — Botswana: | 17 742,40 tonnes, |
| — Kenya: | 142,00 tonnes, |
| — Madagascar: | 7 566,50 tonnes, |
| — Swaziland: | 3 063 tonnes, |
| — Zimbabwe: | 9 100,00 tonnes, |
| — Namibia: | 9 824 tonnes. |

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(2) OJ No L 58, 5. 3. 1991, p. 1.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 68, 15. 3. 1991, p. 29.

(5) OJ No L 302, 31. 12. 1972, p. 28.

(6) OJ No L 46, 19. 2. 1991, p. 37.

COMMISSION REGULATION (EEC) No 696/91

of 21 March 1991

fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) (*), as amended by Regulation (EEC) No 523/91 (**), and in particular Article 3 thereof,

Whereas Article 3 of Regulation (EEC) No 715/90 provides for a 90 % reduction in the import duties on

beef and veal; whereas the amount of this reduction must be calculated in conformity with Article 3 of Commission Regulation (EEC) No 970/90 (**),

HAS ADOPTED THIS REGULATION:

Article 1

The amounts by which import duties on beef and veal are to be reduced pursuant to Article 3 of amended Regulation (EEC) No 715/90 shall, in respect of importations during the second quarter of 1991, be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1991.

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

Done at Brussels, 21 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(**) OJ No L 58, 5 3 1991, p 1.

(**) OJ No L 99, 19 4 1990, p 8.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Código NC KN-kode KN-Code Κωδικός ΣΩ CN code Code NC Codice NC GN-code GN-code Codigo NC	Belgique Luxembourg FB/Flux/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δρχ/100 ΣΤΟ	España Pta/100 kg	France FF/100 kg	Irland £ Ir/100 kg	Italia Lit/100 kg	Nederland Fl/100 kg	Portugal Esc/100 kg	United Kingdom £/100 kg
0102 90 10	5 427,3	1 003,71	263,13	22 064,81	17 526,09	882,51	98,223	196 882	296,49	23 324,30	88,885
0102 90 31	5 427,3	1 003,71	263,13	22 064,81	17 526,09	882,51	98,223	196 882	296,49	23 324,30	88,885
0102 90 33	5 427,3	1 003,71	263,13	22 064,81	17 526,09	882,51	98,223	196 882	296,49	23 324,30	88,885
0102 90 35	5 427,3	1 003,71	263,13	22 064,81	17 526,09	882,51	98,223	196 882	296,49	23 324,30	88,885
0102 90 37	5 427,3	1 003,71	263,13	22 064,81	17 526,09	882,51	98,223	196 882	296,49	23 324,30	88,885
0201 10 10	10 311,8	1 907,04	499,95	41 922,91	33 299,46	1 676,77	186,624	374 075	563,32	44 316,02	168,881
0201 10 90	10 311,8	1 907,04	499,95	41 922,91	33 299,46	1 676,77	186,624	374 075	563,32	44 316,02	168,881
0201 20 21	10 311,8	1 907,04	499,95	41 922,91	33 299,46	1 676,77	186,624	374 075	563,32	44 316,02	168,881
0201 20 29	10 311,8	1 907,04	499,95	41 922,91	33 299,46	1 676,77	186,624	374 075	563,32	44 316,02	168,881
0201 20 31	8 249,4	1 521,63	399,96	33 538,32	26 639,54	1 341,42	149,298	299 260	450,66	35 452,78	135,105
0201 20 39	8 249,4	1 521,63	399,96	33 538,32	26 639,54	1 341,42	149,298	299 260	450,66	35 452,78	135,105
0201 20 51	12 374,2	2 288,45	599,94	50 307,59	39 959,38	2 012,13	223,949	448 890	675,98	53 179,26	202,658
0201 20 59	12 374,2	2 288,45	599,94	50 307,59	39 959,38	2 012,13	223,949	448 890	675,98	53 179,26	202,658
0201 20 90	15 467,7	2 860,56	749,93	70 634,53	48 871,95	2 515,17	279,935	561 112	844,97	66 474,04	253,322
0201 30 00	17 692,8	3 272,07	857,81	75 776,73	56 600,22	2 876,99	320,207	641 833	966,54	76 036,86	289,765
0202 10 00	9 124,3	1 687,43	442,38	37 043,93	29 471,91	1 483,69	165,133	330 998	498,45	39 212,70	149,433
0202 20 10	9 124,3	1 687,43	442,38	37 043,93	29 471,91	1 483,69	165,133	330 998	498,45	39 212,70	149,433
0202 20 30	7 299,5	1 349,95	353,91	29 635,16	23 577,55	1 186,95	132,107	264 798	398,76	31 370,20	119,547
0202 20 50	11 405,4	2 109,29	552,98	46 304,98	36 839,93	1 854,60	206,416	413 747	623,06	49 015,93	186,792
0202 20 90	13 686,5	2 531,14	663,57	62 459,51	43 249,74	2 225,53	247,699	496 497	746,68	58 819,15	224,510
0202 30 10	11 405,4	2 109,29	552,98	46 304,98	36 839,93	1 854,60	206,416	413 747	623,06	49 015,93	186,792
0202 30 30	11 405,4	2 109,29	552,98	46 304,98	36 839,93	1 854,60	206,416	413 747	623,06	49 015,93	186,792
0202 30 90	15 693,8	2 902,38	760,90	68 144,19	50 048,40	2 551,94	284,028	569 317	877,33	67 445,94	257,027
0206 10 95	17 692,8	3 272,07	857,81	75 776,73	56 600,22	2 876,99	320,207	641 833	966,54	76 036,86	289,765
0206 29 91	15 693,8	2 902,38	760,90	68 144,19	50 048,40	2 551,94	284,028	569 317	877,33	67 445,94	257,027
0210 20 10	15 467,7	2 860,56	749,93	70 634,53	48 871,95	2 515,17	279,935	561 112	844,97	66 474,04	253,322
0210 20 90	17 692,8	3 272,07	857,81	78 282,42	56 251,94	2 876,99	320,207	641 833	966,54	76 036,86	289,765
0210 90 41	17 692,8	3 272,07	857,81	78 282,42	56 251,94	2 876,99	320,207	641 833	966,54	76 036,86	289,765
0210 90 90	17 692,8	3 272,07	857,81	78 282,42	56 251,94	2 876,99	320,207	641 833	966,54	76 036,86	289,765
1602 50 10	17 692,8	3 272,07	857,81	78 282,42	56 251,94	2 876,99	320,207	641 833	966,54	76 036,86	289,765
1602 90 61	17 692,8	3 272,07	857,81	85 857,72	55 199,00	2 876,99	320,207	641 833	966,54	76 036,86	289,765

ΑΒ Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) nº 2658/87 modificado.

ΑΒ KN-koderne, herunder henvisninger til fodnoter, er fastsat i den ændrede forordning (EØF) nr. 2658/87.

ΑΒ Die KN-Code sowie die Verweisungen und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 bestimmt.

ΑΒ Οι κωδικοί της συνδυασμένης ονοματολογίας συμπληρωματικών των υποσημασιών, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87.

ΑΒ The CN codes and the footnotes are defined in amended Regulation (EEC) No 2658/87.

ΑΒ Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) n° 2658/87 modifié.

ΑΒ I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n° 2658/87 modificato.

ΑΒ GN-codes en voetnoten: zie de gewijzigde Verordening (EEG) nr. 2658/87.

ΑΒ Os códigos NC, incluindo as remissões em pé-de-página são definidos no Regulamento (CEE) nº 2658/87 alterado.

COMMISSION REGULATION (EEC) No 815/91

of 2 April 1991

amending Regulation (EEC) No 970/90 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories and amending Regulation (EEC) No 2377/80

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (*), as last amended by Regulation (EEC) No 523/91 (*), and in particular Article 27 thereof,

Whereas following its Decision No 4/90 of 23 November 1990, by Council Regulation (EEC) No 297/91 (*) the ACP-EEC Council of Ministers added Namibia to the list in Annex 1 to Regulation (EEC) No 715/90 giving the

ACP States referred to in Article 1 thereof; whereas Commission Regulation (EEC) No 970/90 (*) should be adapted accordingly;

Whereas Commission Regulation (EEC) No 2377/80 (*), as last amended by Regulation (EEC) No 625/91 (*), lays down special detailed rules for the application of the system of import and export licences in the beef and veal sector; whereas the special detailed rules for licences issued under Regulation (EEC) No 715/90 should be adapted;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 970/90 is modified as follows:

Article 1 (1) is replaced by the following text:

'1. Import licences shall be issued for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia under the conditions laid down in this Regulation and within the limits of the quantities, expressed in tonnes of boned meat, fixed in Regulation (EEC) No 715/90.'

Article 2

Regulation (EEC) No 2377/80 is modified as follows:

Point 1 of Section 1 of Annex 1 is replaced by the following:

'1. ACP/OCT products
(Under Regulation (EEC) No 715/90)

(expressed in tonnes of boned meat)

CN code	Code	From					
		Madagascar	Botswana	Swaziland	Kenya	Zimbabwe	Namibia
0201	110	370	391	391	346	387	389
0206 10 95							
0202	120						
0206 29 91							

(*) OJ No L 84, 30.3.1990, p. 85

(*) OJ No L 58, 5.3.1991, p. 1

(*) OJ No L 36, 8.2.1991, p. 9

(*) OJ No L 99, 19.4.1990, p. 8.

(*) OJ No L 241, 4.9.1980, p. 5.

(*) OJ No L 68, 15.3.1991, p. 29.

Article 3

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

It shall apply from 1 January 1991.

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

Done at Brussels, 2 April 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 April 1991

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(91/234/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCI) (*), as last amended by Regulation (EEC) No 523/91 (**), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (*), as last amended by Regulation (EEC) No 815/91 (**), and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products, whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries,

Whereas the applications for import licences submitted between 1 and 10 April 1991, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regu-

lation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 May 1991, should be fixed within the scope of the total quantity of 49 600 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals, swine, fresh meat and meat-based products from third countries (*), as last amended by Directive 91/69/EEC (**).

HAS ADOPTED THIS DECISION :

Article 1

The following Member States shall issue on 21 April 1991 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated :

(*) OJ No L 84, 30.3.1990, p. 85.

(**) OJ No L 58, 5.3.1991, p. 1.

(*) OJ No L 241, 13.9.1980, p. 5.

(**) OJ No L 83, 3.4.1991, p. 6.

(*) OJ No L 302, 31.12.1972, p. 28.

(**) OJ No L 46, 19.2.1991, p. 37.

Germany :

— 355,00 tonnes originating in Botswana ;

United Kingdom :

— 465,00 tonnes originating in Botswana,
— 7,49 tonnes originating in Zimbabwe,
— 267,00 tonnes originating in Namibia ;

Netherlands :

— 250,00 tonnes originating in Botswana.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of May 1991 in respect of the following quantities of boned beef and veal :

— Botswana :	16 672,40 tonnes,
— Kenya :	142,00 tonnes,
— Madagascar :	7 566,50 tonnes,
— Swaziland :	3 063 tonnes,
— Zimbabwe :	9 092,51 tonnes,
— Namibia :	9 557,99 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 16 April 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 21 May 1991

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(91/275/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT) (*), as last amended by Regulation (EEC) No 523/91 (**), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (*), as last amended by Regulation (EEC) No 815/91 (**), and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries,

Whereas the applications for import licences submitted between 1 and 10 May 1991, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 June 1991, should be fixed within the scope of the total quantity of 49 600 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals, swine, fresh meat and meat-based products from

third countries (*), as last amended by Directive 91/69/EEC (**),

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 May 1991 import licences concerning beef and veal products, expressed in terms of boned meat, originating in certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 620,00 tonnes originating in Botswana,
- 175,00 tonnes originating in Swaziland;

United Kingdom:

- 821,00 tonnes originating in Botswana,
- 93,80 tonnes originating in Zimbabwe,
- 848,00 tonnes originating in Namibia;

Netherlands:

- 533,60 tonnes originating in Botswana.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of June 1991 in respect of the following quantities of boned beef and veal:

— Botswana:	14 697,80 tonnes,
— Kenya:	142,00 tonnes,
— Madagascar:	7 566,50 tonnes,
— Swaziland:	2 888,00 tonnes,
— Zimbabwe:	8 998,71 tonnes,
— Namibia:	8 709,99 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(**) OJ No L 58, 5. 3. 1991, p. 1.

(*) OJ No L 241, 11. 9. 1980, p. 5.

(*) OJ No L 83, 3. 4. 1991, p. 6.

(*) OJ No L 302, 31. 12. 1972, p. 28.

(**) OJ No L 46, 19. 2. 1991, p. 37.

COMMISSION REGULATION (EEC) No 1777/91

of 21 June 1991

fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) (1), as last amended by Regulation (EEC) No 523/91 (2), and in particular Article 3 thereof,

Whereas Article 3 of Regulation (EEC) No 715/90 provides for a 90 % reduction in the import duties on beef and veal ; whereas the amount of this reduction must be calculated in conformity with Article 3 of Commission

Regulation (EEC) No 970/90 (3), as amended by Regulation (EEC) No 815/91 (4),

HAS ADOPTED THIS REGULATION :

Article 1

The amounts by which import duties on beef and veal are to be reduced pursuant to Article 3 of amended Regulation (EEC) No 715/90 shall, in respect of importations during the third quarter of 1991, be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 1991.

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

Done at Brussels, 21 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(2) OJ No L 58, 5. 3. 1991, p. 1.

(3) OJ No L 99, 19. 4. 1990, p. 8.

(4) OJ No L 83, 3. 4. 1991, p. 6.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Código NC KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN code Código NC	Belgique Luxembourg FB/Flux/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δρχ/100 χγρ	España Pta/100 kg	France FF/100 kg	Ireland £ Ir/100 kg	Italia Lit/100 kg	Nederland Fl/100 kg	Portugal Esc/100 kg	United Kingdom £/100 kg
0102 90 10	5 427,3	1 003,71	263,13	28 180,27	17 337,88	882,51	98,223	196 882	296,49	23 324,30	88,907
0102 90 31	5 427,3	1 003,71	263,13	28 180,27	17 337,88	882,51	98,223	196 882	296,49	23 324,30	88,907
0102 90 33	5 427,3	1 003,71	263,13	28 180,27	17 337,88	882,51	98,223	196 882	296,49	23 324,30	88,907
0102 90 35	5 427,3	1 003,71	263,13	28 180,27	17 337,88	882,51	98,223	196 882	296,49	23 324,30	88,907
0102 90 37	5 427,3	1 003,71	263,13	28 180,27	17 337,88	882,51	98,223	196 882	296,49	23 324,30	88,907
0201 10 10	10 311,8	1 907,04	499,95	53 542,33	32 941,86	1 676,77	186,624	374 075	563,32	44 316,02	168,922
0102 10 90	10 311,8	1 907,04	499,95	53 542,33	32 941,86	1 676,77	186,624	374 075	563,32	44 316,02	168,922
0201 20 21	10 311,8	1 907,04	499,95	53 542,33	32 941,86	1 676,77	186,624	374 075	563,32	44 316,02	168,922
0201 20 29	10 311,8	1 907,04	499,95	53 542,33	32 941,86	1 676,77	186,624	374 075	563,32	44 316,02	168,922
0201 31 31	8 249,4	1 525,63	399,96	42 833,82	26 353,47	1 341,42	149,298	299 260	450,66	35 452,78	135,138
0201 30 39	8 249,4	1 525,63	399,96	42 833,82	26 353,47	1 341,42	149,298	299 260	450,66	35 452,78	135,138
0201 50 51	12 374,2	2 288,45	599,94	64 250,85	39 530,27	2 012,13	223,949	448 890	675,98	53 179,26	202,707
0201 50 59	12 374,2	2 288,45	599,94	64 250,85	39 530,27	2 012,13	223,949	448 890	675,98	53 179,26	202,707
0201 90 90	15 467,7	2 860,56	749,93	80 313,50	48 373,60	2 515,17	279,935	561 112	844,97	66 474,04	253,383
0201 30 00	17 692,8	3 272,07	857,81	91 867,25	56 005,54	2 876,99	320,207	641 833	966,54	76 036,86	289,834
0202 10 00	8 675,9	1 604,51	420,64	45 048,45	27 787,45	1 410,78	157,018	314 732	473,96	37 285,79	142,124
0202 20 10	8 675,9	1 604,51	420,64	45 048,45	27 787,45	1 410,78	157,018	314 732	473,96	37 285,79	142,124
0202 20 30	6 940,8	1 283,61	336,51	36 038,81	22 229,97	1 128,62	125,615	251 786	379,16	29 828,67	113,700
0202 20 50	10 844,9	2 005,64	525,80	56 310,62	34 734,33	1 763,47	196,273	393 415	592,44	46 607,28	177,656
0202 20 90	10 844,9	2 005,64	525,80	56 310,62	34 734,33	1 763,47	196,273	393 415	592,44	46 607,28	177,656
0202 30 10	10 844,9	2 005,64	525,80	56 310,62	34 734,33	1 763,47	196,273	393 415	592,44	46 607,28	177,656
0202 30 50	10 844,9	2 005,64	525,80	56 310,62	34 734,33	1 763,47	196,273	393 415	592,44	46 607,28	177,656
0202 30 90	14 922,6	2 759,75	723,50	77 483,26	47 173,73	2 426,53	270,070	541 339	815,20	64 131,50	244,454
0206 10 95	17 692,8	3 272,07	857,81	91 867,25	56 005,54	2 876,99	320,207	641 833	966,54	76 036,86	289,834
0206 29 91	14 922,6	2 759,75	723,50	77 483,26	47 173,73	2 426,53	270,070	541 339	815,20	64 131,50	244,454
0210 20 10	15 467,7	2 860,56	749,93	80 313,50	48 373,60	2 515,17	279,935	561 112	844,97	66 474,04	253,383
0210 20 90	17 692,8	3 272,07	857,81	91 867,25	55 669,56	2 876,99	320,207	641 833	966,54	76 036,86	289,834
0210 90 41	17 692,8	3 272,07	857,81	91 867,25	55 669,56	2 876,99	320,207	641 833	966,54	76 036,86	289,834
0210 90 90	17 692,8	3 272,07	857,81	91 867,25	55 669,56	2 876,99	320,207	641 833	966,54	76 036,86	289,834
1602 50 10	17 692,8	3 272,07	857,81	91 867,25	55 669,56	2 876,99	320,207	641 833	966,54	76 036,86	289,834
1602 90 61	17 692,8	3 272,07	857,81	91 867,25	54 653,81	2 876,99	320,207	641 833	966,54	76 036,86	289,834

NB: Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) n° 2658/87 modificado.

NB: KN-koderne, herunder henvisninger til fodnoter, er fastsat i den ændrede forordning (EØF) nr. 2658/87.

NB: Die KN-Code sowie die Verweiseungen und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 bestimmt.

NB: Οι κωδικοί της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87.

NB: The CN codes and the footnotes are defined in amended Regulation (EEC) No 2658/87.

NB: Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) n° 2658/87 modifié.

NB: I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n. 2658/87 modificato.

NB: GN-codes en voetnoten zie de gewijzigde Verordening (EEG) nr. 2658/87.

NB: Os códigos NC, incluindo as referências em pé-de-página são definidos no Regulamento (CEE) n° 2658/87 alterado.

COMMISSION DECISION

of 27 June 1991

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(91/363/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (*), as last amended by Regulation (EEC) No 523/91 (**), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (***), as last amended by Regulation (EEC) No 815/91 (****), and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products, whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 June 1991, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 July 1991, should be fixed within the scope of the total quantity of 49 600 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals, swine, fresh meat and meat-based products from third countries (****), as last amended by Directive 91/266/EEC (*****).

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 27 June 1991 import licences concerning beef and veal products, expressed in terms of boned meat, originating in certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 895,00 tonnes originating in Botswana,
- 81,00 tonnes originating in Swaziland,
- 164,0 tonnes originating in Zimbabwe;

United Kingdom:

- 1 450,00 tonnes originating in Botswana,
- 68,00 tonnes originating in Zimbabwe,
- 1 685,00 tonnes originating in Namibia;

Netherlands:

- 815,00 tonnes originating in Botswana;

Italy:

- 55,25 tonnes originating in Madagascar.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (i) of Regulation (EEC) No 2377/80 during the first 10 days of July 1991 in respect of the following quantities of boned beef and veal:

— Botswana:	11 537,80 tonnes,
— Kenya:	142,00 tonnes,
— Madagascar:	7 511,25 tonnes,
— Swaziland:	2 807,00 tonnes,
— Zimbabwe:	8 913,91 tonnes,
— Namibia:	7 024,99 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(**) OJ No L 58, 5. 3. 1991, p. 1.

(***) OJ No L 241, 13. 9. 1980, p. 5.

(****) OJ No L 83, 3. 4. 1991, p. 6.

(*****) OJ No L 302, 31. 12. 1972, p. 28.

(*****) OJ No L 134, 29. 5. 1991, p. 45.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 July 1991

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(91/397/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (*), as last amended by Regulation (EEC) No 523/91 (**), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (***), as last amended by Regulation (EEC) No 815/91 (****), and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 July 1991, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland,

Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 August 1991, should be fixed within the scope of the total quantity of 49 600 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals, swine, fresh meat and meat-based products from third countries (†), as last amended by Directive 91/266/EEC (††),

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 19 July 1991 import licences concerning beef and veal products, expressed in terms of boned meat, originating in certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 546,80 tonnes originating in Botswana.
- 70,00 tonnes originating in Swaziland.
- 36,80 tonnes originating in Zimbabwe.

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

(**) OJ No L 58, 5. 3. 1991, p. 1.

(†) OJ No L 241, 13. 9. 1980, p. 5.

(††) OJ No L 83, 3. 4. 1991, p. 6.

(†) OJ No L 302, 31. 12. 1972, p. 28.

(††) OJ No L 134, 29. 5. 1991, p. 45.

United Kingdom :

- 470,00 tonnes originating in Botswana,
- 48,00 tonnes originating in Zimbabwe,
- 1 350,00 tonnes originating in Namibia ;

Netherlands :

- 545,00 tonnes originating in Botswana.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of July 1991 in respect of the following quantities of boned beef and veal :

— Botswana :	9 976,00 tonnes,
— Kenya :	142,00 tonnes,
— Madagascar :	7 511,25 tonnes,
— Swaziland :	2 737,00 tonnes,
— Zimbabwe :	8 829,91 tonnes,
— Namibia :	5 674,99 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 18 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 26 July 1991

amending Decision 90/610/EEC on health protection measures in respect of Zimbabwe

(91/443/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 91/266/EEC⁽²⁾, and in particular Article 15 thereof,

Whereas Commission Decision 90/610/EEC⁽³⁾ granted the Member States the option of authorizing imports into their territory, under certain conditions and from certain regions, of fresh meat from Zimbabwe, taking into account, in particular, the existing animal health situation in that country and the measures taken by that country's authorities to combat foot-and-mouth disease and to avoid its spreading into unaffected regions;

Whereas the situation concerning foot-and-mouth disease in Zimbabwe continues to improve; whereas it is now possible to extend the disease-free area by including certain new veterinary disease control regions (Mashonaland West, southern part, i.e. the districts of Chegutu and Kadoma);

Whereas the situation in Zimbabwe will continue to be kept under review by the Commission;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 90/610/EEC is hereby amended as follows:

Article 2 is replaced by the following:

Article 2

The prohibition provided for in Article 14 (2) of Directive 72/462/EEC shall not apply, in respect of de-boned meat of bovine animals, to the following areas of Zimbabwe:

- the veterinary region of Mashonaland Central,
- The veterinary region of Mashonaland West.

Article 2

The Annex to Decision 90/610/EEC is hereby replaced by the Annex to this Decision.

Article 3

This Decision shall apply 15 days after the date of notification to Member States.

Article 4

This Decision is addressed to the Member States

Done at Brussels, 26 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 302, 31. 12. 1972, p. 28.

(2) OJ No L 134, 29. 5. 1991, p. 45.

(3) OJ No L 324, 23. 11. 1990, p. 35.

ANNEX

ANIMAL HEALTH CERTIFICATE

for fresh de-boned meat⁽¹⁾, excluding offal of bovine animals, intended for consignment to the European Economic Community

Country of destination

Reference number of the public health certificate

Exporting country : Zimbabwe (Mashonaland West and Mashonaland Central)

Ministry

Department

Reference

(Optional)

I Identification of meat

Meat of bovine animals

Nature of cuts⁽²⁾

Nature of packaging

Number of cuts or packages

Net weight

II Origin of meat

Address(es) and veterinary approval number(s) of the approved slaughterhouse(s)

Address(es) and veterinary approval number(s) of the approved cutting plant(s)

III Destination of meat

The meat will be sent from

(Place of loading)

to

(Country and place of destination)

by the following means of transport⁽³⁾

Name and address of consignor

Name and address of consignee

(1) 'Fresh de-boned meat' means all parts from domestic animals of the bovine species, excluding offals, fit for human consumption which have not undergone any preserving process; however, chilled and frozen meat shall be considered as fresh meat

(2) Only fresh de-boned meat from domestic animals of the bovine species from which the major accessible lymphatic glands have been removed is authorized for importation

(3) For railway wagons or lorries, the vehicle registration number should be stated, for aircraft the flight number and for vessels the name

IV. Attestation of health

The undersigned, official veterinarian, certify that:

1. The fresh, de-boned meat described above:

(a) originates from cattle which:

- were born and reared in the Republic of Zimbabwe and which, in the preceding 12 months or since birth, have remained in one or more of the following areas:
 - the veterinary region of Mashonaland Central
 - the veterinary region of Mashonaland West,
- bore, in accordance with the legal provisions, a mark indicating their region of origin, that is for the veterinary region of Mashonaland Central brand 'C', for the veterinary region of Mashonaland West, northern part, brand 'L', and for Mashonaland West, southern part, brand 'HL',
- had not been vaccinated against foot-and-mouth disease within the past 12 months,
- on the way to the slaughterhouse and while awaiting slaughter therein did not come into contact with animals not satisfying the requirements laid down in Decision 90/610/EEC as regards export of their meat to a Member State, and if they were conveyed by vehicle or container, the latter were cleaned and disinfected before loading,
- when subjected to an *ante-mortem* health inspection at the slaughterhouse during the 24 hours preceding slaughter, which included examination of the mouth and feet, showed no symptom of foot-and-mouth disease,
- were slaughtered after the entry into force of Decision 90/610/EEC (date of slaughter...);

(b) was obtained in a slaughterhouse in which no case of foot-and-mouth disease has been detected for at least three months;

(c) has been kept strictly separate from meat not conforming to the requirements for export to a Member State laid down in the Decisions of the European Economic Community currently in force;

(d) has had the major accessible lymphatic glands removed;

(e) originates from carcasses which were matured at an ambient temperature of more than + 2 °C for at least 24 hours after slaughter and before de-boning.

2. During the period between arrival of the cattle at the slaughterhouse and completion of the packing of the meat of the same cattle for export to a Member State, in boxes or cartons, no animals or meat not conforming to the requirements laid down in the Decisions of the European Economic Community currently in force as regards export of meat to a Member State was present in the slaughterhouse or cutting plant.

Done at on
(Place) (Date)



.....
(Signature of official veterinarian)

(Name in capital letters, title, and qualification of signatory)

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 August 1991

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(91/472/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (¹), as last amended by Regulation (EEC) No 523/91 (²), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (³), as last amended by Regulation (EEC) No 815/91 (⁴), and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 August 1991, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities

available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 September 1991, should be fixed within the scope of the total quantity of 49 600 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals, swine, fresh meat and meat-based products from third countries (⁵), as last amended by Directive 91/266/EEC (⁶),

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 August 1991 import licences concerning beef and veal products, expressed in terms of boned meat, originating in certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 413,60 tonnes originating in Botswana,
- 115,00 tonnes originating in Swaziland,
- 18,00 tonnes originating in Zimbabwe;

(¹) OJ No L 84, 30. 3. 1990, p. 85.

(²) OJ No L 58, 5. 3. 1991, p. 1.

(³) OJ No L 241, 13. 9. 1980, p. 5.

(⁴) OJ No L 83, 3. 4. 1991, p. 6.

(⁵) OJ No L 302, 31. 12. 1972, p. 28.

(⁶) OJ No L 134, 29. 5. 1991, p. 45.

United Kingdom :

- 633,60 tonnes originating in Botswana,
- 14,40 tonnes originating in Swaziland,
- 137,50 tonnes originating in Zimbabwe,
- 1 210,00 tonnes originating in Namibia ;

Netherlands :

- 370,00 tonnes originating in Botswana.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of September 1991 in respect of the following quantities of boned beef and veal :

— Botswana :	8 558,80 tonnes,
— Kenya :	142,00 tonnes,
— Madagascar :	7 511,25 tonnes,
— Swaziland :	2 607,60 tonnes,
— Zimbabwe :	8 674,41 tonnes,
— Namibia :	4 464,99 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 August 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 17 September 1991

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(91/521/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (*), as last amended by Regulation (EEC) No 523/91 (**), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (*), as last amended by Regulation (EEC) No 815/91 (**), and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 September 1991, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 October 1991, should be fixed within the scope of the total quantity of 49 600 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals, swine, fresh meat and meat-based products from

third countries (*), as last amended by Directive 91/266/EEC (**).

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 20 September 1991 import licences concerning beef and veal products, expressed in terms of boned meat, originating in certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 550,00 tonnes originating in Botswana,
- 100,00 tonnes originating in Swaziland,
- 40,00 tonnes originating in Zimbabwe,
- 1 000,00 tonnes originating in Namibia;

United Kingdom:

- 250,00 tonnes originating in Botswana,
- 14,50 tonnes originating in Swaziland,
- 820,00 tonnes originating in Zimbabwe,
- 250,00 tonnes originating in Namibia.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of October 1991 in respect of the following quantities of boned beef and veal:

- | | |
|----------------|------------------|
| — Botswana : | 7 758,80 tonnes, |
| — Kenya : | 142,00 tonnes, |
| — Madagascar : | 7 511,25 tonnes, |
| — Swaziland : | 2 493,10 tonnes, |
| — Zimbabwe : | 7 814,41 tonnes, |
| — Namibia : | 3 214,99 tonnes. |

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(**) OJ No L 58, 5. 3. 1991, p. 1.

(*) OJ No L 241, 13. 9. 1980, p. 5.

(*) OJ No L 83, 3. 4. 1991, p. 6.

(*) OJ No L 302, 31. 12. 1972, p. 28

(*) OJ No L 134, 29. 5. 1991, p. 45

COMMISSION REGULATION (EEC) No 2776/91
of 23 September 1991

fixing the amounts by which import duties on beef and veal originating in the
African, Caribbean and Pacific States (ACP) are to be reduced

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

Having regard to Council Regulation (EEC) No 715/90 of
5 March 1990 on the arrangements applicable to agricul-
tural products and certain goods resulting from the
processing of agricultural products originating in the
African, Caribbean and Pacific States (ACP) or in the
overseas countries and territories (OCT) (1), as last
amended by Regulation (EEC) No 523/91 (2), and in parti-
cular Article 3 thereof,

Whereas Article 3 of Regulation (EEC) No 715/90
provides for a 90 % reduction in the import duties on
beef and veal; whereas the amount of this reduction must
be calculated in conformity with Article 3 of Commission

Regulation (EEC) No 970/90 (3), as amended by Regula-
tion (EEC) No 815/91 (4),

HAS ADOPTED THIS REGULATION:

Article 1

The amounts by which import duties on beef and veal are
to be reduced pursuant to Article 3 of amended Regula-
tion (EEC) No 715/90 shall, in respect of importations
during the fourth quarter of 1991, be as shown in the
Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1991.

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

Done at Brussels, 23 September 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(2) OJ No L 58, 5. 3. 1991, p. 1.

(3) OJ No L 99, 19. 4. 1990, p. 8.

(4) OJ No L 83, 3. 4. 1991, p. 6.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Codigo NC	Belgique Luxembourg FB/Fluz/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δρχ/100 χγμ	España Pta/100 kg	France FF/100 kg	Irland £ Irl/100 kg	Italia Lit/100 kg	Nederland Fl/100 kg	Portugal Esc/100 kg	United Kingdom £/100 kg
0102 90 10	5 427,3	1 003,71	263,13	28 111,39	17 323,84	882,51	98,223	196 882	296,49	23 369,90	88,907
0102 90 31	5 427,3	1 003,71	263,13	28 111,39	17 323,84	882,51	98,223	196 882	296,49	23 369,90	88,907
0102 90 33	5 427,3	1 003,71	263,13	28 111,39	17 323,84	882,51	98,223	196 882	296,49	23 369,90	88,907
0102 90 35	5 427,3	1 003,71	263,13	28 111,39	17 323,84	882,51	98,223	196 882	296,49	23 369,90	88,907
0102 90 37	5 427,3	1 003,71	263,13	28 111,39	17 323,84	882,51	98,223	196 882	296,49	23 369,90	88,907
0201 10 10	10 311,8	1 907,04	499,95	53 411,54	32 915,21	1 676,77	186,624	374 075	563,32	44 402,64	168,922
0201 10 90	10 311,8	1 907,04	499,95	53 411,54	32 915,21	1 676,77	186,624	374 075	563,32	44 402,64	168,922
0201 20 21	10 311,8	1 907,04	499,95	53 411,54	32 915,21	1 676,77	186,624	374 075	563,32	44 402,64	168,922
0201 20 29	10 311,8	1 907,04	499,95	53 411,54	32 915,21	1 676,77	186,624	374 075	563,32	44 402,64	168,922
0201 20 31	8 249,4	1 525,63	399,96	42 729,15	26 332,14	1 341,42	149,298	299 260	450,66	35 522,07	135,138
0201 20 39	8 249,4	1 525,63	399,96	42 729,15	26 332,14	1 341,42	149,298	299 260	450,66	35 522,07	135,138
0201 20 51	12 374,2	2 288,45	599,94	64 093,83	39 498,28	2 012,13	223,949	448 890	675,98	53 283,20	202,707
0201 20 59	12 374,2	2 288,45	599,94	64 093,83	39 498,28	2 012,13	223,949	448 890	675,98	53 283,20	202,707
0201 20 90	15 467,7	2 860,56	749,93	80 771,02	48 466,85	2 515,17	279,935	561 112	844,97	66 171,08	253,383
0201 30 00	17 692,8	3 272,07	857,81	91 967,17	56 025,91	2 876,99	320,207	641 833	966,54	75 970,67	289,834
0202 10 00	8 197,7	1 516,06	397,45	42 372,94	26 289,27	1 333,01	148,362	297 383	447,83	35 357,72	134,290
0202 20 10	8 197,7	1 516,06	397,45	42 372,94	26 289,27	1 333,01	148,362	297 383	447,83	35 357,72	134,290
0202 20 30	6 558,1	1 212,85	317,96	33 898,45	21 031,47	1 066,41	118,960	237 907	358,26	27 934,21	107,432
0202 20 50	10 247,1	1 895,08	496,82	52 966,19	32 861,63	1 666,26	185,453	371 729	559,78	44 661,13	167,863
0202 20 90	12 296,5	2 274,09	596,18	64 141,01	38 628,14	1 999,51	222,544	446 075	671,74	52 651,62	201,435
0202 30 10	10 247,1	1 895,08	496,82	52 966,19	32 861,63	1 666,26	185,453	371 729	559,78	44 197,19	167,863
0202 30 50	10 247,1	1 895,08	496,82	52 966,19	32 861,63	1 666,26	185,453	371 729	559,78	44 197,19	167,863
0202 30 90	14 100,0	2 607,62	683,62	73 271,92	44 676,54	2 292,78	255,183	511 499	770,27	60 006,74	230,979
0206 10 95	17 692,8	3 272,07	857,81	91 967,17	56 025,91	2 876,99	320,207	641 833	966,54	75 970,67	289,834
0206 29 91	14 100,0	2 607,62	683,62	73 271,92	44 676,54	2 292,78	255,183	511 499	770,27	60 006,74	230,979
0210 20 10	15 467,7	2 860,56	749,93	80 771,02	48 466,85	2 515,17	279,935	561 112	844,97	66 171,08	253,383
0210 20 90	17 692,8	3 272,07	857,81	92 178,58	55 733,00	2 876,99	320,207	641 833	966,54	75 830,72	289,834
0210 90 41	17 692,8	3 272,07	857,81	92 178,58	55 733,00	2 876,99	320,207	641 833	966,54	75 830,72	289,834
0210 90 90	17 692,8	3 272,07	857,81	92 178,58	55 733,00	2 876,99	320,207	641 833	966,54	75 830,72	289,834
1602 50 10	17 692,8	3 272,07	857,81	92 178,58	55 733,00	2 876,99	320,207	641 833	966,54	75 830,72	289,834
1602 90 61	17 692,8	3 272,07	857,81	92 817,58	54 847,47	2 876,99	320,207	641 833	966,54	75 407,59	289,834

NB Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) n.º 2658/87 modificado.

NB KN-koderne, herunder henvisninger til fodnoter, er fastsat i den ændrede forordning (EØF) nr. 2658/87.

NB Die KN-Code sowie die Verweise und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 bestimmt.

NB Οι κωδικοί της συνδυασμένης ονοματολογίας συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87.

NB The CN codes and the footnotes are defined in amended Regulation (EEC) No 2658/87.

NB Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) n.º 2658/87 modifié.

NB I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n. 2658/87 modificato.

NB GN-codes en voetnoten: zie de gewijzigde Verordening (EEG) nr. 2658/87.

NB Os códigos NC, incluindo as remissões em pé-de-página são definidos no Regulamento (CEE) n.º 2658/87 alterado.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 October 1991

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(91/545/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (*), as amended by Regulation (EEC) No 523/91 (**), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (***), as last amended by Regulation (EEC) No 815/91 (****), and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 August 1991, expressed in terms of boned meat in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore

possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 November 1991, should be fixed within the scope of the total quantity of 49 600 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals, swine, fresh meat and meat-based products from third countries (†), as last amended by Directive 91/266/EEC (††).

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 October 1991 import licences concerning beef and veal products, expressed in terms of boned meat, originating in certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 200,00 tonnes originating in Botswana,
- 102,00 tonnes originating in Swaziland,
- 101,80 tonnes originating in Zimbabwe,
- 95,00 tonnes originating in Namibia;

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

(**) OJ No L 58, 5. 3. 1991, p. 1.

(†) OJ No L 241, 13. 9. 1980, p. 5.

(††) OJ No L 83, 3. 4. 1991, p. 6.

(†) OJ No L 302, 31. 12. 1972, p. 28.

(††) OJ No L 134, 29. 5. 1991, p. 45.

United Kingdom :

- 50,00 tonnes originating in Botswana,
- 360,00 tonnes originating in Zimbabwe,
- 540,00 tonnes originating in Namibia ;

Netherlands :

- 67,20 tonnes originating in Namibia ;

France :

- 41,95 tonnes originating in Madagascar.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of November 1991 in respect of the following quantities of boned beef and veal :

— Botswana :	7 508,80 tonnes,
— Kenya :	142,00 tonnes,
— Madagascar :	7 469,30 tonnes,
— Swaziland :	2 391,10 tonnes,
— Zimbabwe :	7 352,61 tonnes,
— Namibia :	2 542,79 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 18 November 1991

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(91/622/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), as amended by Regulation (EEC) No 523/91 (2), and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (3), as last amended by Regulation (EEC) No 815/91 (4), and in particular Article 15 (b) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 November 1991, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 December 1991, should be fixed within the scope of the total quantity of 49 600 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals, swine, fresh meat and meat-based products from

third countries (5), as last amended by Directive 91/497/EEC (6).

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 November 1991 import licences concerning beef and veal products, expressed in terms of boned meat, originating in certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

— 5,00 tonnes originating in Swaziland;

United Kingdom:

- 149,06 tonnes originating in Botswana,
- 48,01 tonnes originating in Zimbabwe,
- 300,00 tonnes originating in Namibia.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of December 1991 in respect of the following quantities of boned beef and veal:

- Botswana: 7 359,74 tonnes,
- Kenya: 142,00 tonnes,
- Madagascar: 7 469,30 tonnes,
- Swaziland: 2 386,10 tonnes,
- Zimbabwe: 7 304,60 tonnes,
- Namibia: 2 212,79 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 18 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(2) OJ No L 58, 5. 3. 1991, p. 1.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 83, 3. 4. 1991, p. 6.

(5) OJ No L 302, 31. 12. 1972, p. 28.

(6) OJ No L 268, 24. 9. 1991, p. 69.

COMMISSION REGULATION (EEC) No 3757/91
of 20 December 1991

fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) ⁽¹⁾, as last amended by Regulation (EEC) No 523/91 ⁽²⁾, and in particular Article 3 thereof,

Whereas Article 3 of Regulation (EEC) No 715/90 provides for a 90 % reduction in the import duties on beef and veal; whereas the amount of this reduction must be calculated in conformity with Article 3 of Commission

Regulation (EEC) No 970/90 ⁽³⁾, as amended by Regulation (EEC) No 815/91 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The amounts by which import duties on beef and veal are to be reduced pursuant to Article 3 of Regulation (EEC) No 715/90 shall, in respect of importations during the first quarter of 1992, be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1992.

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

Done at Brussels, 20 December 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽³⁾ OJ No L 99, 19. 4. 1990, p. 8.

⁽⁴⁾ OJ No L 83, 3. 4. 1991, p. 6.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Código NC KN-code KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC	Belgique Luxembourg FB/Flux/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δρχ./100 χΥΡ	Εσπaña Pts/100 kg	France FF/100 kg	Ireland £ Ir/100 kg	Italia Lit/100 kg	Nederland Fl/100 kg	Portugal Esc/100 kg	United Kingdom £/100 kg
0102 90 10	5 753,8	1 064,09	278,96	29 742,37	18 293,16	935,60	104,132	208 726	314,32	24 727,42	94,163
0102 90 31	5 753,8	1 064,09	278,96	29 742,37	18 293,16	935,60	104,132	208 726	314,32	24 727,42	94,163
0102 90 33	5 753,8	1 064,09	278,96	29 742,37	18 293,16	935,60	104,132	208 726	314,32	24 727,42	94,163
0102 90 35	5 753,8	1 064,09	278,96	29 742,37	18 293,16	935,60	104,132	208 726	314,32	24 727,42	94,163
0102 90 37	5 753,8	1 064,09	278,96	29 742,37	18 293,16	935,60	104,132	208 726	314,32	24 727,42	94,163
0201 10 10	10 932,1	2 021,77	530,03	56 510,50	34 757,06	1 777,65	197,852	396 580	597,20	46 982,15	178,911
0201 10 90	10 932,1	2 021,77	530,03	56 510,50	34 757,06	1 777,65	197,852	396 580	597,20	46 982,15	178,911
0201 20 21	10 932,1	2 021,77	530,03	56 510,50	34 757,06	1 777,65	197,852	396 580	597,20	46 982,15	178,911
0201 20 29	10 932,1	2 021,77	530,03	56 510,50	34 757,06	1 777,65	197,852	396 580	597,20	46 982,15	178,911
0201 20 31	8 745,8	1 617,42	424,03	45 208,41	27 805,64	1 422,13	158,281	317 264	477,77	37 585,72	143,129
0201 20 39	8 745,8	1 617,42	424,03	45 208,41	27 805,64	1 422,13	158,281	317 264	477,77	37 585,72	143,129
0201 20 51	13 118,6	2 426,12	636,04	67 812,66	41 708,46	2 133,18	237,422	475 896	716,65	56 378,58	214,693
0201 20 59	13 118,6	2 426,12	636,04	67 812,66	41 708,46	2 133,18	237,422	475 896	716,65	56 378,58	214,693
0201 20 90	14 398,3	3 032,65	795,04	86 770,67	51 709,23	2 666,48	296,777	594 869	895,82	70 473,22	269,742
0201 30 00	18 757,3	3 468,92	909,41	97 954,88	59 424,09	3 050,07	339,470	680 446	1 024,68	80 611,31	307,655
0202 10 00	7 599,9	1 405,50	368,47	38 728,71	24 280,85	1 235,80	137,543	275 695	415,17	32 661,20	123,995
0202 10 10	7 599,9	1 405,50	368,47	38 728,71	24 280,85	1 235,80	137,543	275 695	415,17	32 661,20	123,995
0202 20 30	6 079,9	1 124,41	294,78	30 983,05	19 424,73	988,64	110,035	220 557	332,14	26 129,03	99,196
0202 20 50	9 499,9	1 756,87	460,58	48 410,91	30 351,09	1 544,74	171,929	344 620	518,96	40 826,54	154,993
0202 20 90	11 399,8	2 108,25	552,70	59 876,45	36 042,12	1 853,69	206,314	413 545	622,76	48 991,89	187,215
0202 30 10	9 499,9	1 756,87	460,58	48 410,91	30 351,09	1 544,74	171,929	344 620	518,96	40 826,54	154,993
0202 30 50	9 499,9	1 756,87	460,58	48 410,91	30 351,09	1 544,74	171,929	344 620	518,96	40 826,54	154,993
0202 30 90	13 071,8	2 417,45	633,76	67 810,68	41 508,43	2 125,57	236,573	474 197	714,09	56 177,25	214,091
0206 10 95	18 757,3	3 468,92	909,41	97 954,88	59 424,09	3 050,07	339,470	680 446	1 024,68	80 611,31	307,655
0206 29 91	13 071,8	2 417,45	633,76	67 810,68	41 508,43	2 125,57	236,573	474 197	714,09	56 177,25	214,091
0210 20 10	18 398,3	3 032,65	795,04	86 770,67	51 709,23	2 666,48	296,777	594 869	895,82	70 473,22	269,742
0210 20 90	18 757,3	3 468,92	909,41	98 603,06	59 286,25	3 050,07	339,470	680 446	1 024,68	80 611,31	308,100
0210 90 41	18 757,3	3 468,92	909,41	98 603,06	59 286,25	3 050,07	339,470	680 446	1 024,68	80 611,31	308,100
0210 90 90	18 757,3	3 468,92	909,41	98 603,06	59 286,25	3 050,07	339,470	680 446	1 024,68	80 611,31	308,100
1602 50 10	18 757,3	3 468,92	909,41	98 603,06	59 286,25	3 050,07	339,470	680 446	1 024,68	80 611,31	308,100
1602 90 61	18 757,3	3 468,92	909,41	100 562,72	58 869,53	3 050,07	339,470	680 446	1 024,68	80 611,31	309,444

NB: Los códigos NC, incluidos en las notas a pie de página, se definen en el Reglamento (CEE) n° 2658/87 modificado.

NB: KN-koderne, herunder besværgninger til fodnoter, er fastsat i den ændrede forordning (EØF) nr. 2658/87.

NB: Die KN-Code sowie die Verweiseungen und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 bestimmt.

NB: Οι κωδικοί της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87.

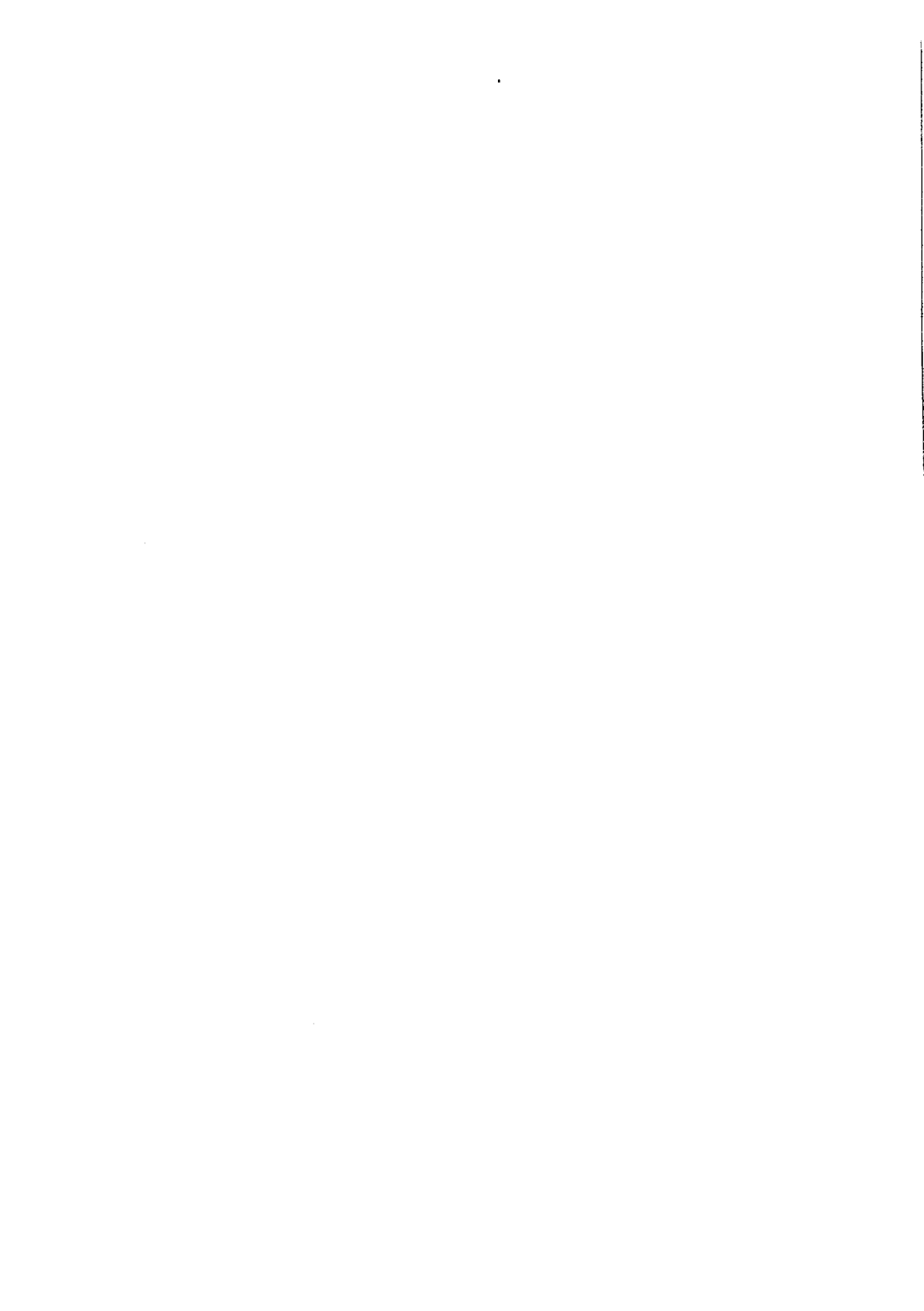
NB: The CN codes and the footnotes are defined in amended Regulation (EEC) No 2658/87.

NB: Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) n° 2658/87 modifié.

NB: I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n. 2658/87 modificato.

NB: GN-codes en voetnoten: zie de gewijzigde Verordening (EEG) nr. 2658/87.

NB: Os códigos NC, incluindo as remissões em pé-de-página são definidos no Regulamento (CEE) n° 2658/87 alterado.



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

A — Trade

(c) Poultrymeat

COMMISSION REGULATION (EEC) No 1306/91
of 17 May 1991

on import licences for poultrymeat products originating in the African, Caribbean, and Pacific states or in the overseas countries and territories

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽¹⁾, as last amended by Regulation (EEC) No 523/81⁽²⁾, and in particular Article 27 thereof,

Whereas Article 4 (5) of Commission Regulation (EEC) No 903/90⁽³⁾, as amended by Regulation (EEC) No 1741/90⁽⁴⁾, provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas licence applications have been lodged from 1 to 10 January 1991;

Whereas Article 4 (5) of Regulation (EEC) No 903/90 stipulates that if the total quantity for which applications have been submitted is less than that available, the Commission is to determine the quantity remaining, which is to be added to that available for the following quarter; whereas the quantity available for the second six months of 1991 of the products referred to in Article 6 of Regulation (EEC) No 715/90 should therefore be determined;

Whereas Regulation (EEC) No 715/90 applied only until 28 February 1991; whereas it has accordingly not been possible to decide to what extent action could be taken in

respect of such applications or to fix the quantities for which licence applications could be submitted in the first 10 days of July 1991;

Whereas Regulation (EEC) No 523/91 replaces the date 28 February 1991 by 29 February 1992 and whereas those decisions may accordingly be taken and those quantities fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences lodged in accordance with Regulation (EEC) No 903/90 for the period 1 January to 30 June 1991 shall be accepted in full.

Article 2

Licence applications may be lodged in accordance with Article 4 of Regulation (EEC) No 903/90 during the first 10 days of July 1991 for:

- 193 tonnes of products falling within CN code 0207,
- 250 tonnes of products falling within CN codes 1602.31 and 1602.39.

Article 3

This Regulation shall enter into force on the third day after 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, 17 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

(¹) OJ No L 84, 30. 3. 1990, p. 85.

(²) OJ No L 58, 5. 3. 1991, p. 1.

(³) OJ No L 93, 10. 4. 1990, p. 20.

(⁴) OJ No L 161, 27. 6. 1990, p. 32.

COMMISSION REGULATION (EEC) No 2105/91

of 17 July 1991

on import licences for poultrymeat products originating in the African, Caribbean, and Pacific states or in the overseas countries and territories

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽¹⁾, as last amended by Regulation (EEC) No 523/81⁽²⁾, and in particular Article 27 thereof,

Whereas Article 4 (5) of Commission Regulation (EEC) No 903/90⁽³⁾, as amended by Regulation (EEC) No 1741/90⁽⁴⁾, provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas licence applications have been lodged from 1 to 10 July 1991 without exceeding the quotas,

HAS ADOPTED THIS REGULATION :

Article 1

Applications for import licences lodged in accordance with Regulation (EEC) No 903/90 for the period 1 July to 31 December 1991 shall be accepted in full.

Article 2

This Regulation shall enter into force on 22 July 1991.

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

Done at Brussels, 17 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽³⁾ OJ No L 93, 10. 4. 1990, p. 20.

⁽⁴⁾ OJ No L 161, 27. 6. 1990, p. 32.

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

A — Trade

(d) Milk products



COMMISSION REGULATION (EEC) No 1892/91

of 28 June 1991

on import licences for milk and milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT) (1), as last amended by Regulation (EEC) No 523/91 (2), and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 (3) provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas a single licence application was lodged from 1 to 10 January 1991;

Whereas Article 4 (4) of Regulation (EEC) No 1150/90 provides that if the total quantity for which applications have been submitted is less than that available the Commission is to calculate the quantity remaining, which

is to be added to that available for the following half; whereas under these circumstances the quantity available for the second half of 1991 of the products referred to in Article 7 of Regulation (EEC) No 715/90 should be determined.

HAS ADOPTED THIS REGULATION :

Article 1

1. Licence applications lodged pursuant to Article 4 of Regulation (EEC) No 1150/90 from 1 to 10 January 1991 are hereby accepted.

2. Further licence applications may be lodged during the first 10 days of July 1991 for the following quantities :

- 250 tonnes of products falling within CN code 0402,
- 500 tonnes of products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 1 July 1991.

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

Done at Brussels, 28 June 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

(2) OJ No L 58, 5. 3. 1991, p. 1.

(3) OJ No L 114, 5. 5. 1990, p. 21.

COMMISSION REGULATION (EEC) No 2133/91

of 18 July 1991

on import licences for milk and milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, as last modified by Regulation (EEC) No 523/91 ⁽²⁾, and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 ⁽³⁾, as modified by Regulation (EEC) No 2975/90 ⁽⁴⁾, provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas applications for licences have been made for a total quantity not greater than that available; whereas, therefore, all applications submitted should be accepted,

HAS ADOPTED THIS REGULATION:

Article 1

Licence applications lodged pursuant to Article 4 of Regulation (EEC) No 1150/90 from 1 to 10 July 1991 and notified to the Commission shall be accepted.

Article 2

This Regulation shall enter into force on 20 July 1991.

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

Done at Brussels, 18 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽³⁾ OJ No L 114, 5. 5. 1990, p. 21.

⁽⁴⁾ OJ No L 283, 16. 10. 1990, p. 16.

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

A — Trade

(e) Origin



COUNCIL REGULATION (EEC) No 2835/91

of 23 September 1991

amending a definitive anti-dumping duty following a partial review of anti-dumping measures concerning imports of urea originating in Venezuela and terminating the review of anti-dumping measures concerning imports of urea originating in Trinidad and Tobago

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 9, 12 and 14 thereof,

Having regard to the proposal from the Commission, submitted after consultations within the Advisory Committee as provided for by the abovementioned Regulation,

Whereas :

A. PROCEDURE

- (1) In November 1990, pursuant to Article 14 of Regulation (EEC) No 2423/88, the Commission received a request for a review of the anti-dumping measures imposed on imports of urea originating in Trinidad and Tobago and Venezuela by Council Regulation (EEC) No 450/89⁽²⁾ and Commission Decision 89/143/EEC⁽³⁾.
- (2) With regard to Trinidad and Tobago, this request was made by the Trinidad and Tobago Urea Company Ltd, the successor to the National Energy Corporation of Trinidad and Tobago Ltd, which had offered an undertaking in connection with the abovementioned Decision which had been accepted. The review was requested on the ground of a change in circumstances, resulting from the fact that a fall in production costs and a substantial increase in the prices of exports to the Community had put an end to any dumping.
- (3) With regard to Venezuela, the request made by Venezolana del Nitrogeno CA (Nitroven) and Petroquimica de Venezuela SA (Pequiven) for a review of the definitive anti-dumping duty of 21,5 % imposed by Regulation (EEC) No 450/89 was based on the change in circumstances brought about by an adjustment on 14 March 1989 of the

official rate of exchange which had been used by the Commission to compare the normal value and the export price in order to calculate the dumping margin. According to these companies, the application of the new exchange rate would show that there was no dumping.

B. SUBSEQUENT PROCEEDING

- (4) Having concluded that the requests for review contained sufficient evidence of a change in circumstances, the Commission, by a notice published in the *Official Journal of the European Communities*⁽⁴⁾, announced its decision to open a review of anti-dumping measures concerning imports of urea originating in Trinidad and Tobago and in Venezuela.
- (5) The Commission officially notified the producers/exporters directly involved and the representatives of the exporting countries.
- (6) The Commission collected and verified all information it deemed necessary to enable it to establish the facts and carried out checks at the premises of the exporting companies involved, namely :
 - Trinidad and Tobago Urea Co Ltd (TTUC), Port of Spain, Trinidad,
 - Petroquimica de Venezuela SA (Pequiven), Caracas, Venezuela,
 - Venezolana del Nitrogeno CA (Nitroven), Caracas, Venezuela,
 - Palmaven SA, Caracas, Venezuela.
- (7) The investigation of dumping as provided for in Article 7 (1) (c) of Regulation (EEC) No 2423/88 covered the period from 1 January 1990 to 31 December 1990.

C. PRODUCT

- (8) The product in question is a nitrogen compound whose chemical formula is CO (NH₂). It is produced synthetically from a reaction between

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 52, 24. 2. 1989, p. 1.

⁽³⁾ OJ No L 52, 24. 2. 1989, p. 37.

⁽⁴⁾ OJ No C 55, 2. 3. 1991, p. 4.

ammonia and carbonic acid and comprises approximately 45 % nitrogen. Urea is sold in prilled form (Trinidad and Tobago), granular form (Venezuela) or liquid form. It is mainly used as fertilizer.

Urea falls within CN codes 3102 10 10 and 3102 10 99.

D. DUMPING REVIEW

I. Trinidad and Tobago

(a) Normal value :

(9) as TTUC's average urea sales price on its domestic market was lower than the production cost during the period of the investigation, the constructed normal value was used, in accordance with Article 2 (3) (b) (ii) of Council Regulation (EEC) No 2423/88.

(10) The constructed normal value was calculated by adding a profit margin of 7 % to the cost of production. This margin was held to be reasonable, given that, in the current economic climate, it represents the *minimum necessary* to allow urea producers to run their plants under normal operating conditions while producing an acceptable return on capital employed and securing the investment financing required to continue operating at a profit ;

(b) export prices :

(11) export prices were established on the basis of the prices actually paid or payable for the product sold for export to the Community, in accordance with Article 2 (8) (a) of Regulation (EEC) No 2423/88 ;

(c) comparison :

(12) the constructed normal value was compared, transaction by transaction, with export prices at the ex-factory stage.

In accordance with Article 2 (10) of Regulation (EEC) No 2423/88, the Commission made due allowance in the form of adjustments for differences affecting price comparability, such as transport, insurance and handling charges, credit terms, commissions and ancillary costs ;

(d) anti-dumping margin :

(13) an examination of the above facts showed that no dumping was taking place.

II. Venezuela

(a) Normal value :

(14) as urea is sold on the domestic Venezuelan market at prices fixed by government decree that are lower than the cost of production, the constructed normal value was used, in accordance with Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88.

(15) The constructed normal value was calculated by adding a profit margin of 7 % to the cost of production. This margin was held to be reasonable, given that, in the current economic climate, it represents the minimum necessary to allow urea producers to run their plants under normal operating conditions while producing an acceptable return on capital employed and securing the investment financing required to continue operating at a profit ;

(b) export prices :

(16) no urea originating in Venezuela was exported to the Community during the investigation period ;

(c) comparison :

(17) under these circumstances, it was not possible to compare the normal value and the export price.

E. CONCLUSIONS

I. Termination of the review as regards Trinidad and Tobago

(18) Given that there is no evidence of dumping and in view of the behaviour of the exporter involved, which has generally respected its undertaking and has also substantially increased the prices of its exports to the Community, the Council is of the opinion that the anti-dumping measures currently imposed on this country should be lifted.

(19) Under these circumstances, the Council considers that the review of the anti-dumping measures concerning imports of urea originating in Trinidad and Tobago should be terminated.

(20) This conclusion has not met with any objections from the anti-dumping committee.

II. Amendment of the definitive duties as regards Venezuela

(21) As regards Venezuela, in the absence of any exports to the Community, it is not possible to verify the accuracy of the argument put forward by the exporters claiming that the application of the new offi-

cial exchange rate has put an end to dumping. Consequently, the fairest solution would appear to be to abolish the *ad valorem* duty of 21.5 % currently in force, replacing it with a variable duty based on the new normal value for the exporters, as established in the course of the present proceeding.

- (22) As regards the injury, in their request the exporters argued that the injury had been eliminated as a result of the fact that there had been no exports to the Community, and that the prices of Community producers had risen steadily since the imposition of the anti-dumping duty.

The Council observes that as a result of the previous anti-dumping proceeding, the exporters decided to suspend all exports to the Community. The Council is of the opinion that this suspension can be interpreted neither as an indication that the injury has been eliminated nor as a change of circumstances justifying a review of the injury.

Furthermore, as regards the claim that Community producers have raised their prices, even should this claim be substantiated, these price increases would be a normal consequence of the existence of anti-dumping measures.

Consequently, the Council does not consider the arguments advanced concerning injury to be relevant.

- (23) However, as noted above, the Council considers that a fair response to the exporters' request would be to take account of the results of this proceeding and to base the variable anti-dumping duty on the exporters' new normal value.

This variable anti-dumping duty is established in the form of a minimum price, free at Community frontier, calculated on the basis of the cost of producing the urea as established in the course of the investigation period, plus a reasonable profit margin plus the ancillary costs incurred up to the Community frontier. On this basis, the minimum price free at Community frontier is ECU 110,50 per tonne.

It should be noted that this minimum price is lower than the price used as a basis for calculating the *ad valorem* duty established in the previous proceeding.

- (24) The *ad valorem* duty of 21,5 % is retained for imports of urea originating in Venezuela, with the exception of urea exported by Pequiven and Nitroven.
- (25) These conclusions have not met with any objections from the anti-dumping committee.

- (26) All the producers/exporters involved in this proceeding and the representatives of the Community producers were informed of the main facts and considerations on the basis of which it was proposed to recommend the termination of the review as regards Trinidad and Tobago and the amendment of the definitive measures as regards Venezuela. They were also granted a period of time in which to make their comments known following notification. The Commission noted their remarks and took due account of them,

HAS ADOPTED THIS REGULATION :

Article 1

1. The review of anti-dumping measures concerning imports of urea originating in Trinidad and Tobago is hereby terminated.

2. The undertaking made by the National Energy Corporation of Trinidad and Tobago Ltd, and taken up by the Trinidad and Tobago Urea Company LTD (TTUC), which had been accepted by Council Regulation (EEC) No 3339/87 (*), as last amended by Regulation (EEC) No 450/89, and confirmed by Commission Decision 89/143/EEC, is hereby cancelled.

Article 2

The anti-dumping duty of 21,5 % (additional code 8550) imposed by Regulation (EEC) No 450/89 on imports of urea originating in Venezuela and falling within CN codes 3102 10 10 and 3102 10 99 shall be retained for imports of urea originating in Venezuela, with the exception of urea produced and exported to the Community by Venezolana del Nitrogeno CA (Nitroven) and Petroquímica de Venezuela SA (Pequiven) (additional code 8549), for which the anti-dumping duty shall be the difference between the net price per tonne free at Community frontier, not cleared through customs, and the sum of ECU 110,50 per tonne.

Article 3

The provisions in force concerning customs duties shall apply.

Article 4

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

(*) OJ No L 317, 7. 11. 1987, p. 1.

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

Done at Brussels, 23 September 1991.

For the Council

The President

P. BUKMAN

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 2835/91 of 23 September 1991 amending a definitive anti-dumping duty following a partial review of anti-dumping measures concerning imports of urea originating in Venezuela and terminating the review of anti-dumping measures concerning imports of urea originating in Trinidad and Tobago

(Official Journal of the European Communities No L 272 of 28 September 1991)

On page 12, lines 2 and 8 of the second subparagraph of paragraph (23):

for: 'free',

read: 'cif';

in Article 2:

for: '... and the sum of ECU 110,50 per tonne',

read: '... and the sum of ECU 110,50 per tonne, cif at Community frontier'.



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

A — Trade

(f) Rum



COUNCIL REGULATION (EEC) No 1908/91

of 28 June 1991

opening, allocating and providing for the administration of a Community tariff quota for rum, tafia and arrack originating in the African, Caribbean and Pacific (ACP) States (1991/92)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Community signed the Fourth ACP-EEC Convention at Lomé on 15 December 1989; whereas the Community decided, by Council Regulation (EEC) No 524/91 of 27 February 1991 concerning the application of Decision No 1/91 of the ACP-EEC Council of Ministers extending Decision No 2/90 on transitional measures valid from 1 March 1990 (*), to apply Protocol 6 annexed to the Convention autonomously in advance;

Whereas Protocol 6 provides that products originating in the African, Caribbean and Pacific (ACP) States which fall within CN codes 2208 40 10, 2208 40 90, 2208 90 11 and 2208 90 19 shall, until the entry into force of a common organization of the market in spirits, be allowed into the Community free of customs duties under conditions such as to permit the development of traditional trade flows between the ACP States and the Community and between the Member States; whereas the Community shall until 31 December 1993 fix each year the quantities which may be imported free of customs duties on the basis of the largest quantities imported annually from the ACP States into the Community in the past three years for which statistics are available, increased by an annual growth rate of 37 % on the market of the United Kingdom and 27 % on the other markets of the Community;

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 (**), provision is made for special arrangements for the quota duties to be applied by those two Member States; whereas by reason of the particularities peculiar to the market in rum the quota period ranges from 1 July to 30 June;

Whereas, having regard to the levels reached by imports of the products concerned into the Community during the past three years for which statistics are available, the annual quota volume for the period from 1 July 1991 to 30 June 1992 must be fixed at 197 771 hectolitres of pure alcohol;

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to

the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up;

Whereas, following the case law of the Court of Justice, it is unlawful to allocate the Community quotas between the Member States, unless overriding circumstances of an administrative, technical or economic nature prevent acting otherwise; whereas, in addition, in cases where it is decided to allocate quotas, a mechanism should be set up whereby the integrity of the Common Customs Tariff may be protected;

Whereas the economic difficulties which could result for the French Overseas Departments (FOD) from the sudden change in the arrangements for importing rum from the African, Caribbean and Pacific (ACP) States constitute circumstances having a binding effect which justify the temporary and partial maintenance of these arrangements; whereas, however, the arrangements for allocation of the quota into national shares should be phased out and can only be justified on a transitional basis; whereas the arrangements should in any event definitively disappear with the prospect of the establishment of the internal market;

Whereas, in these circumstances, it is advisable to increase to 60 % the volume of the Community reserve by means of a system for the automatic transfer of Member State share to the reserve as soon as 80 % of the latter has been used up;

Whereas, during the past three years for which statistical data are available, imports from Member States have been as follows:

(in hectolitres of pure alcohol)

Member State	1988	1989	1990
Benelux	7 389	7 621	9 339
Denmark	2 038	1 748	2 404
Germany	42 523	48 591	50 451
Greece	—	586	5 699
Spain	—	156	9 514
France	1 216	19	—
Ireland	2 989	2 973	2 282
Italy	806	431	54
Portugal	—	—	—
United Kingdom	63 525	83 773	70 436
Total	119 686	145 898	150 179

(*) OJ No L 58, S. 3, 1991, p. 2.

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

Whereas, in view of these factors, of market forecasts for the products in question and of the estimates submitted by certain Member States, quota shares may be fixed approximately at the following percentages :

Benelux	5,86,
Denmark	1,49,
Germany	34,05,
Greece	1,51,
Spain	2,32,
France	0,30
Ireland	1,79,
Italy	0,31,
Portugal	0,00,
United Kingdom	52,37 ;

Whereas provision should be made for a mechanism to prevent, when the Community quota is not exhausted, goods from being imported into a Member State which has exhausted its share only after the full application of customs duties, or after having been diverted to another Member State which has not yet exhausted its share ; whereas, in these circumstances, if, during the quota period, the Community reserve were to be almost entirely used up, Member States should return to the said reserve all of the unused portion of their initial shares so as to avoid part of the Community tariff quota from remaining unused in one Member State, when it could be used in others ;

Whereas measures should be laid down to ensure that Protocol 5 is implemented under conditions such as to

permit the development of traditional trade flows between the ACP States and the Community, on the one hand, and between the Member States on the other ;

Whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be able to keep account of quota utilization rates and inform the Member States accordingly ;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the quotas may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 July 1991 to 30 June 1992, the following products originating in the ACP States shall be imported duty free into the Community within the limits of the relevant Community tariff quota mentioned :

Order No	CN code	Description	Quota Volume (in hl of pure alcohol)	Quota duty
09.1605	2208 40 10 2208 40 90 2208 90 11 2208 90 19	Rum, tafia and arrak	197 771	Free

2. Within the limit of this quota, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the 1985 Act of Accession and Regulation (EEC) No 1820/87.

Spain	1 835,
France	235,
Ireland	1 415,
Italy	245,
Portugal	10,
United Kingdom	41 425.

Article 2

1. The tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment of 79 108 hectolitres of pure alcohol shall be allocated amongst the Member States ; the shares which, subject to the following, shall apply until 30 June 1992, amount to the following quantities :

	(hectolitres of pure alcohol)
Benelux	4 636,
Denmark	1 178,
Germany	26 935,
Greece	1 194,

3. A second instalment of 118 663 hectolitres of pure alcohol shall constitute the Community reserve.

Article 3

If a Member State's initial share as specified in Article 2 (2), has been used up entirely, the following provisions shall apply.

If an importer presents, in a Member State, a declaration as to entry into free circulation comprising a request for preferential treatment for a product covered by this Regulation, and this declaration is accepted by the customs authorities, the Member State concerned shall, by noti-

fyng the Commission, draw an amount corresponding to its requirements from the reserve referred to in Article 2 (3).

Requests to draw on the reserve together with the date of acceptance of the said declaration must be forwarded to the Commission without delay.

Drawings shall be granted by the Commission on the basis of the date of acceptance of goods for entry into free circulation by the customs authorities of the Member State concerned, provided a sufficient amount remains in the reserve.

If a Member State does not use the quantities drawn, it shall return them to the reserve as soon as possible.

If requests for drawings exceed the amount remaining in the reserve, an allocation shall be made pro rata. The Member States shall be so informed by the Commission.

Article 4

Once at least 80 % of the reserve as defined in Article 2 (3), has been used up, the Commission shall inform the Member States thereof.

It shall also notify Member States in this case of the date from which drawings on the Community reserve must be made according to the provisions laid down in Article 3, if these provisions are not already in effect.

Within a time limit fixed by the Commission as from the date referred to in paragraph 2, Member States shall be required to return to the reserve all their initial shares which have not been used on that date.

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

Done at Brussels, 28 June 1991.

Article 5

The Commission shall keep an account of the shares opened to the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each State of the extent to which the reserves have been used up.

It shall inform the Member States of the volume of the reserve following any return of quota shares pursuant to Article 4.

Article 6

Each Member States shall ensure that importers of the products concerned have free access to the quota for such time as the residual balance of the quota volumes so permits.

Article 7

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

Article 8

Council Regulation (EEC) No 1316/R7 of 11 May 1987 on the safeguard measures provided for in the Third ACP-EEC Convention (1) and the provisions that will replace it under the Fourth ACP-EEC Convention shall apply to the products referred to in this Regulation.

Article 9

This Regulation shall enter into force on 1 July 1991.

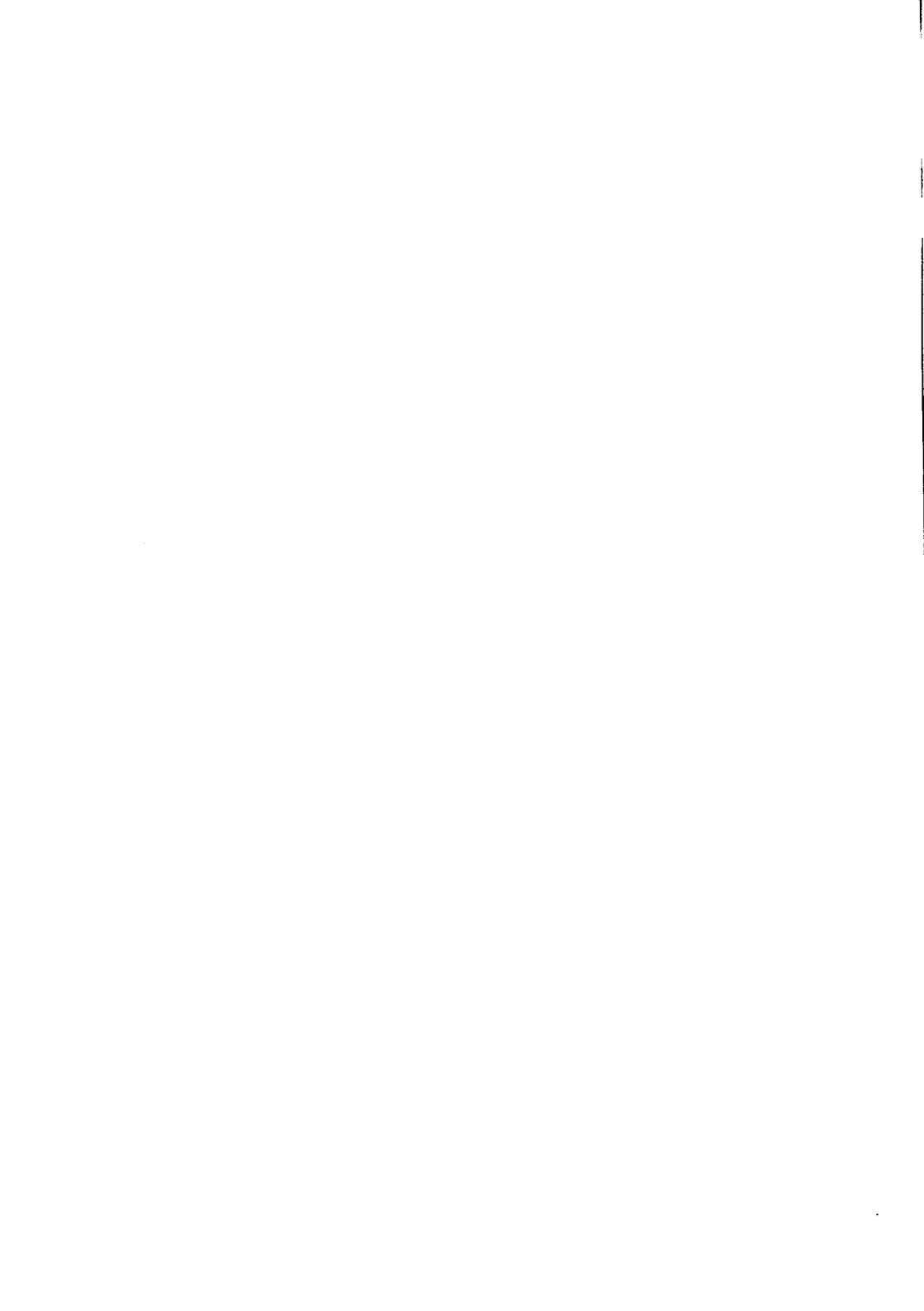
For the Council
The President
J. F. POOS

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



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

B — Financial and technical cooperation



INTERNAL AGREEMENT

on the financing and administration of Community aid under the Fourth
ACP-EEC Convention
(91/401/EEC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE
EUROPEAN ECONOMIC COMMUNITY, MEETING WITHIN THE COUNCIL,

Having regard to the Treaty establishing the European Economic Community,

Whereas the Fourth ACP-EEC Convention, signed in Lomé on 15 December 1989 (hereinafter referred to as 'the Convention'), set the aggregate amount of Community aid to the ACP States for the period 1990 to 1995 at ECU 12 000 million;

Whereas the representatives of the Governments of the Member States meeting within the Council, agreed to set at ECU 140 million the amount of aid from the European Development Fund for the overseas countries and territories to which Part Four of the Treaty applies (hereinafter referred to as 'the countries and territories'); whereas provision is also made for operations to the amount of ECU 25 million to be undertaken by the European Investment Bank (hereinafter referred to as 'the Bank') from its own resources in the countries and territories;

Whereas the ecu used for the application of this Agreement is defined in Council Regulation (EEC) No 3180/78 as amended by Council Regulation (EEC) No 1971/89 or, where appropriate, in any subsequent Council Regulation defining the composition of the ecu;

Whereas, in order to implement the Convention and the Decision concerning the countries and territories (hereinafter referred to as 'the Decision'), a seventh European Development Fund should be established and a procedure should be laid down for the provision of funds and for contributions from Member States to these funds;

Whereas the rules for the administration of financial cooperation should be determined, the procedure for programming, examining and approving aid should be decided and the detailed rules for supervising the use of the aid should be laid down;

Whereas a committee of representatives of the Governments of the Member States should be set up under the auspices of the Commission and a similar committee should be set up under the auspices of the Bank; whereas the work done by the Commission and the Bank to apply the Convention and the corresponding provisions of the Decision should be harmonized; whereas it is therefore desirable that, as far as possible, the composition of the committees set up under the auspices of the Commission and of the Bank should be identical;

Having regard to the Council Resolutions of 5 June 1984 and 16 May 1989 on the coordination of cooperation policies and operations within the Community;

After consulting the Commission,

HAVE AGREED AS FOLLOWS:

CHAPTER I

Article 1

1. The Member States hereby set up a seventh European Development Fund (1990), hereinafter referred to as the 'Fund'.

2. (a) The Fund shall consist of ECU 10 940 million to be contributed by the Member States as follows:

	(in million ecus)
Belgium	433,234
Denmark	227,032
Federal Republic of Germany	2 840,480
Greece	133,920
Spain	644,999
France	2 665,892
Ireland	60,0325
Italy	1 417,772
Luxembourg	20,7385
Netherlands	609,120
Portugal	96,140
United Kingdom	1 790,640

(b) The allocation of contributions under (a) may be amended by a decision of the Council, acting unanimously, should a new State accede to the Community.

Article 2

1. The amount stated in Article 1 shall be allocated as follows:

(a) ECU 10 800 million for the ACP States, comprising:

(i) ECU 7 995 million in the form of grants, of which ECU 1 150 million shall be specifically reserved for structural adjustment support;

(ii) ECU 825 million in the form of risk capital;

(iii) ECU 1 500 million in the form of transfers pursuant to Part Three, Title II, Chapter 1 of the Convention;

(iv) ECU 480 million in the form of the special financing facility pursuant to Part Three, Title II, Chapter 3 of the Convention;

(b) ECU 140 million for the countries and territories, comprising:

(i) ECU 106,5 million in the form of grants;

(ii) ECU 25 million in the form of risk capital;

(iii) ECU 2,5 million in the form of the special financing facility pursuant to the provisions of the Decision relating to mining products;

(iv) ECU 6 million in the form of transfers for the countries and territories, pursuant to those provisions of the Decision which concern the system for stabilizing export earnings.

2. Where a country or territory which has become independent accedes to the Convention, the amounts indicated in paragraph 1 (b) (i), (ii) and (iii) shall be reduced and those indicated in paragraph 1 (a) correspondingly increased by a decision of the Council acting unanimously on a proposal from the Commission.

In such cases, the country concerned will continue to be eligible for the funds provided for in paragraph 1 (b) (iv), subject to the administrative rules laid down in Part Three, Title II, Chapter 1 of the Convention.

Article 3

To the amount laid down in Article 1 shall be added ECU 1 225 million in the form of loans granted by the Bank from its own resources under the conditions laid down by it in accordance with its Statute.

These loans shall be allocated as follows:

(a) the amount of ECU 1 200 million for financing operations to be carried out in the ACP States;

(b) the amount of ECU 25 million for financing operations to be carried out in the countries and territories.

Article 4

In order to finance the interest rate subsidies referred to in Article 235 of the Convention and in the corresponding provisions of the Decision, an amount of up to ECU 280 million shall be set aside from the grant aid specified in Article 2 (1) (a) (i) and an amount of up to ECU 6 million shall be set aside from the grant aid specified in Article 2 (1) (b) (i). Any part of this amount not committed by the end of the period during which loans are granted by the Bank shall again become available as grant aid under the original Articles.

The Council may decide unanimously, on a proposal from the Commission drawn up in agreement with the Bank, to raise these ceilings.

Article 5

With the exception of loans granted by the Bank from its own resources, all financial operations undertaken for the benefit of the ACP States or the countries and territories in accordance with the Convention or the Decision

shall be carried out under the conditions laid down in this Agreement and shall be charged to the Fund.

Article 6

1. Each year the Commission, taking account of the Bank's estimates concerning those operations administered by it, shall establish and communicate to the Council before 1 October a statement of the payments to be made in the following budget year and a schedule of calls for contributions. The Council shall decide thereon by the qualified majority laid down in Article 21 (4). The detailed rules for payment of contributions by the Member States shall be determined by the Financial Regulation referred to in Article 32.

2. Together with its annual estimates of contributions, the Commission shall send the Council its estimates for expenditure, including that relating to the previous Conventions, for each of the four years following the year relating to the call for contributions.

3. If the contributions are insufficient to meet the actual requirements of the Fund in the budget year in question, proposals for supplementary payments shall be submitted by the Commission to the Council, which shall as soon as possible decide thereon by the qualified majority laid down in Article 21 (4).

Article 7

1. Any remaining balance of the Fund shall be used up in accordance with the same rules as those laid down in the Convention, the Decision and this Agreement.

2. Upon expiry of this Agreement, Member States shall still be obliged to pay, as provided in Article 6 and in the Financial Regulation referred to in Article 32, the portion of their contributions not yet called for.

Article 8

1. The Member States undertake to act as guarantor for the Bank, waiving any right to object and in proportion to their contributions to its capital, in respect of all financial commitments arising for its borrowers out of the loan contracts concluded by the Bank with its own resources in implementation both of Article 1 of the Financial Protocol annexed to the Convention and the corresponding provisions of the Decision and, where appropriate, Articles 104 and 109 of the Convention.

2. The guarantee referred to in paragraph 1 shall be restricted to 75 % of the total amount of the credits opened by the Bank under all the loan contracts; it shall be applied to cover all risks.

3. Notwithstanding the overall guarantee referred to in paragraphs 1 and 2, the Member States may, with regard to financial commitments under Articles 104 and 109 of the Convention, act as guarantor for the Bank, in specific cases and at the latter's request, in respect of a percentage greater than 75 % and up to 100 % of the credits opened by the Bank under the corresponding loan contracts.

4. The undertakings arising from paragraphs 1 to 3 shall be the subject of guarantee contracts between each Member State and the Bank.

Article 9

1. Payments made to the Bank in respect of special loans granted to the ACP States, the countries and territories and the French overseas departments since 1 June 1964, as well as the proceeds and income from risk capital operations undertaken since 1 February 1971 for the benefit of those States, countries, territories and departments, shall be credited to the Member States in proportion to their contributions to the Fund from which the sums are derived, unless the Council decides unanimously, on a proposal from the Commission, to place them in reserve or allocate them to other operations.

Any commission due to the Bank for managing the loans and operations referred to in the first subparagraph shall be deducted in advance from these sums.

2. Without prejudice to Article 192 of the Convention, the revenue accruing from interest on the funds deposited with the paying agents in Europe referred to in Article 319 (4) of the Convention shall be credited to an account opened in the name of the Commission.

After the EDF Committee referred to in Article 21, acting by a qualified majority, has delivered its opinion, the Commission shall use such revenue:

- to cover the administrative and financial costs arising from the cash management of the Fund,
- for limited-budget, short-term studies or consultancy services, in particular in order to strengthen its own capabilities in the area of the analysis, diagnosis and formulation of structural adjustment policies.

CHAPTER II

Article 10

1. Subject to Articles 22, 23 and 24 and without prejudice to the Bank's responsibilities for the administration of certain forms of aid, the Fund shall be administered by the Commission in accordance with the rules laid down in the Financial Regulation referred to in Article 32.

2. Subject to Articles 28 und 29, risk capital and interest rate subsidies financed from the Fund's resources shall be administered by the Bank on behalf of the Community in accordance with its Statute and the rules laid down by the Financial Regulation referred to in Article 32.

Article 11

The Commission shall be responsible for implementing the aid policy defined by the Council and the guidelines for development finance cooperation defined by the ACP-EEC Council of Ministers pursuant to Article 325 of the Convention.

Article 12

1. The Commission and the Bank shall provide each other periodically with appropriate information on the requests made to them for finance and on preliminary contacts made with them, before their requests were submitted, by the relevant bodies of the ACP States, the countries and territories, or other recipients of aid as provided for in Article 230 of the Convention and in the corresponding provisions of the Decision.

2. The Commission and the Bank shall keep each other informed of the progress made in appraising requests for finance. They shall exchange all general information in order to promote the harmonization of administrative procedures and of the course to be followed in their proceedings from a development policy viewpoint and also the assessment of requests.

Article 13

1. The Commission shall appraise projects and programmes which, pursuant to Article 233 of the Convention and the corresponding provisions of the Decision, could be financed by grants from the Fund's resources.

The Commission shall also appraise requests for transfers submitted pursuant to Part Three, Title II, Chapter 1 of the Convention and the corresponding provisions of the Decision, together with projects and programmes eligible for the special financing facility pursuant to Part Three, Title II, Chapter 3 of the Convention and the corresponding provisions of the Decision.

2. The Bank shall appraise projects and programmes which, pursuant to its Statute, Articles 233 and 236 of the Convention and the corresponding provisions of the Decision, could be financed by loans from its own resources with interest rate subsidies, or by risk capital.

3. Production projects and programmes which come under the industrial, agro-industrial, tourism, mining or energy sectors, and transport and telecommunications

schemes linked to those sectors shall be presented to the Bank, which shall examine whether they are eligible for one of the forms of aid it administers.

4. Where, in the course of appraisal of a project or programme by the Commission or by the Bank, it is found that the project or programme could not be financed by one of the forms of aid administered by the institution in question, the latter shall, having informed the potential recipient, transmit the request to the other institution.

Article 14

Without prejudice to general instructions which the Bank receives from the Community in respect of the recovery of principal and interest relating to special loans and operations under the special financing facility of the previous Conventions, the Commission shall undertake, on behalf of the Community, the financial execution of operations carried out with the Fund's resources in the form of grants, transfers or the special financing facility; it shall make payments in accordance with the Financial Regulation referred to in Article 32.

Article 15

1. The Bank shall undertake, on behalf of the Community, the financial execution of operations carried out with the Fund's resources in the form of risk capital. In this context, the Bank shall act on behalf and at the risk of the Community. Any resulting rights, and particularly rights as creditor or owner, shall be vested in the Community.

2. The Bank shall undertake the financial execution of operations carried out by means of loans from its own resources combined with interest rate subsidies from the Fund's resources.

Article 16

In order to attain the Convention's financing and investment support objectives, a significant share of the risk capital shall be allocated to support private sector investment, in particular small and medium-sized undertakings.

CHAPTER III

Article 17

1. In order to ensure coordination between cooperation operations and improve complementarity between them and the Member States' bilateral aid, the Commission shall communicate to the Member States and their representatives on the spot the notes identifying projects as soon as the decision to appraise them has been taken.

2. For their part the Member States shall periodically communicate to the Commission an updated statement of any development aid they have granted or intend to grant.

3. The Member States and the Commission shall also communicate to each other, in the context of the proceedings of the EDF Committee referred to in Article 21, any information they possess on other bilateral, regional or multilateral aid granted to or envisaged for ACP States.

4. The Bank shall regularly and confidentially inform the representatives of the Member States and of the Commission designated by name of any projects for the benefit of the ACP States which it intends to appraise.

Article 18

1. The programming provided for in Article 281 of the Convention shall be undertaken in each ACP State under the responsibility of the Commission and with the participation of the Bank.

2. In order to prepare the programming, the Commission, in consultation with the Member States, in particular those represented on the spot, and in conjunction with the Bank, shall undertake an analysis of each ACP State's economic situation so that any obstacles to development can be identified and the consequent necessary policies can be assessed.

3. The analysis referred to in paragraph 2 shall also concern sectors in which the Community is particularly active and those for which a request for Community support may be envisaged; it shall take account of the interdependence between sectors and be based on a detailed assessment of past Community aid and of the lessons learned therefrom.

4. The analysis referred to in paragraph 2 shall in addition cover the scope and effectiveness of the reforms undertaken or planned by the State concerned at macro-economic or sectoral level and the State's financial requirements, so as to facilitate in particular the implementation of the provisions of Part Three, Title III, Chapter 2, Section 3 of the Convention on structural adjustment support.

5. On the basis of the analysis referred to in paragraph 2 and proposals made by the ACP State concerned, exchanges of view shall take place between the latter, the Commission and the Bank, for the part concerning the latter, under Article 282 of the Convention with a view to drawing up the indicative Community aid programme.

Article 19

1. Before the indicative programme provided for in Article 281 of the Convention is established jointly by the Commission, with the participation of the Bank for the part concerning it, and the State concerned, the Commission shall, in collaboration with the Bank, prepare a summary document on each country giving the conclusions of the preparation of programming and setting out the sectors on which Community aid is to be concentrated, the planned measures and operations to attain the objectives set for those sectors and, where appropriate, the eligibility of the State concerned for the resources earmarked for adjustment support and the broad lines of Community support.

This document shall be examined by the representatives of the Member States, the Commission and the Bank, within the EDF Committee referred to in Article 21, in order to assess the general framework of the Community's cooperation with each ACP State and to ensure, as far as possible, coordination and complementarity of Community aid and aid from the Member States.

As soon as possible after this examination, the Commission, the Bank, for the part concerning it, and the State concerned shall jointly establish an indicative programme.

2. The indicative programme of Community aid for each ACP State shall be forwarded to the Member States so that an exchange of views can take place between the representatives of the Member States, the Commission and the Bank. This exchange of views shall be held if the Commission or one or more Member States so request.

3. The provisions in Article 18 and in this Article relating to national programming shall apply *mutatis mutandis* to regional programming on the basis of Article 160 of the Convention.

Article 20

1. The provisions of the Convention relating to adjustment support shall be implemented on the basis of the following principles:

(a) When analyzing the situation of the States concerned, the Commission, using a diagnostic method based on the indicators listed in Article 246 of the Convention, shall assess the scope and effectiveness of the reforms undertaken or contemplated in the areas covered by that Article, in particular monetary, budgetary and fiscal policies.

(b) Support given for structural adjustment must relate directly to operations and measures adopted by the State concerned in connection with that adjustment.

(c) The procedures applying in the award of contracts must be sufficiently flexible to adapt to the normal administrative and commercial procedures in the ACP States concerned.

(d) Subject to subparagraph (c), each structural adjustment support programme shall specify, for imports, the tendering system, together with the values of import orders determining the choice of the three forms of invitation to tender:

- international invitation to tender,
- restricted invitation to tender,
- direct agreement.

However, normal public tendering procedures shall be followed for imports by the State or quasi-public bodies.

(e) At the request of the ACP State concerned and after concertation with this State, technical assistance shall be made available to the ACP body responsible for implementing the programme.

When technical assistance is negotiated, the Commission shall ensure that such technical assistance is responsible for:

- supervising the operational aspects of the programme,
- ensuring that imports are procured on the best quality/price terms following the widest possible consultations with ACP and EEC suppliers,
- advising importers, whenever technically possible and economically justified, on how to extend their markets.

Such technical assistance personnel may, if necessary, assist importers who so desire to combine their orders where the goods to be imported are homogenous, and thus obtain a better quality/price ratio.

2. The Commission shall inform the Member States, as the need arises and at least once a year, of the implementation of the adjustment support programmes and of any problem with regard to maintaining eligibility. The information provided, accompanied by all necessary particulars including statistical data, shall cover, in particular, the proper application of the agreement concluded with the ACP body responsible for implementing the programme, including the provisions relating to the consultations referred to in the second indent of paragraph 1 (e). On the basis of this information, the progress of import programmes and coordi-

nation with other donors, the Council, acting on a proposal from the Commission, may adjust the arrangements for implementing the programmes, as specified in paragraph 1.

CHAPTER IV

Article 21

1. A committee (hereinafter called 'the EDF Committee') consisting of representatives of the governments of the Member States shall be set up under the auspices of the Commission, for the resources it administers.

The EDF Committee shall be chaired by a Commission representative, and its secretariat shall be provided by the Commission.

A representative of the Bank shall take part in its work.

2. The Council, acting unanimously, shall adopt the rules of procedure of the EDF Committee.

3. Within the EDF Committee, the votes of the Member States shall be weighted as follows:

Belgium	8
Denmark	5
Federal Republic of Germany	52
Greece	4
Spain	13
France	49
Ireland	2
Italy	26
Luxembourg	1
Netherlands	12
Portugal	3
United Kingdom	33

4. The EDF Committee shall act by a qualified majority of 133 votes, expressing a vote in favour by at least six Member States.

5. The weightings laid down in paragraph 3 and the qualified majority mentioned in paragraph 4 shall be amended, by a decision of the Council, acting unanimously, in the case referred to in Article 1 (2) (b).

Article 22

1. The EDF Committee shall focus its work on the substantive problems of cooperation on a country-by-country basis and seek appropriate coordination of

the approaches and operations of the Community and its Member States in the interests of consistency and complementarity.

2. The Committee's tasks shall cover three levels:

- programming of Community aid,
- monitoring the implementation of Community aid,
- the taking of decisions.

Article 23

With regard to programming, the purpose of the examination referred to in Article 19 shall be to reach the desirable consensus between the Commission and the Member States. This examination shall take place within the EDF Committee and shall concern:

- the general framework of Community cooperation with each ACP State, in particular the proposed focal sectors and the measures envisaged to attain the objectives set for those sectors and the general guidelines proposed for the implementation of regional cooperation;
- consistency and complementarity between Community aid and that of the member States.

If it is not possible to reach the consensus referred to in the first subparagraph, then at the request of a Member State or the Commission, the Committee will also give its opinion acting by a qualified majority in accordance with the detailed rules laid down in Article 21.

Article 24

With regard to the monitoring of the implementation of cooperation, the EDF Committee shall discuss:

- development policy problems and any problem of a general nature which might result from the implementation of the various projects or programmes financed from the resources administered by the Commission, account being taken of the Member States' experience and operations,
- the approach of the Community and the Member States to the adjustment support given to the States concerned,
- any changes which might appear necessary in the indicative programmes or in adjustment support,

- mid-term review, which will be provided by the Commission, of programmes in the context of the programming exercise, or where otherwise requested by the Committee when approving proposals,
- evaluations of Community aids when they give rise to issues relating to the work of the Committee.

Article 25

1. With regard to the decision-making process, the EDF Committee shall give its opinion, by the qualified majority laid down in Article 21, on:

- (a) the eligibility of the ACP States for resources to support structural adjustment, except in cases where, under Article 264 (2) of the Convention, such eligibility is automatic;
- (b) financing proposals for projects or programmes with a value greater than ECU 2 million, according to a written procedure or a standard procedure the detailed arrangements for which shall be determined in the rules of procedure referred to in Article 21 (2);
- (c) financing proposals relating to adjustment support or to the special financing facility (Sysmin), irrespective of the amount involved;
- d) periodic financing proposals drawn up under Article 9 (2) (use of interest).

2. The Commission is authorized to approve operations with a value less than ECU 2 million without seeking the EDF Committee's opinion.

3. The financing proposals shall indicate the relevance of the projects or programmes to the development prospects of the country or countries concerned and how they fit in with the sectoral or macroeconomic policies receiving Community support. They shall mention the use to which such countries have put previous Community aid in the same sector; any existing project evaluations for that sector shall be attached.

4. In order to speed up the procedures, financing proposals may cover overall amounts for the financing of:

- (a) training,
- (b) micro-projects;

- (c) trade promotion;
- (d) packages of small-scale operations in a specific sector;
- (e) technical cooperation.

Article 26

1. If the EDF Committee requests substantial changes to one of the proposals referred to in Article 25 (1), or in the absence of a favourable opinion on the proposal, the Commission shall consult the representatives of the ACP State or States concerned.

Following such consultations, the Commission shall communicate the results to the Member States at the next meeting of the EDF Committee.

2. Following the consultations referred to in paragraph 1 the Commission may submit a revised or extended proposal to the EDF Committee at one of its subsequent meetings.

3. If the EDF Committee still refuses to deliver a favourable opinion, the Commission shall inform the ACP State or States concerned, which may then request either:

- that the matter be brought before the ACP-EEC Ministerial Committee referred to in Article 324 of the Convention (hereinafter called 'the Development Finance Cooperation Committee'); or
- that it or they be given a hearing by the Community's decision-making bodies, on the conditions set out in Article 27 (2).

Article 27

1. The proposals referred to in Article 25 (1), together with the opinion of the EDF Committee, shall be submitted to the Commission for its decision.

2. If the Commission decides to differ from the opinion expressed by the EDF Committee or if the committee has not delivered a favourable opinion, the Commission shall either withdraw the proposal or, at the earliest opportunity, refer the proposal to the Council, which shall decide on it according to the same voting procedure as the EDF Committee within a period which, as a general rule, may not exceed two months.

In the latter case, where a financing proposal is involved, the ACP State concerned may, if it has not decided to refer the matter to the Development Finance Cooperation Committee, forward to the Council, in accordance with Article 289 (3) of the Convention, any additional information it considers necessary before the final decision is taken and may be heard by the President and the members of the Council.

Article 28

1. A committee (hereinafter called 'the Article 28 Committee') consisting of representatives of the Governments of the Member States shall be set up under the auspices of the Bank.

The Article 28 Committee shall be chaired by the representative of the Member State currently chairing the Board of Governors of the Bank; its secretariat shall be provided by the Bank.

A representative of the Commission shall take part in its work.

2. The Council, acting unanimously, shall adopt the rules of procedure of the Article 28 Committee.

3. The weighting of the votes of the Member States and the qualified majority applicable to the Article 28 Committee shall be those resulting from the application of Article 21 (3), (4) and (5).

Article 29

1. The Article 28 Committee shall deliver an opinion by qualified majority on requests for loans with interest rate subsidies and on proposals for financing by risk capital which are submitted to it by the Bank.

The Commission representative may, at meetings, submit the Commission's assessment of these proposals. This assessment shall cover the conformity of the projects with Community development aid policy, with the objectives of cooperation in development financing laid down by the Convention and with the general guidelines adopted by the ACP-EEC Council of Ministers.

The committee may also discuss, if requested by the Bank, or, with its agreement, by one or more Member States, general or specific issues relating to the implementation of the Bank's activities in ACP countries as well as issues arising from the evaluations of the Bank's activities envisaged in Article 30 (6).

2. The document submitted to the Article 28 Committee by the Bank shall, in particular, explain the relevance of the project to the development prospects of the country or countries concerned and, where appropriate, indicate the situation as regards repayable aid granted by the Community and holdings acquired by it and the use made of previous aid in the same sector; any existing project evaluations for that sector shall be attached.

3. Where the Article 28 Committee delivers a favourable opinion in respect of a request for a loan with an interest rate subsidy, the request, together with the reasoned opinion of the committee and, where appropriate, the assessment of the Commission representative, shall be submitted for a decision to the Board of Directors of the Bank, which shall act in accordance with the Bank's Statute.

In the absence of a favourable opinion from the committee, the Bank shall either withdraw the request or decide to uphold it. In the latter event the request, together with the reasoned opinion of the committee and, where appropriate, the assessment given by the Commission representative, shall be submitted for a decision to the Bank's Board of Directors, which shall act in accordance with the Bank's Statute.

4. Where the Article 28 Committee delivers a favourable opinion in respect of a proposal for financing by risk capital, the proposal shall be submitted for a decision to the Bank's Board of Directors, which shall act in accordance with the Bank's Statute.

In the absence of a favourable opinion from the committee, the Bank, in accordance with Article 289 (2) and (3) of the Convention, shall inform the representatives of the ACP State or States concerned, who may request either:

- that the matter be referred to the Development Finance Cooperation Committee, or
- that they be given a hearing by the competent body of the Bank.

At the end of that hearing the Bank may either:

- decide not to follow up the proposal, or
- request that the Member State chairing the Article 28 Committee refer the matter to the Council as soon as possible.

In the latter case, the proposal shall be submitted to the Council together with the reasoned opinion of the Article 28 Committee and, where appropriate, the assessment of the Commission representative and any further information which the ACP State concerned considers the Council requires.

The Council shall act in accordance with the same voting procedure as the Article 28 Committee.

If the Council confirms the Article 28 Committee's position, the Bank shall withdraw its proposal.

If, however, the Council is in agreement with the Bank's proposal, the Bank shall implement the procedures laid down in its Statute.

Article 30

1. The Commission and the Bank shall ascertain, each to the extent to which it is concerned, how the Community aid they administer is used by the ACP States, the countries and territories or any other recipients.

2. The Commission and the Bank shall also ascertain, each to the extent to which it is concerned and in close collaboration with the relevant authorities of the country or countries concerned, how projects financed with Community aid are used by the recipients.

3. When ascertaining how Community aid and projects are used, as provided for in paragraphs 1 and 2, the Commission and the Bank shall examine the extent to which the objectives referred to in Articles 220 and 221 of the Convention and in the corresponding provisions of the Decision have been attained.

4. The Bank shall regularly send the Commission all information relating to the implementation of projects financed from the Fund resources it administers.

5. The Commission and the Bank shall inform the Council, upon the expiry of the Financial Protocol annexed to the Convention, of their findings pursuant to paragraphs 1, 2 and 3. The report by the Commission and the Bank shall also contain an assessment of the impact of Community aid on the economic and social development of the recipient countries.

6. The Council shall be informed periodically of the results of work done by the Commission and the Bank on the evaluation of projects being carried out or completed, particularly in relation to development objectives set.

CHAPTER V

Article 31

1. The amounts of the Stabex transfers referred to in Part Three, Title 2, Chapter 1 of the Convention and in the corresponding provisions of the Decision shall be expressed in ecus.

2. Payments shall be made in ecus.

3. Each year the Commission shall draw up a comprehensive report for the Member States on the operation of the system of stabilization of export earnings and the use made by the ACP States of the funds transferred;

The report shall indicate in particular the effects of the transfers made on the development of the sectors to which they were allocated.

4. Paragraph 3 shall also apply as regards the countries and territories.

CHAPTER VI

Article 32

The provisions for implementing this Agreement shall be the subject of a Financial Regulation adopted, upon the entry into force of the Convention, by the Council, acting by the qualified majority laid down in Article 21 (4), on the basis of a Commission draft, after an opinion has been delivered by the Bank on the provisions of concern to it and by the Court of Auditors established under Article 206 of the Treaty.

Article 33

1. At the end of each financial year the Commission shall adopt the revenue and expenditure account and the balance sheet of the Fund.

2. Without prejudice to paragraph 5, the Court of Auditors established under Article 206 of the Treaty shall also exercise its powers in respect of the Fund's operations. The conditions under which the Court exercises its powers shall be laid down in the Financial Regulation referred to in Article 32.

3. The discharge for the financial management of the Fund shall be given to the Commission by Parliament on the recommendation of the Council, which shall act by the qualified majority laid down in Article 21 (4).

4. The Commission shall make the information referred to in Article 30 (4) available to the Court of Auditors so that the latter may on the basis of the documentary evidence carry out checks on the aid provided from the Fund's resources.

5. The operations financed from the Fund resources managed by the Bank shall be subject to the control and discharge procedure laid down by the Statute of the Bank for all its operations. Each year the Bank shall send the Commission and the Council a report on the execution of operations financed from the Fund resources managed by the Bank.

6. The Commission shall draw up periodically, in agreement with the Bank, lists of the information it receives from the latter in order to assess how the Bank is carrying out its brief and to encourage close coordination between the Commission and the Bank.

Article 34

1. The remaining balance of the Fund set up under the Internal Agreement of 1975 on the financing and administration of Community aid shall continue to be

administered as provided in that Agreement and in accordance with the rules and regulations in force on 1 March 1980.

The remaining balance of the Fund set up under the Internal Agreement of 1979 on the financing and administration of Community aid shall continue to be administered as provided in that Agreement and in accordance with the rules and regulations in force on 28 February 1985.

The remaining balance of the Fund set up under the Internal Agreement of 1985 on the financing and administration of Community aid shall continue to be administered as provided in that Agreement and in accordance with the rules and regulations in force on 28 February 1990.

2. In the event of successful completion of projects financed from the Funds referred to in paragraph 1 being jeopardized by a lack of resources owing to the remaining balance being used up, proposals for additional financing may be submitted by the Commission under the conditions laid down in Article 21.

Article 35

1. This Agreement shall be approved by each Member State in accordance with its own constitutional requirements. The Government of each Member State shall notify the General Secretariat of the Council of the European Communities when the procedures required for the entry into force of this Agreement have been completed (1).

2. This Agreement is concluded for the same duration as the Financial Protocol annexed to the Convention. However, it shall remain in force for as long as is necessary for all the operations financed under the Convention and the Protocol to be fully executed.

Article 36

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each of these texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities, which shall transmit a certified copy to each of the governments of the signatory States.

(1) The date of entry into force of the accord will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

Hecho en Bruselas, el dieciséis de julio de mil novecientos noventa.

Udfærdiget i Bruxelles, den sekstende juli niuen hundrede og halvfems.

Geschehen zu Brüssel am sechzehnten Juli neunzehnhundertneunzig.

Έγινε στις Βρυξέλλες στις δέκα έξι Ιουλίου χίλια εννιακόσια ενενήντα.

Done at Brussels on the sixteenth day of July in the year one thousand nine hundred and ninety.

Fait à Bruxelles, le seize juillet mil neuf cent quatre-vingt-dix.

Fatto a Bruxelles, addì sedici luglio millenovecentonovanta.

Gedaan te Brussel, de zestiende juli negentienhonderd negenig.

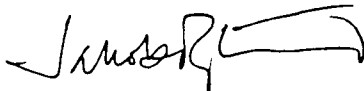
Feito em Bruselas, em dezasseis de Julho de mil novecentos e noventa.

Pour Sa Majesté le roi des Belges

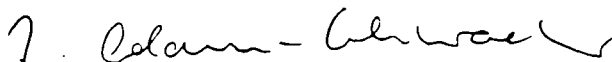
Voor Zijne Majesteit de Koning der Belgen



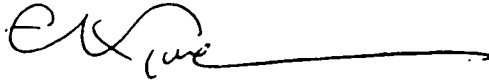
For Hendes Majestæt Danmarks Dronning



Für den Präsidenten der Bundesrepublik Deutschland



Για τον Πρόεδρο της Ελληνικής Δημοκρατίας

A handwritten signature in black ink, consisting of a stylized initial 'Κ' followed by a long horizontal line.

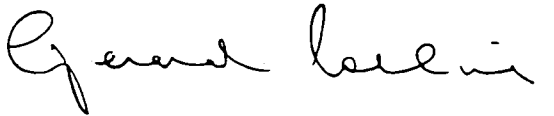
Por Su Majestad el Rey de España

A handwritten signature in black ink, consisting of a stylized initial 'J' followed by a long horizontal line.

Pour le président de la République française

A handwritten signature in black ink, consisting of a stylized initial 'F' followed by a long horizontal line.

For the President of Ireland

A handwritten signature in black ink, consisting of a stylized initial 'G' followed by a long horizontal line.

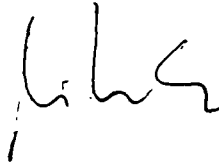
Per il Presidente della Repubblica italiana

A handwritten signature in black ink, consisting of the initials 'S. De Michelis'.

Pour Son Altesse Royale le grand-duc de Luxembourg

A handwritten signature consisting of a long, thin vertical stroke that curves to the right at the top, followed by a horizontal line and a wavy flourish.

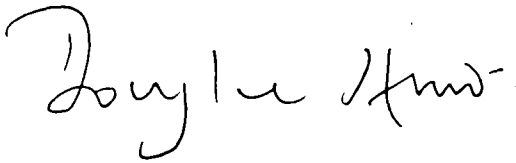
Voor Hare Majesteit de Koningin der Nederlanden

A handwritten signature with a vertical stroke on the left, followed by a series of connected loops and curves.

Pelo Presidente da República Portuguesa

A handwritten signature with a large, sweeping initial 'J' followed by several connected loops and a long horizontal tail.

For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

A handwritten signature in cursive script that reads 'Douglas Home'.A long, sweeping, curved line that starts from the left and ends on the right, positioned below the signature.A short horizontal line centered at the bottom of the page.

II

(Acts whose publication is not obligatory)

COUNCIL

FINANCIAL REGULATION

of 29 July 1991

applicable to development finance cooperation under the Fourth ACP-EEC Convention

(91/491/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to the Internal Agreement on the financing and administration of Community aid, signed in Brussels on 16 July 1990 ⁽¹⁾, hereinafter referred to as 'the Internal Agreement' and in particular Article 32 thereof,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community ⁽²⁾,

Having regard to the General Regulations and General Conditions for Works, Supplies and Service Contracts financed by the European Development Fund ⁽³⁾ which were approved by the ACP/EEC Council of Ministers on 29 March 1990 (hereinafter referred to as 'the General Regulations and Conditions of Contract'),

Having regard to the draft Financial Regulation submitted by the Commission,

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

Having regard to the opinion of the European Investment Bank, hereinafter referred to as 'the Bank',

Having regard to the opinion of the Court of Auditors ⁽⁵⁾,

Whereas, pursuant to Article 1 (1) of the Internal Agreement, the Member States have set up a Seventh European Development Fund, hereinafter referred to as 'the EDF';

Whereas, under Article 32 of the Internal Agreement, the provisions for implementing the Agreement shall be the subject of a Financial Regulation adopted, upon the entry into force of the Convention, by the Council acting by the qualified majority laid down in Article 21 (4) of the said Agreement;

Whereas the ecu used in application of this Financial Regulation is defined in Council Regulation (EEC) No 1971/89 of 19 June 1989 amending Article 1 of Council Regulation (EEC) No 3180/78 changing the value of the unit of account used by the European Monetary Cooperation Fund ⁽⁶⁾ or in any subsequent Council Regulation defining the composition of the ecu,

(1) OJ No L 229, 17. 8. 1991, p. 228.

(2) OJ No L 263, 19. 9. 1991, p. 1.

(3) OJ No L 382, 31. 12. 1990, p. 3.

(4) OJ No C 158, 17. 6. 1991.

(5) OJ No C 113, 29. 4. 1991, p. 1.

(6) OJ No L 189, 4. 7. 1989, p. 1.

TITLE I

FINANCIAL AGREEMENTS

Article 1

1. The Council shall notify the Commission by 30 November each year of the decision which it adopts pursuant to the first subparagraph of Article 6 (1) of the Internal Agreement and which relates to the schedule of calls for contributions to the EDF.

2. Annual contributions to the EDF shall in principle be called up in four instalments payable on:

- 20 January,
- 1 April,
- 1 July,
- 1 October.

The Commission shall notify the Member States as soon as possible, and in any event at the beginning of each financial year, of the amount of the quarterly instalments of contributions to be paid on each of the due dates.

Supplementary contributions decided on by the Council in accordance with Article 6 (3) of the Internal Agreement shall, unless otherwise decided by the Council, be due and be made within as brief a period as possible which shall be laid down in the decision to call for such contributions and which may not in any case exceed three months.

3. The Commission shall inform the Member States as soon as possible before the date on which each instalment of contributions is due whether it intends to reduce or refrain from calling up the instalment after taking into account the actual cash situation of the EDF treasury and the most up-to-date available expenditure estimates for the remainder of the year.

4. Each Member State shall make the contributions referred to in this Article in proportion to its contributions to the EDF as fixed in Article 1 (2) of the Internal Agreement.

5. Where an instalment of contributions payable under this Article is not paid within 15 days of the due date, the Member State concerned shall be required to pay interest in respect of the amount not paid on the basis of a rate of two percentage points above the interest rate for short-term financing applicable on the date on which the instalment is due on the money market of the Member State for the ecu. This rate shall be increased by 0,25 of a percentage point for each month of delay. The increased rate shall be

applicable to the entire period of delay. Amounts received by the Commission in respect of such late payment interest shall be credited to the account provided for in Article 9 (2) of the Internal Agreement.

Article 2

1. The financial contributions of the Member States shall be expressed in ecus.

2. Each Member State shall pay the amount of its contribution in ecus.

3. Financial contributions shall be credited by each Member State to a special account entitled 'Commission of the European Communities — European Development Fund' opened with the bank of issue of that Member State or the financial institution designated by it. The amount of such contributions shall remain in these special accounts until required to meet payments needs provided for in Article 319 of the Convention.

4. Upon expiry of the Convention, that part of the contributions which the Member States remain obliged to make shall be called up by the Commission, as required on the conditions laid down in this Financial Regulation.

Article 3

1. In order to make payments provided for in Article 319 of the Convention, the Commission shall open accounts with financial institutions in the Member States. Subject to Article 319 (3) of the Convention, deposits in these accounts shall bear interest. Subject to Article 192 of the Convention, such interest shall be credited to the account provided for in Article 9 (2) of the Internal Agreement.

2. Payments from these accounts shall be made in accordance with Article 319 (4) and (5) of the Convention.

Article 4

The signatures of the Commission officials and agents who are empowered to carry out operations on the EDF's accounts shall be lodged with the banks concerned when the accounts are opened or, in the case of officials and agents who are authorized subsequently, when they are designated.

Article 5

1. EDF resources must be used in accordance with the principles of sound financial management, and in particular those of economy and cost effectiveness. Quantified objectives must be identified and the progress of their realization monitored.

2. The Commission shall, as far as possible, make any withdrawals from the special accounts referred to in Article 2 (3) in such a way as to maintain a distribution of its assets in those accounts corresponding to the proportions in which the various Member States contribute to the EDF.

Article 6

Payments from the EDF shall be effected in accordance with Article 319 of the Convention and in conformity with Article 51 of this Financial Regulation.

Article 7

The Commission shall transfer from the special accounts opened pursuant to Article 2 (3) amounts needed to replenish the accounts opened in its name in accordance with Article 3 of this Financial Regulation and with Article 319 of the Convention. Such transfers shall be made on the basis of the cash needs of the projects and programmes.

TITLE II

MANAGEMENT OF THE EDF

SECTION I

GENERAL PROVISIONS

Article 8

1. The EDF shall be administered financially in accordance with the principle that authorizing officers and accounting officers shall be different individuals. Appropriations shall be administered by authorizing officers, who alone shall have the power to enter into commitments regarding expenditure, establish sums due to be collected and issue recovery orders and payment orders.

2. Collection and payment operations shall be carried out by the accounting officer.

3. The duties of authorizing officer, financials controller and accounting officer shall be mutually incompatible.

Article 9

1. Within the limit of the appropriations provided for in Article 1 of the Internal Agreement together with any other revenue accruing to the EDF, the Commission shall, without prejudice to Article 10 (2) of that Agreement, manage the EDF on its own responsibility in accordance with the conditions laid down in the Convention, Decision 91/482/EEC, the Internal Agreement and this Financial Regulation.

2. The Commission may delegate part of the duties of the accounting officer and part of the responsibility for monitoring to authorized agents appointed by it. The rules

governing responsibilities adopted under this Title shall apply to such authorized agents within the limits of the powers delegated to them. Each decision to delegate powers shall state the duration and extend of the mandate.

3. Those to whom powers are delegated may act only within the limits of the powers expressly conferred upon them. Decisions to delegate powers shall be notified to those to whom powers are delegated, to the accounting officer, the financial controller, the authorizing officers and the Court of Auditors.

4. The principles of the provisions of this Financial Regulation relating to the monitoring and payment of expenditure shall be applicable to expenditure effected by delegation. Such expenditure may not be finally entered into the EDF accounts until the Commission has verified that the expenditure has been correctly cleared and that the authorization and payments are in order, in accordance with the requirements of this Financial Regulation.

Article 10

Where revenue and expenditure operations are managed by means of integrated computer systems, the provisions of Sections II and III of this Title shall apply with due allowance for the possibilities and requirements deriving from computerized management.

To this end:

- the supporting documents may remain with the authorizing officer or the accounting officer for the purposes of checking,
- signatures and approvals may be added in appropriate computerized form.

However, the financial controller may request the original supporting documents if he considers it necessary for the purposes of checking.

The financial controller must be consulted on the setting up of the EDF accounting system and shall have access to the data of the system.

Article 11

In accordance with Article 311 (1) of the Convention, the Commission shall appoint the chief authorizing officer of the EDF. He shall be responsible for the preparation of the revenue and expenditure accounts referred to in Article 69 of this Financial Regulation. He may have recourse to deputy authorizing officers, whom he shall appoint, subject to approval by the Commission.

Article 12

1. The Commission shall appoint the financial controller, who shall be responsible for monitoring the commitment and authorization of expenditure and for monitoring revenue. The financial controller may be assisted in his duties by one or more assistant financial controllers.

2. Monitoring shall be carried out by the financial controller by means of inspection of the files relating to expenditure and revenue and, if necessary, on the spot.

3. Special rules applicable to the financial controller shall be formulated in such a way as to ensure his independence in carrying out his duties. Measures taken concerning his appointment and promotion, disciplinary action or transfer, and the various procedures of interruption or termination of his appointment shall be the subject of reasoned decisions which shall be forwarded, for information, to the European Parliament, the Council and the Court of Auditors.

4. The person concerned and the Commission may institute proceedings before the Court of Justice. Where such an action concerns his independence, the financial controller may institute proceedings against his institution.

Article 13

The collection of revenue and the payment of expenditure shall be carried out by an accounting officer appointed by the Commission. Subject to Articles 9 (2) and 34 (3), the accounting officer alone shall be empowered to manage funds and assets. He shall be responsible for their care.

The accounting officer shall be responsible for maintaining the accounts, as provided for in Articles 36 and 37 and for the preparation of the financial statements provided for in Article 69.

He may be assisted in his duties either by one or more assistant accounting officers appointed under the same conditions as the accounting officer or by authorized agents designated by him under the authority of the Commission.

Article 14

The Court of Auditors shall be notified of the appointment of the authorizing officer, the financial controller, the accounting officer and the administrator of advance funds and of the accounting plan referred to in Article 37. The Commission shall forward to the Court any rules of procedure drawn up by it in respect of financial matters.

SECTION II

REVENUE

Article 15

1. All measures which may give rise to or modify a debt due to the EDF must be preceded by a proposal from the competent authorizing officer. Such proposals shall be sent to the financial controller for his approval and to the accounting officer for provisional recording in the accounts. They shall mention, in particular, the type of revenue, the estimated amount thereof and the budget item to which it is to be booked and also the name and description of the debtor. The purpose of the approval of the financial controller shall be to establish that:

- (a) the revenue is booked to the correct item;
- (b) the proposal is in order and conforms to the relevant provisions relating to the management of the EDF and all acts made in implementation thereof and to the principles of sound financial management referred to in Article 5.

The financial controller may withhold his approval if he considers that the conditions laid down in paragraph 1 (a) and (b) above have not been met.

The Commission may, by a decision stating the full reasons therefor, and on its sole responsibility, overrule this refusal. This decision shall be final and binding; it shall be communicated for information to the financial controller. The Commission shall inform the Court of Auditors of all such decisions within one month.

2. Without prejudice to the provisions of Article 10, the competent authorizing officer shall draw up, in respect of every debt established, a recovery order which shall be sent with supporting documents to the financial controller for his prior approval. Such recovery orders shall, after they have received the approval of the financial controller, be recorded in the accounts by the accounting officer.

The purpose of the approval shall be to establish that:

- (a) the revenue is booked to the correct item;
- (b) the order is in order and conforms to the relevant provisions;
- (c) the supporting documents are in order;
- (d) the debtor is correctly described;
- (e) the due date is indicated;
- (f) the order conforms to the principle of sound financial management referred to in Article 5;
- (g) the amount and currency of the sum to be recovered are correct.

If approval is withheld, the third subparagraph of paragraph 1 shall apply.

3. If the authorizing officer waives the right to recover an established debt, he shall send beforehand a proposal for cancellation to the financial controller for his approval and to the accounting officer for his information. The purpose of approval by the financial controller shall be to establish that the waiver is in order and conforms with the principles of sound financial management. The proposal concerned shall be registered by the accounting officer.

If approval is withheld, the third subparagraph of paragraph 1 shall apply.

4. Where the financial controller finds that a document establishing a debt has not been drawn up or that a sum due has not been recovered, he shall inform the Commission thereof.

Article 16

- 1. The accounting officer shall assume responsibility for recovery orders that have been duly drawn up.
- 2. The accounting officer shall do all in his power to ensure that EDF resources are recovered at the due dates indicated in the recovery orders and shall ensure that the rights of the Community are safeguarded.
- 3. The accounting officer shall inform the authorizing officer and the financial controller of any revenue not recovered within the time limits laid down. If necessary, he shall initiate the recovery procedure.

SECTION III

COMMITMENT, VALIDATION, AUTHORIZATION AND PAYMENT OF EXPENDITURE

1. Commitment of expenditure

Article 17

1. All measures which may give rise to expenditure payable by the EDF must be preceded by a proposal for commitment of expenditure from the authorizing officer. A provisional commitment may be entered into in respect of current expenditure.

2. Without prejudice to Article 34, decisions taken by the Commission in accordance with the provisions authorizing it to grant financial aid from the EDF shall constitute commitments of expenditure.

3. An account shall be kept of commitments and authorizations.

Article 18

Without prejudice to Article 10, proposals for commitments, accompanied by the supporting documents, shall be transmitted to the financial controller. They shall show in particular the purpose of the expenditure, the estimated amount involved, the item to which it is to be charged and the name and description of the creditor. They shall be registered by the authorizing officer after approval by the financial controller.

Article 19

1. The purpose of approval of proposals for commitment by the financial controller shall be to establish that:

- (a) the expenditure has been charged to the correct item;
- (b) appropriations are available;
- (c) the expenditure is correct and in conformity with the provisions applicable to the management of the EDF and with all measures taken in implementation of those provisions, in particular, the general and special conditions of the financing agreement relating to the operation;
- (d) the principles of sound financial management referred to in Article 5 have been applied.

2. Approval may not be conditional.

Article 20

1. The financial controller may withhold his approval if he considers that the conditions laid down in Article 19 are not met. If he withholds his approval, he shall furnish a written statement giving the reasons therefor. The authorizing officer shall be notified accordingly.

Where approval is withheld and the authorizing officer maintains his proposal, the refusal shall be referred for a decision to the Commission.

2. Except where the availability of appropriations is in doubt, the Commission may, by means of a decision stating the full reasons therefor and taken on its sole responsibility, overrule such a refusal. This decision shall be final and binding; it shall be communicated for information to the financial controller. The Commission shall inform the Court of Auditors of all such decisions within one month.

2. Validation of expenditure

Article 21

The validation of expenditure shall be the act whereby the authorizing officer:

- (a) verifies the existence of the creditor's claim;
- (b) determines or verifies the existence and the amount of the sum due;
- and
- (c) verifies the conditions under which payment falls due.

Article 22

1. Validation of any expenditure shall be subject to the submission of supporting documents showing the creditor's claim and, where appropriate, the service rendered or the existence of a document justifying payment. The Commission shall lay down the nature and contents of the supporting documents to be enclosed with the payment orders.

2. For certain categories of expenditure, advance may be granted under the conditions laid down by the Commission.

3. Supporting documents relating to the accounts and to the establishment of the revenue and expenditure account and the balance sheet referred to in Title V shall be kept for a period of five years following the date of the decision giving discharge in respect of the implementation of the EDF, referred to in Article 33 (3) of the Internal Agreement. However, documents relating to transactions not finally closed shall be kept beyond this period until the end of the year following the closure of the transactions concerned.

4. The authorizing officer empowered to validate expenditure shall personally check the supporting documents or shall, on his own responsibility, ascertain that this has been done.

3. Authorization of expenditure

Article 23

Authorization is the act whereby the authorizing officer, by the issue of a payment order, authorizes the accounting officer to pay an item of expenditure which he has validated.

Article 24

The payment order shall state:

- (a) the item against which payment shall be charged;
- (b) the amount to be paid, in figures and in words, showing the currency;
- (c) the name and address of the payee;
- (d) the bank account;
- (e) the method of payment;
- (f) the purpose of the expenditure.

The payment order shall be dated and signed by the authorizing officer.

Article 25

1. The payment order shall be accompanied by the original supporting documents, which shall bear or be accompanied by the statement of the authorizing officer confirming that the amounts to be paid are correct and that the supplies have been received or the service performed. The payment order shall show the numbers and dates of the relevant approvals of commitment.

2. Copies of the supporting documents, certified as true copies by the authorizing officer or the Commission delegate, may, in duly warranted cases, be accepted in place of the originals.

Article 26

For payments by instalment, the first payment order shall be accompanied by documents establishing the creditor's claim to payment of the instalment in question. Subsequent payment orders shall refer to the supporting documents already furnished and repeat the reference number of the first payment order.

Article 27

Without prejudice to Article 10, payment orders shall be sent to the financial controller for prior approval. The purpose of this prior approval shall be to establish that:

- (a) the payment order was properly issued;
- (b) the payment order agrees with the commitment of expenditure and that the amount thereof is correct;
- (c) the expenditure is charged to the correct item;
- (d) the appropriations are available;
- (e) the supporting documents are in order;
- (f) the payee is correctly named and described.

Article 28

Should approval be withheld, the provisions of Article 20 shall apply.

Article 29

After approval, the original of the payment order, together with all supporting documents, shall be forwarded to the accounting officer.

4. Payment of expenditure

Article 30

1. Without prejudice to Article 313 and 319 (8) of the Convention concerning respectively the responsibilities of the national authorizing officer and the financial liabilities of the agents responsible for the management and execution of development finance cooperation, payment is the final action whereby the EDF is discharged of its obligations towards its creditors.

2. Payment shall be made by the accounting officer within the limits of the funds available.

Article 31

In event of a substantive error or of the validity of the discharge being contested or of failure to observe the formalities prescribed by this Financial Regulation, the accounting officer shall suspend payment.

Article 32

1. If payment is suspended, the accounting officer shall give the reasons for his decision in a written statement which he shall send forthwith to the authorizing officer and, for information, to the financial controller.

2. Except where the validity of the discharge is contested, the authorizing officer may, where payment is suspended, refer the matter to the Commission. The latter may require, in writing and on its own responsibility, that payment be effected.

Article 33

1. Payments shall, as a general rule, be effected through recognized financial institutions. The procedures for opening, administering and using such accounts shall be determined by the Commission.

2. Without prejudice to Article 10, these procedures shall in particular require two signatures on cheques and on transfer orders, one signature necessarily being that of the accounting officer, an assistant accounting officer or a duly authorized administrator of advance funds; the procedure shall, moreover, require the specification of the expenditure in respect of which payment must necessarily be made either by cheque or by transfer.

Article 34

1. For the payment of certain categories of expenditure, advance funds may be set up under the conditions laid down by the Commission.

2. Only the accounting officer may replenish the imprest accounts.

3. The rules governing the management of the advance funds shall cover in particular:

- (a) the appointment of administrators of advance funds;
- (b) the nature and maximum amount of each item of expenditure to be incurred;
- (c) the maximum amounts which may be advanced;
- (d) the procedures for the production of supporting documents and the time within which they must be produced;
- (e) the responsibility of the administrator of advance funds.

4. The authorizing officer and the accounting officer shall take the necessary steps towards clearing, in respect of the exact amounts and within the appropriate period, advances granted under the terms of Article 319 (2) of the Convention.

Article 35

The conversion rates to be used for the definitive accounting in ecus of payments made for the purpose of the projects or programme referred to in Title III of Part Three of the Convention shall be those applicable for the effective date of such payments. This date shall correspond to that on which the Commission accounts referred to in Article 319 of the Convention and in Article 3 of this Financial Regulation were debited.

SECTION IV

ACCOUNTS

Article 36

Accounts shall be kept in ecus by the double entry method and on the basis of the calendar year. They shall show all revenue and expenditure for the year and shall be substantiated by supporting documents. The financial statements provided for in Title V shall be drawn up in ecus. However, when debts or commitments are expressed in national currencies, the accounting system should make it possible, where necessary, for them to be recorded in national currencies as well as in ecus.

Article 37

1. Entries in the accounts shall be made on the basis of an accounting plan comprising a nomenclature of budgetary items which makes a clear distinction between the balance sheet and the revenue and expenditure accounts. These entries shall make it possible to draw up a general monthly balance and a statement of expenditure and revenue.
2. The detailed conditions for drawing up and operating the accounting plan shall be defined by the Commission.

Article 38

The accounts shall be closed at the end of the calendar year to enable the financial statements of the EDF to be drawn up. These shall be submitted to the financial controller.

SECTION V

RESPONSIBILITIES OF AUTHORIZING OFFICERS,
FINANCIAL CONTROLLERS, ACCOUNTING OFFICERS
AND ADMINISTRATORS OF ADVANCE FUNDS

Article 39

Without prejudice to Article 313 (1) (f) and 319 (8) of the Convention, authorizing officers who, when establishing

entitlements to be recovered, or issuing recovery orders, entering into commitments of expenditure or signing payment orders, do so without complying with this Financial Regulation, shall render themselves liable to disciplinary action, and where appropriate, to payment of compensation. The same shall apply if they omit to draw up a document establishing a claim or if they neglect to issue recovery orders or are, without justification, late in issuing them. The same shall also apply if they omit to issue payment orders or are, without justification, late in issuing them, thereby rendering the Commission liable to civil action by third parties.

Article 40

Financial controllers shall be liable to disciplinary action and, where appropriate, to payment of compensation for any action taken during their terms of office, in particular where they approve expenditure in excess of appropriations.

Article 41

1. The accounting officer and assistant accounting officers shall be liable to disciplinary action and, where appropriate, to payment of compensation as regards payments they make in disregard of Article 31.

They shall render themselves liable to disciplinary action and to payment of compensation as regards any loss or deterioration of the monies, assets and documents in their charge where such loss or deterioration was caused by intentional mistake or was due to serious negligence on their part.

Under the same conditions, they shall be responsible for the correct execution of orders received by them in respect of the use and administration of accounts held with recognized financial institutions and, in particular:

- (a) where the recoveries or payments made by them do not agree with the amounts on the corresponding recovery or payment orders;
- (b) where they effect payments to a party other than the entitled payee.

2. Administrators of advance funds shall be liable to disciplinary action and, where appropriate, to payment of compensation:

- (a) where they cannot show due warrant with proper documents for payments made by them;
- (b) where they effect payments to a party other than the entitled payee.

They shall be liable to disciplinary action and to payment of compensation in respect of any loss or deterioration of the monies, assets and documents in their charge where such loss or deterioration was caused by intentional mistake or was due to serious negligence on their part.

3. The accounting officer, assistant accounting officers and administrators of advance funds shall insure

themselves against any risk they may incur under this Article, and which cannot be covered by the guarantee fund provided for in paragraph 4.

The Commission shall cover the relevant insurance costs. It shall specify the categories of officials qualifying as accounting officers or administrators of advance funds and the terms on which it shall cover the insurance costs borne by these officials in order to protect themselves against the risks involved in their duties.

4. Special allowances shall be granted to accounting officers and administrators of advance funds. The amount of these allowances shall be determined by the Commission departments. The sums corresponding to these allowances shall be credited each month to an account opened by the Commission on behalf of each of these officials in order to establish a guarantee fund to cover any cash or bank shortage for which the person concerned might render himself liable, in so far as such shortage has not been covered by refunds from insurance companies.

The credit balance in these guarantee accounts shall be paid over to the persons concerned after they terminate their appointment as accounting officer or administrator of advance funds.

Article 42

The liability of authorizing officers, financial controllers, accounting officers, assistant accounting officers and administrators of advance funds to payment of compensation and disciplinary action may be determined in accordance with Articles 22 and 86 of the Staff Regulations of Officials of the European Communities.

Article 43

The Commission shall be allowed a period of two years from the date on which the financial statements are submitted to the Council to take a decision on the final discharge to be given to accounting officers for the transactions relating thereto.

TITLE III

IMPLEMENTING MEASURES

Article 44

Commitments of amounts from the EDF shall be decided on in accordance with the terms of the relevant provisions of the Convention following the procedures in Articles 21 to 27 of the Internal Agreement in respect of aid managed by the Commission and in Articles 28 and 29 of that Agreement for aid managed by the Bank.

SECTION I

EDF OPERATIONS ADMINISTERED BY THE COMMISSION

1. General

Article 45

1. Where aid accorded is onlent to the final borrower in accordance with Articles 219 (5), 233 (3) and 266 of the Convention, the financial agreement shall specify the terms of such lending, *inter alia* rates of interest, duration of

loan, grace period, and arrangements for the utilization of funds provided by reimbursement of capital and interest. In fixing these terms, due regard will be paid to all relevant provisions of the Convention, and in particular, to Articles 233 (4) (b), 240 (1) (a) and 291.

2. No expenditure in excess of the amount provided for in the financing agreement may be charged to the EDF unless a decision has been taken to commit additional funds thereto under the conditions laid down in Articles 21 to 27 of the Internal Agreement and Article 61 of this Financial Regulation. The request for the commitment of additional funds shall be addressed to the Commission and appraised under the conditions laid down in Article 292 of the Convention.

Article 46

1. The Commission, whether acting through its departments or its delegate, as appropriate, shall take all measures necessary to comply with Article 314 of the Convention.

2. Claims for delayed payments for which it is responsible by virtue of Article 319 of the Convention shall be borne by the Commission from the account provided for in Article 9 (2) of the Internal Agreement.

2. Tenders and contracts

Article 51

Article 47

1. The Commission shall take all appropriate measures to ensure the effective dissemination of information for the economic operators concerned, notably through periodical publication of forecasts of contracts to be financed from the resources of the EDF.

2. A similar procedure shall be followed in communicating decisions to intervene in respect of carrying out studies and supplying technical assistance.

Article 48

The Commission shall inform the Council each year of any contract concluded during that year. Where appropriate, it shall notify the Council of any measures it has taken or proposes to take to improve the terms of competition for participation in invitations to tender issued by the EDF.

In its report, the Commission shall provide the Council with information enabling it to assess whether the measures taken by the Commission have in fact given all undertakings of the various Member States, of the African, Caribbean and Pacific States (ACP) and of the associated countries and territories equal opportunity of access to works and supply contracts financed by the EDF.

Article 49

Within the framework of Articles 298 to 302 of the Convention and without prejudice to Article 293 of the Convention and Article 24 of the Internal Agreement, a favourable opinion of the EDF Committee shall be required prior to the placing of contracts by direct agreement or after restricted invitations to tender or where recourse is had to direct labour.

However, where they are justified by urgency and by unforeseen circumstances, the above exception to the rules governing competition may be authorized by the Commission without a prior opinion from the EDF Committee. In that event, the Commission shall immediately inform the EDF Committee thereof.

Article 50

The results of invitations to tender referred to in this section shall be published as soon as possible in the *Official Journal of the European Communities*.

1. Without prejudice to Article 20 (1) (c) of the Internal Agreement, the provisions of the General Regulations and Conditions of Contract shall apply to all tenders and contracts financed from the EDF. The payments arrangements and the currency of currencies of payment shall be specified in the wording of the relevant contracts.

2. The price offered in tenders for contracts financed by the EDF shall take into account the applicable tax arrangements provided for in Articles 308, 309 and 310 of the Convention.

3. Where payment is made in the currency of an ACP State, it must be made through a bank established in that State.

Where payment is made in ecus it must be made through the intermediary of an approved bank or agency established in a Member State.

3. Structural adjustment support

Article 52

1. Support for structural adjustment programmes provided under the Convention shall be implemented in accordance with Article 248 of the Convention and the following principles:

- integration of Community support in the framework of the programmes adopted by the ACP States, in particular where those programmes are supported by the main international donors,
- adaptation of Community aid, implemented through import programmes and the targeted and consistent use of counterpart funds, with sound budgetary management, to the specific priority needs to the ACP States as defined in Articles 226 and 244 of the Convention, in keeping with the detailed rules for implementation of those instruments as defined in those Articles,
- definition of operational procedures for the implementation of structural adjustment programmes in the relevant financing proposals and the corresponding financing agreements.

2. Contracts arising in the case of import programmes which take the form of provision of foreign exchange may be expressed in currencies other than those of ACP States or the ecu, such other currencies to include those of countries which are not Contracting Parties to the Convention.

3. On the occasion of each advance of funds provided in structural adjustment programmes, the Commission shall check regularity and conformity with respect to the justification of the use of funds and the rules applicable pursuant to Articles 246, 248 and 294 (1) (b) of the Convention and to Article 20 of the Internal Agreement.

4. Management of the export earnings stabilization system (Stabex)

Article 53

The annual resources available to the Stabex system provided for in Article 191 of the Convention shall be managed by the Commission in accordance with the following procedures:

- (i) half of each annual instalment shall be credit to the system on 1 April and 1 July respectively. However, the first half annual instalment in each year shall be reduced by the amount of any advances granted in the preceding year under Article 194 (1) of the Convention. Any sums due to the Stabex system in the calendar year in which the Convention came into force shall be transferred to the system on the date of entry into force of this Financial Regulation, with effect from the due dates laid down above;
- (ii) interest at the rate obtained on the liquid assets of the EDF shall be provided on the amounts of annual instalments credited to the Stabex system's resources as follows:
 - from 1 April each year on the amount of the first half of each annual instalment less any advance and transfers paid from the Stabex system's resources,
 - in like manner, from 1 July each year in respect of the second half of each annual instalment;
- (iii) any part of annual instalment which has not been advanced or transferred shall continue to bear interest which will be added to the Stabex system's resources until its utilization in the following year;
- (iv) the transfers referred to in Article 211 of the Convention shall be made in ecus into an interest-bearing bank account chosen by mutual agreement between the ACP State and the Commission. All interest accruing shall be credited to that account. All withdrawals from the account shall require two signatures, one being that of a person designated by the ACP State concerned, the other that of the Commission delegate.

The funds in the account, including interest, shall be mobilized in accordance with Article 186 (2) of the

Convention as the operations specified in the agreement on the use of the resources referred to in Article 210 of the Convention are implemented.

Article 54

Where advance use is made of the following year's instalment as provided for in Article 194 of the Convention, the advances referred to in Article 206 of the Convention shall be reduced proportionately.

Article 55

The quarterly report to the Member States on the cash situation of the EDF treasury, provided for in Article 1 (3), shall include information on the financial situation of the Stabex system.

Article 56

Wherever the calculation of the amount of a transfer or advance requires the conversion of statistics expressed in the national currency of the ACP State concerned, or of any other currency, into ecus, the exchange rate applicable shall be the average annual rate in force in the calendar year to which the statistics concerned refer.

SECTION II

AID MANAGED BY THE BANK

Article 57

The Bank shall forward to the Commission at the beginning of each quarter estimates of all amounts expected to be claimed from the EDF in that quarter in respect of risk capital and interest rebates.

1. Risk Capital

Article 58

1. Each decision to grant risk capital shall set a limit to the Community's commitment and financial responsibilities and, in the case of shareholdings, to the extent of the rights in the company to which such operations relate. The decision shall also take into account the provisions in Article 23 (2) of the Convention relating to responsibility for exchange-rate risks.

The instruments giving effect to risk-capital operations shall be concluded by the Bank acting as the Community's authorized agent.

2. The Bank, acting for and on behalf of the Community, shall manage the operations referred to in paragraph 1 which have been the subject of a financing decision by the Board of Directors of the Bank.

3. When each disbursement takes place, the Bank shall request the Commission to pay in ecus the amount of the risk capital disbursed. The Commission shall pay this amount within 21 days of receipt of the request for payment with the same value date as that of the disbursement by the Bank.

4. When the disbursement takes place in currencies other than the ecu, the exchange rates used to determine the amounts to be disbursed shall be those obtained by the Bank from the correspondent responsible for the exchange transaction.

The ecu exchange rates to be used by the borrower to calculate the amounts due in respect of products, income and reimbursements from risk capital operations shall be those in force one month before the date of payment.

5. Amounts due in respect of receipts, income and repayments relating to risk capital operations shall be collected by the Bank on behalf of the Community, in accordance with Article 59 of this Financial Regulation.

Article 59

The sums collected by the Bank in the form of products, revenue or repayments from risk-capital operations shall be credited to a special account opened on behalf of the Community for the Member States in proportion to their contributions to the EDF. The account shall be denominated in ecus and managed by the Bank in accordance with Article 9 (1) of the Internal Agreement. The Bank shall agree with the Member States on the information to be supplied concerning the account.

The technical procedures for the management of the account, including those relating to the fixing of the rates of interest on it, shall be decided upon by the Council and the Bank in agreement with the Commission.

2. Subsidized loans

Article 60

1. The aggregate amount of interest-rate subsidies on each loan from the Bank shall be calculated in ecus in

accordance with Article 235 of the Convention on the basis of the composite interest rate to be fixed in accordance with the procedures set out in paragraph 3 (iii).

2. On the signing of each loan contract, the Bank shall communicate to the Commission the estimated total amount of the interest rate subsidy expressed in ecus.

3. Upon the disbursement of each instalment of the loan, the Bank shall request the Commission to pay the interest subsidy relating to the instalment based on the following calculations:

(i) the equivalent in ecus of the amounts of currencies in which the loan instalment was disbursed at the conversion rate for those currencies and the ecu as published in the *Official Journal of the European Communities* in operation on the date on which the amount of currencies to be disbursed is determined, which date shall be communicated to the Commission;

(ii) application of the percentage rate of interest subsidy to the declining annual capital balance due at each repayment date;

(iii) the present value of the interest subsidies relating to the loan disbursement. Calculation of the present value shall be made by reference to a composite discount rate equal to the annual interest rate(s) which the Bank would in fact receive in the currency or currencies used for the relevant disbursement of the loan if the loan did not benefit from an interest subsidy. The actual calculation of present value shall use this composite discount rate reduced by four-tenths of a percentage point.

4. The Commission shall pay in ecus the amount of subsidy, discounted in accordance with the procedures described in paragraph 3, within 21 days of receipt of the request for payment, the value date being that of the disbursement of the relevant loan instalment.

5. Where the whole of an interest subsidized loan is repaid in advance, the Bank shall pay to the Commission the total balance of the discounted subsidy, adjusted for the period between receipt and payment by the Bank, on the first contractual repayment date subsequent to the advance payment. Where only part of such a loan is repaid, the payment by the Bank to the Commission shall relate to that part of the loan which has been repaid.

6. The sums reimbursed to the Commission shall be added to the appropriations available for the financing of interest rate subsidies provided for in Article 4 of the Internal Agreement.

7. All payments provided for in this Article shall be made in ecus.

TITLE IV
EXECUTIVE AGENTS

1. The Chief Authorizing Officer

Article 61

1. The Chief Authorizing Officer of the EDF, referred to in Article 311 of the Convention, shall take all measures necessary for the implementation of Articles 294 to 307 of the Convention.

Where he deems it appropriate, the Chief Authorizing Officer shall consult experts chosen for their technical competence and their independence vis-à-vis the firms concerned with the award of contractors.

2. The Chief Authorizing Officer shall ensure, before the publication of an invitation to tender, that the documents relating to tenders do not contain any directly or indirectly discriminatory provisions. He shall ensure that tenders are compared under equal conditions and, in particular, that the import duties or taxes of the recipient State, country or territory do not constitute an obstacle to participation in invitations to tender.

3. The Chief Authorizing Officer may suspend the publication of a notice of invitation to tender where it is found that corrections must be made to the specifications or other documents on replacement thereof. To this end, he shall inform the relevant authorities of the recipient State, country or territory of his observations.

Article 62

In accordance with Article 292 of the Convention, decisions to commit additional funds required to cover any excess expenditure incurred on a project or programme shall be taken by the Chief Authorizing Officer where the excess expenditure is equal to, or lower than, a ceiling of 20 % of the original commitment set out in the financing decision. Where the excess is greater than the 20 % ceiling, the procedures of Articles 21 to 24 of the Internal Agreement shall apply to the relevant financing decision.

Article 63

1. The Chief Authorizing Officer shall take all measures to ensure that National Authorizing Officers perform the tasks for which they are responsible by virtue of Articles 312 to 315 of the Convention and in particular that they comply with the provisions of this Financial Regulation regarding commitment, clearance and authorization of expenditure.

2. Where the Chief Authorizing Officer of the EDF becomes aware of delays in the carrying out of procedures relating to projects financed by the EDF he shall, in conjunction with the National Authorizing Officer, make all contacts necessary to remedy the situation.

3. If, for any reason whatsoever, services have been rendered but further delay in clearance, authorization or payment gives rise to difficulties likely to call into question the full performance of the contract, the Chief Authorizing Officer may take all appropriate measures to resolve these difficulties, to remedy, where necessary, the financial consequences of the resultant situation and, more generally, to enable the project, projects or programmes to be completed under the best economic conditions. He shall inform the National Authorizing Officer of such measures as soon as possible. If payments are thus made directly by the Commission to the beneficiary of the contract, the Community shall automatically acquire that beneficiary's right as creditor vis-à-vis the national authorities.

4. This Article shall apply, *mutatis mutandis*, to measures to ensure that Regional Authorizing Officers referred to in Article 164 (1) (f) (ii) of the Convention perform tasks assigned to them in the Convention.

2. The Commission delegate

Article 64

The Commission delegate shall comply with this Financial Regulation in the performance of his duties, as provided for in Articles 316, 317 and 318 of the Convention.

Article 65

During the performance of operations financed by the EDF the delegate shall verify on the spot and on the basis of records that work carried out of services rendered correspond with their descriptions as given in the financing agreements, or other contracts or estimates.

Article 66

In the event of failure to comply with this Financial Regulation, of misconduct or gross negligence in the

performance of his duties, the delegate shall render himself liable to disciplinary action, and where necessary, to payment of compensation.

3. The paying agent

Article 67

The relations between the Commission and the paying agents provided for in Article 319 of the Convention shall be the subject of contracts which shall require the prior approval of the financial controller. In these contracts, the

Commission shall include provisions stipulating that, in the discharge of their duties, the paying agents are required to comply with this Financial Regulation. These contracts shall be sent to the Court of Auditors.

Article 68

The contract signed by the Commission and the paying agent transfers to the latter the entire financial responsibility of the EDF accounting officer in the event of failure to observe the provisions in force or of negligence entailing financial loss for the Community.

TITLE V

PRESENTING AND AUDITING ACCOUNTS

Article 69

1. The Commission shall draw up, not later than 1 May each year, a balance sheet of assets and liabilities of the EDF as at 31 December of the preceding year and a statement of sources and uses of funds since the date of the previous balance sheet.

2. The financial statements referred to in paragraph 1 shall be accompanied by a table of revenue showing:

- estimated revenue for the calendar year,
- amendments to the revenue estimates,
- entitlements established in the course of the calendar year,
- amounts still to be collected at the end of the calendar year,
- additional revenue.

Article 70

1. The Commission shall, in respect of each financial year, draw up not later than 1 May of the following year revenue and expenditure accounts for the EDF.

2. The revenue and expenditure accounts shall include:

- (a) a table of revenue containing the items specified in Article 69 (2);
- (b) expenditure tables which shall comprise:
 - a table showing the decisions taken by the Commission or the Council during the financial year, together with a table showing the overall situation regarding sums committed,

— a table showing the situation regarding delegated appropriations and expenditure authorizations effected during the financial year, together with a table showing the overall situation regarding delegated appropriations and expenditure authorizations effected.

3. The tables referred to in paragraph 2 shall be accompanied by a cumulative statement showing for each recipient country or territory the aggregate figure for the commitment decisions taken, for delegated appropriations granted and for expenditure authorizations effected.

Article 71

Without prejudice to Article 33 (5) of the Internal Agreement, the Commission shall forward the balance sheet, statement of sources and uses of funds and the revenue and expenditure accounts to the European Parliament, the Council and the Court of Auditors not later than 1 May of the following financial year.

Article 72

The Court of Auditors and its Members may seek the assistance of the Court's staff in the discharge of their duties.

The Court itself, or one of its Members, shall notify the authorities with which members of the Court's staff to whom such responsibilities have been delegated are to work on the tasks delegated to them.

Article 73

1. Without prejudice to Article 33 (5) of the Internal Agreement, the audit carried out by the Court of Auditors shall be based on records and, if necessary, be performed on the spot. Its purpose shall be to establish that all revenue has been received and all expenditure incurred in a lawful and regular manner with regard to the provisions applicable and that the financial management has been sound.

2. In the performance of its tasks, the Court of Auditors may, under the conditions laid down in paragraph 6, consult all documents and information relating to the financial management of the departments subject to its inspection; it has the power to hear any official responsible for revenue and expenditure operations and to use any of the auditing procedures appropriate to those departments.

3. The Court of Auditors shall ensure that all securities and cash on deposit or in hand are checked against vouchers signed by the depositaries or against official memoranda of cash and securities held. The Court may itself carry out such checks.

4. At the request of the Court of Auditors, the Commission shall authorize financial institutions holding EDF deposits to enable the Court to ensure that the external data tally with the accounts.

5. The Commission shall afford the Court of Auditors all the facilities and give it all the information which the Court may consider necessary for the performance of its tasks, and shall in particular provide all the information available to the Commission as a result of the checks which it has carried out, pursuant to the regulations in force, within the departments responsible for the management of EDF finances and for effecting expenditure on behalf of the Community. In particular, it shall place at the disposal of the Court all documents concerning the conclusion and implementation of contracts and all accounts of cash or materials, all accounting records or supporting documents and also the administrative documents pertaining thereto, all documents relating to revenue and expenditure, all inventories, and all lists of posts in the departments which the Court of Auditors may consider necessary and all documents and data created or stored on a data-carrier.

To this end, officials subject to audit by the Court of Auditors shall in particular:

- (a) disclose their records of cash in hand, any other cash, securities and materials of any kind and the supporting documents in respect of their management of which they are the depositaries and any books, registers and other documents relating thereto;
- (b) present the correspondence or any other document required for the full implementation of the audit referred to in paragraph 1.

The information referred to under (b) may be requested only by the Court of Auditors.

The Court of Auditors shall be empowered to audit the documents in respect of EDF revenue and expenditure which are held by the Commission's departments and, in particular, by the departments responsible for decisions on such revenue and expenditure.

6. The task of establishing that revenue has been received and expenditure incurred in a lawful and proper manner and that the financial management has been sound shall also encompass the utilization by bodies outside the Commission of Community funds they have received. Any grant of EDF funds to beneficiaries outside the Commission shall be subject to the agreement in writing by the recipients to an audit being carried out by the Court of Auditors on the utilization of the amounts paid out.

Article 74

1. In addition to the annual report, the Court of Auditors may also, at any time, submit observations, in the form of special reports, on specific questions and deliver opinions at the request of one of the institutions of the Communities.

2. The special reports shall be transmitted to the institution or body concerned.

The institution concerned shall have two and a half months within which to inform the Court of Auditors of any comments it wishes to make on the observations in question.

Should the Court of Auditors decide to have such observations published in the *Official Journal of the European Communities*, it shall include after them any comments submitted by the institution or institutions concerned.

The special reports shall be transmitted to the European Parliament and the Council, each of which shall decide, in conjunction with the Commission if appropriate, what action is to be taken in response.

Article 75

1. The annual report of the Court of Auditors provided for in Article 78 of the ESCS Treaty and in Article 206a of the EEC Treaty shall be governed by the following provisions:

- (a) the Court of Auditors shall communicate to the Commission, not later than 15 July, any observations which it considers should appear in the annual report. These observations must remain confidential. The Commission shall forward its replies to the Court of Auditors not later than 31 October of the relevant year;
- (b) the annual report shall contain an assessment of the soundness of the financial management.

2. The Court of Auditors may submit observations at any time on particular matters and may give its opinion in response to a request by one of the Community institutions.

Article 76

The Court of Auditors shall send its annual report, together with the Commission's replies, not later than 30 November, to the Commission and to the authorities responsible for giving discharge pursuant to Article 33 (3) of the Internal Agreement, and shall ensure its publication in the *Official Journal of the European Communities*.

Article 77

1. Before 30 April of the following year, the European Parliament, upon a recommendation from the Council, which shall act by a qualified majority, shall give the Commission discharge in respect of the execution of the financial management of the EDF for the preceding financial year, in accordance with Article 33 (3) of the Internal Agreement. If this date cannot be complied with, the European Parliament or the Council shall inform the Commission of the reasons for which this decision has had to be deferred. Should the European Parliament postpone the decision giving discharge, the Commission shall make every effort to take measures, as soon as possible, to facilitate removal of the obstacles to this decision.

2. The discharge decision concerns the accounts of all the revenue and expenditure of the EDF during the year in question and also the assets and liabilities of the EDF shown in its balance sheet. It shall include an assessment of the responsibility of the Commission in the execution of the financial management during the preceding period.

3. The Financial Controller shall take account of the observations appearing in the decision giving discharge.

4. The Commission shall take all appropriate steps to act on the comments appearing in the decision giving discharge.

5. At the request of the European Parliament or the Council, the Commission shall report on the measures taken in the light of these comments, and, in particular, on the instructions given to those of its departments which are responsible for the management of the EDF. This report shall also be sent to the Court of Auditors.

In an Annex to the revenue and expenditure account for the year following that of the discharge decision, the Commission must also give an account of the measures taken in the light of the observations appearing in the decision giving discharge.

6. The balance sheet, statement of sources and uses of funds and the revenue and expenditure accounts for each financial year and the decision giving the discharge shall be published in the *Official Journal of the European Communities*.

TITLE VI

GENERAL AND FINAL PROVISIONS

Article 78

Unless otherwise specified, references in this Financial Regulation to the provisions of the Convention shall be deemed to refer to the corresponding provisions of Decision 91/482/EEC.

Article 79

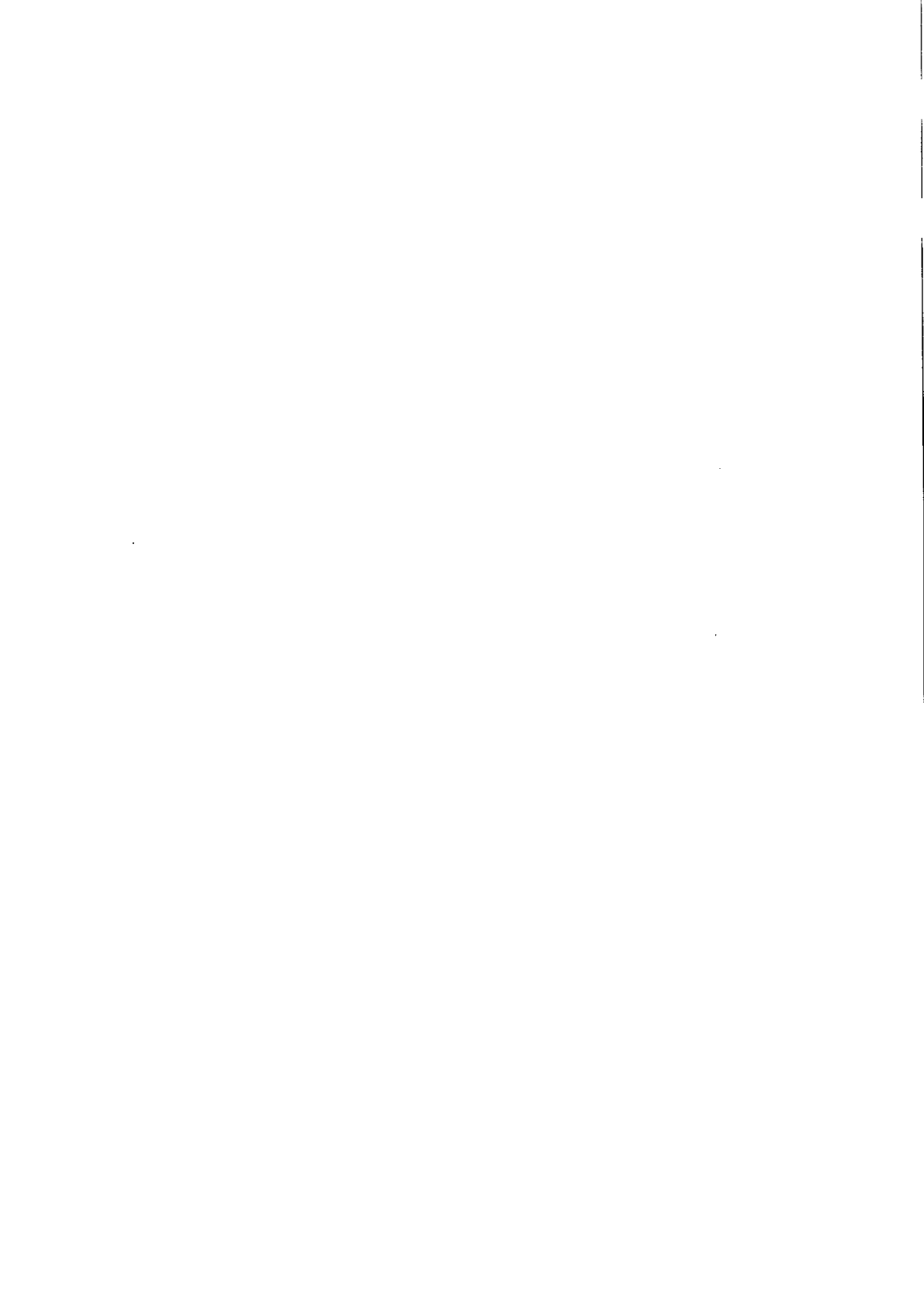
This Financial Regulation shall be applicable to the aid specified in the Financial Protocol to the Convention. This Financial Regulation shall be applicable for the same period as the Internal Agreement.

Done at Brussels, 29 July 1991.

For the Council

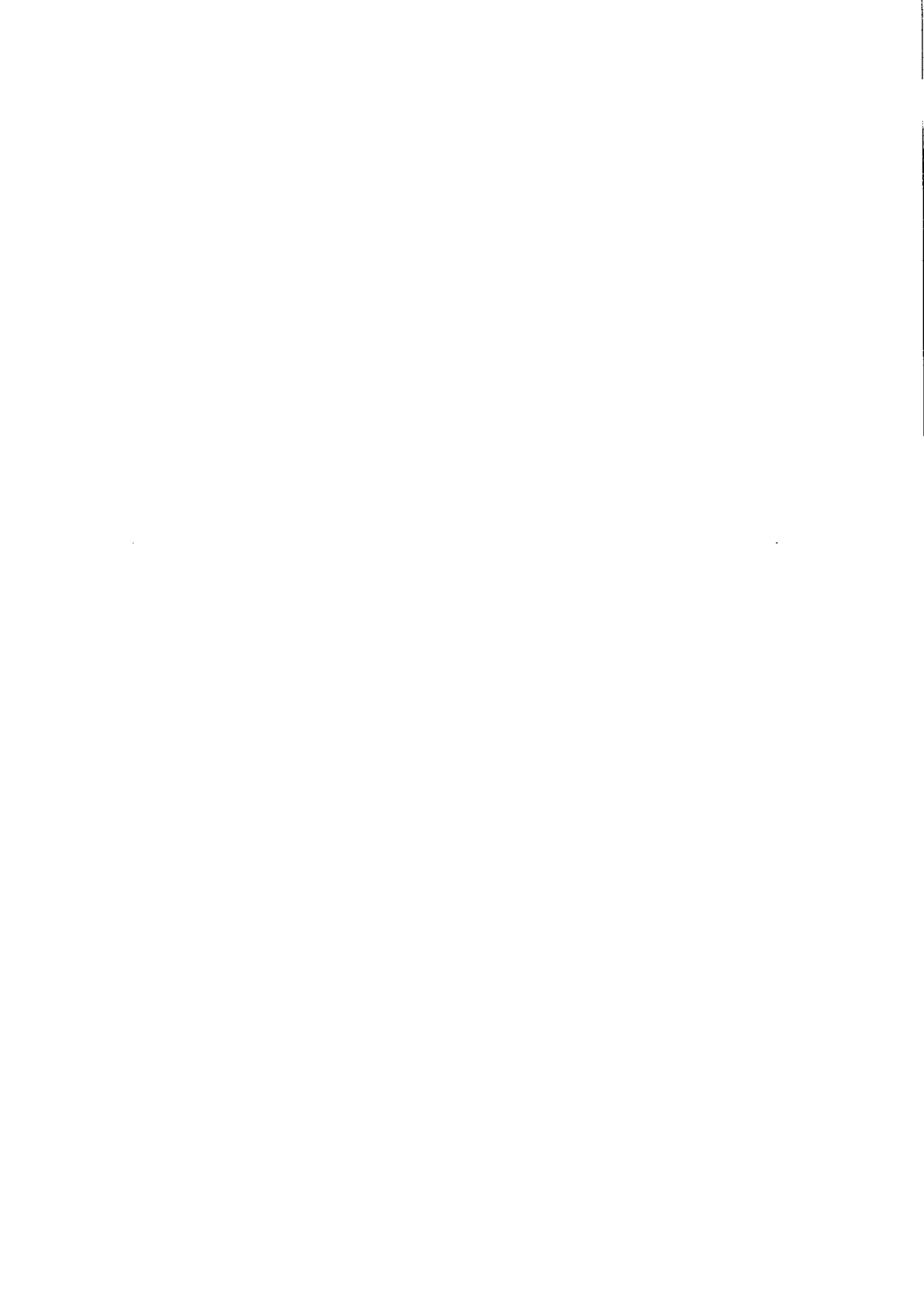
The President

H. VAN DEN BROEK



**IV — Community Acts relating to bilateral relations between
the Community and certain ACP States**

Fisheries



I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 420/91
of 4 February 1991

on the conclusion of the Protocol defining, for the period 1 May 1990 to 30 April 1992, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) thereof,

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

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

Whereas, pursuant to the second subparagraph of Article 17 of the Agreement between the European Community and the Government of the Republic of Senegal on fishing off the coast of Senegal ⁽³⁾, as last amended by the Agreement of 20 November 1985 ⁽⁴⁾, the two Parties entered into negotiations to determine the amendments or additions to be made to the Agreement on the expiry of the application period of the Protocol annexed thereto;

Whereas the two Parties have agreed, pending the outcome of the negotiations, to extend the said Protocol for an initial interim period from 1 to 31 March 1990, and for a second interim period from 1 to 30 April 1990;

Whereas, as a result of these negotiations, a Protocol setting out the fishing rights and financial compensation

provided for in the said Agreement for the period 1 May 1990 to 30 April 1992 was initialled on 19 April 1990;

Whereas, pursuant to Article 155 (2) (b) of the Act of Accession, the Council is required to determine the procedures appropriate to take into consideration all or part of the interests of the Canary Islands when it adopts decisions, case by case, with a view to the conclusion of fisheries agreements with third countries; whereas the said procedures need to be determined in this particular case;

Whereas it is in the Community's interest to approve the said Protocol,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol defining, for the period 1 May 1990 to 30 April 1992, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

To take into consideration the interests of the Canary Islands, the Protocol referred to in Article 1 and, to the extent necessary for its implementation, the provisions of the common fisheries policy on the conservation and

⁽¹⁾ OJ No C 209, 22. 8. 1990, p. 6.

⁽²⁾ Opinion delivered on 24 January 1991 (not yet published in the Official Journal).

⁽³⁾ OJ No L 226, 29. 8. 1980, p. 17.

⁽⁴⁾ OJ No L 361, 31. 12. 1985, p. 87.

management of fishery resources shall also apply to vessels sailing under the flag of Spain which are recorded on a permanent basis in the registers of the competent authorities at local level (*registros de base*) in the Canary Islands, under the conditions defined in Note 6 of Annex I to Council Regulation (EEC) No 1135/88 of 7 March 1988 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in the trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands⁽¹⁾, as amended by Regulation (EEC) No 3902/89⁽²⁾.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 4

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

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

Done at Brussels, 4 February 1991.

For the Council
The President
R. STEICHEN

⁽¹⁾ OJ No L 114, 2. 5. 1988, p. 1.

⁽²⁾ OJ No L 375, 23. 12. 1989, p. 5.

PROTOCOL

defining, for the period 1 May 1990 to 30 April 1992, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal.

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, signed on 15 June 1979, as amended by the Agreement signed on 21 January 1982 and the Agreement signed on 20 November 1985,

Having regard to the Protocol defining the fishing rights and financial compensation provided for in the said Agreement for the period 29 February 1988 to 28 February 1990,

HAVE AGREED AS FOLLOWS:

Article 1

From 1 May 1990, for a period of two years, the limits referred to in the second subparagraph of Article 4 of the Agreement shall be as follows:

1. wet trawlers (inshore demersal fishing) landing and selling their entire catch in Senegal:

fish and cephalopods: 1 000 GRT/year;

2. wet trawlers (inshore demersal fishing) not landing their catch in Senegal:

fish and cephalopods: 2 200 GRT/year;

3. ocean-going wet fish trawlers (demersal) not landing their catch in Senegal and fishing for a period of four months:

5 000 GRT/year in an average year;

4. freezer trawlers (inshore demersal fishing) landing and selling part of their catch in Senegal:

fish and cephalopods: 2 800 GRT/year;

5. freezer trawlers (inshore demersal fishing) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan to be notified to the Senegalese Government by the Community every six months:

fish and cephalopods: 1 000 GRT/year in an average year;

6. ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal:

18 600 GRT/year;

7. tuna vessels landing all their catch in Senegal: 20 vessels;

8. freezer tuna seiners landing part of their catch in Senegal: 48 vessels;

9. surface longliners: 35 vessels.

Article 2

1. The financial compensation referred to in Article 9 of the Agreement is hereby fixed, for the period referred to in Article 1, at ECU 28 750 000 payable in two equal annual instalments.

2. The compensation shall be paid into the account of Senegal's Chief Treasurer and Paymaster.

Article 3

The fishing opportunities provided for in Article 1 may be increased, at the request of the Community, by successive annual instalments of 1 000 GRT. In such case, the financial compensation provided for in Article 2 shall be increased proportionately *pro rata temporis*.

Article 4

In addition, during the period referred to in Article 1, the Community shall contribute the sum of ECU 800 000 to the financing of Senegal's scientific programmes intended to improve knowledge of fish stocks in Senegal's exclusive economic zone.

This sum shall be made available to the Centre de Recherches Océanographiques de Dakar-Thiaroye (Crodt).

The competent authorities in Senegal shall send the Commission summary reports on the programmes carried out.

Article 5

The two Parties agree that an essential factor for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community will make it easier for nationals of Senegal to find places in establishments in its Member States and shall provide for that purpose study and practical training awards in various scientific, technical and economic disciplines connected with fisheries.

These awards may be used also in any other State linked to the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 450 000 which shall be payable as and when it is used.

Article 6

Failure by the Community to make the payments provided for in Articles 2 and 4 of this Protocol may result in the suspension of the Agreement.

Article 7

Annex I to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, signed on 15 June 1979, is hereby repealed and replaced by the Annex which appears in the Annex to this Protocol.

Article 8

This Protocol shall enter into force on the date of its signing.

It shall apply from 1 May 1990.

ANNEX

CONDITIONS GOVERNING FISHING ACTIVITIES IN SENEGAL'S FISHING ZONE BY VESSELS
FLYING THE FLAG OF A MEMBER STATE OF THE COMMUNITY

A. Application for, and issue of, licences

- 1.1. The competent Community authorities shall present to the competent Senegalese authorities (the Ministry responsible for sea fisheries) an application in respect of each vessel wishing to fish under the Agreement.

The application, accompanied by a tonnage certificate, shall be made on the forms provided for that purpose by the Government of Senegal, a specimen of which is attached hereto.

- 1.2. The technical services of the Ministry responsible for sea fisheries shall establish the fee payable by the shipowner for the licence and inform the delegation of the Commission of the European Communities in Dakar.

Fees shall include all national and local charges with the exception of port charges and the costs of services.

After payment of the fee, the licence shall be signed and forwarded to the Delegation of the Commission of the European Communities in Dakar.

If, within two weeks of notification of the amount due, the fee has not been paid, the Community may make fresh licence application for the tonnage concerned.

- 1.3. Licences shall be valid from the date of issue until 31 December of the year in which they are issued or until the expiry of the Protocol in its last year of application.

Trawlers fishing demersal species may, within the limits laid down in points 3 and 5 of Article 1 of the Protocol, obtain special licences valid for four months.

- 1.4. The fees and advances shall be for one year, except those for the licences referred to in point 1.3. However, in the first and last years of application of the Protocol, the fees and advances shall be in proportion to the period of validity of the Agreement. The fees shall be set as follows:

A. Fees for trawlers:

1. Wet trawlers (inshore demersal fishing) landing and selling their entire catch in Senegal:
fish and cephalopods: CFA 20 000 per GRT/year.
2. Wet trawlers (inshore demersal fishing) not landing their catch in Senegal:
fish and cephalopods: CFA 50 000 per GRT/year.
3. Ocean-going wet fish trawlers (demersal) not landing their catch in Senegal and fishing for a period of four months:
CFA 12 500 per GRT/four months.
4. Freezer trawlers (inshore demersal fishing) landing and selling part of their catch in Senegal:
fish and cephalopods: CFA 40 000 per GRT/year.
5. Freezer trawlers (inshore demersal fishing) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan notified to the Senegalese Government by the Community every six months:
fish and cephalopods: CFA 23 000 per GRT/four months.
6. Ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal:
CFA 40 000 per GRT/year.

B. Fees for tuna vessels and longliners:

1. Tuna vessels landing all their catch in Senegal: CFA 2/kilogram of fish caught in Senegal's exclusive economic zone.
2. Freezer tuna seiners landing part of their catch in Senegal: CFA 7/kilogram of fish caught in Senegal's exclusive economic zone.
3. Surface longliners: CFA 15/kilogram of fish caught in Senegal's exclusive economic zone.

Licences for vessels referred to in B (2) and (3) shall be issued following advance payment for those fees of a lump sum of CFA 350 000 for each tuna seiner and CFA 750 000 for each surface longliner to the Receveur des Domaines, which corresponds to 50 tonnes of tuna per tuna seiner per year and 50 tonnes of fish per surface longliner per year.

The final statement of the fees due for the fishing year shall be drawn up at the end of each calendar year by the Commission of the European Communities on the basis of catch statements made by the shipowners for each vessel and confirmed by the Centre de Recherches Océanographiques de Dakar-Thiaroye (Crod). The statement shall be forwarded simultaneously to the Senegalese authorities and the shipowners. Each additional payment, if any, shall be made by the shipowners to the Receveur des Domaines not later than 30 days following the notification of the final statement.

However, where the sum due as set out in the final statement is less than the advance referred to above, the shipowner will not be reimbursed the difference.

B. Statements of catch

All vessels authorized to fish in Senegalese waters under the Agreement shall be required to forward to the Direction de l'Océanographie et des Pêches Maritimes, with a copy to the Delegation of the Commission of the European Communities in Dakar, a statement of their catch made out according to the attached specimens. These statements must be presented after each voyage in the case of wet trawlers; for freezer trawlers, monthly catch statements must be forwarded before the end of the month following the vessel's return.

Should these provisions not be adhered to, the Government of Senegal reserves the right to suspend the licence of the offending vessel until the formality has been completed. In this case, the Delegation of the Commission of the European Communities at Dakar shall be informed. Furthermore, the sanction provided for pursuant to Article 58 of Senegal's sea fisheries code may be applied to the owner of the vessel concerned.

C. Landing of catch

- (a) Freezer trawlers (inshore demersal fishing) shall land, for local market prices, 130 kilograms of fish and shrimp per GRT every half-year.

These landings may be made individually or collectively.

Any failure to comply with the requirement to land catches shall render the shipowner liable to the following sanctions on the part of the Senegalese authorities:

- a fine of CFA 300 000 for each tonne not landed in the case of inshore demersal fishing trawlers,
- withdrawal and non-renewal of the licence of the vessel concerned or another vessel of the same shipowner.

In order to ensure payment of the fine, the issuing of licences shall be subject to the lodging in Senegal of a banker's guarantee of CFA 39 000 per GRT for every half-year.

The Senegalese authorities shall release this security as soon as a vessel has met its landing requirements in full.

- (b) In the case of wet tuna vessels, the target set by the two Parties shall be to land not less than 3 500 tonnes of tuna a year in Senegalese ports at the international price applicable.

If, during the fishing year, total landings by the fleet concerned fall short of this minimum quantity as a result of an unforeseeable change in the state of fish stocks or the structure of the fleet, the two Parties shall enter into consultations without delay in order to establish the appropriate action to achieve the said quantity and ensure its implementation.

- (c) Freezer tuna seiners shall land 12 500 tonnes of tuna a year at the prevailing international price and in accordance with a programme to be established by agreement between Community shipowners and Senegalese canners. In the event of disagreement on the timetable for landings, the Joint Committee referred to in Article 11 of the Agreement shall hold a special meeting at the request of either of the Parties.

D. Signing on of seamen

1. Trawlers and surface longliners authorized to fish in Senegalese waters under the Agreement shall be required to take on 33 % of their crew from among Senegalese registered seamen.

This percentage includes the observer or seaman/observer referred to in point H of this Annex and possibly a Senegalese national with the qualification of first mate or second engineer, should the vessel carry at least three officers on the bridge or in the engine room.

If a vessel authorized to fish in Senegalese waters holds a valid fishing licence issued by another country in the subregion (Mauritania, Gambia, Guinea-Bissau or Guinea), it shall be required to take on board a number of registered Senegalese seamen equivalent to 33 % of the non-officer crew assigned to sail the vessel.

2. In the case of freezer tuna seiners, the overall requirement to take on board seamen shall be established on the basis of the scale of activity in Senegal's fishing zone and the employment of crew from other countries, the fisheries of which are frequented by that fleet.

E. Special equipment and supplies and services

Wherever possible, Community vessels shall procure the necessary supplies and services, including dry dock facilities and regular maintenance, in Senegal.

F. Fishing zones

1. Wet trawlers (inshore demersal fishing) of less than 300 GRT and inshore freezer trawlers (demersal species) of less than 250 GRT shall be authorized to fish:

(a) from six nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Cape Manuel (14°36'00" N);

(b) from seven nautical miles off the baselines between the latitude of Cape Manuel (14°36'00" N) and the northern Senegal-Gambia border;

(c) from six nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.

2. Wet trawlers (inshore demersal fishing) of more than 300 GRT and freezer trawlers (inshore demersal fishing) of more than 250 GRT shall be authorized to fish beyond 12 nautical miles from the baselines of the waters under Senegal's jurisdiction.

3. Ocean-going trawlers for demersal species shall be authorized to fish:

(a) from 12 nautical miles off the baselines between the Senegal-Mauritania border and latitude 15°00' N;

(b) from six nautical miles off the baselines between latitude 15°00' N and the latitude of Portudal (14°27'00" N);

(c) from 25 nautical miles off the baseline between the latitude of Portudal (14°27'00" N) and the northern Senegal-Gambia border;

(d) from 35 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.

4. Wet vessels and freezer tuna seiners shall be authorized to fish for bait and tuna in all waters under Senegal's jurisdiction.
5. Surface longliners shall be authorized to drop their lines:
 - (a) from 15 nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Portudal (14°27'00" N);
 - (b) from 25 nautical miles off the baselines between the latitude of Portudal (14°27'00" N) and the northern Senegal-Gambia border;
 - (c) from 25 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.

G. Radio communication

Any Community vessel intending to carry out fishing activities in Senegal's fishing zone shall notify the radio station of the *Projet de Protection et Surveillance des Pêches du Sénégal (PSPS)* of each entry into, or exit from, the fishing zone. Shipowners will be informed of the call sign when the fishing licence is issued. Any vessel found fishing without having notified the PSPS of its presence shall be considered an unlicensed vessel.

H. Observers

1. (a) When fishing in Senegal's waters, all Community trawlers and longliners of more than 300 GRT shall accept on board an observer designated by Senegal. The captain shall facilitate the work of the observer, who shall enjoy all the facilities provided for the officers of the vessel concerned.
(b) The Senegalese authorities shall communicate to the Commission of the European Communities the names of the designated observers.
(c) Subject to the restrictions imposed by the vessel, observers shall be provided with board and accommodation at the shipowner's expense. Their meals shall be served in the officers' messroom and they shall be accommodated in the areas provided for the officers or, if this is impossible, in a living area distinct from that provided for the crew.
2. (a) Trawlers and longliners of less than 300 GRT shall take on board a seaman designated by Senegal who shall act as seaman/observer.
(b) In the case of freezer tuna seiners, one of the Senegalese seamen on board may be designated seaman/observer.
(c) Captains shall facilitate the work of the seamen/observers that is additional to actual fishing operations. Seamen/observers shall receive the normal seaman's rate of pay from the shipowner.
3. Owners of trawlers or longliners shall make a flat-rate payment to the Senegalese Government of CFA 3 500 for seamen/observers and CFA 8 000 for observers for each day spent on board.
4. In principle, the observer shall be taken on board for a maximum period of 60 days. This period may be extended where the duration of a voyage by the vessel on which the observer is taken on board exceeds that period.
In such case, the observer shall leave the vessel on its return.
A deposit equivalent to 60 days' activity at sea shall be lodged before the boarding of the observer or seaman/observer. Settlement shall be made after each voyage.
5. The taking on board and disembarkation of observers shall not interrupt or hinder fishing operations. Observers may therefore be taken on board and/or leave the vessel in a port elsewhere than in Senegal provided that their travel and other expenses are reimbursed by the shipowner.
The deposit equivalent to 60 days' activity at sea is to be considered an advance on the payment of the observer's allowance. The latter shall be paid after the observer has left the vessel. A final statement of advances made shall be drawn up at the end of the calendar year.

I. Minimum authorized mesh

The minimum authorized mesh sizes for industrial fishing gear are as follows (mesh opening):

- purse seines with live bait: 16 mm,
- standard otter trawls (fish or cephalopods): 65 mm,
- standard otter trawls (black hake): 60 mm,
- deep-sea shrimp trawls: 40 mm.

In the case of tuna, the international standards recommended by the ICCAT are to be applied.

J. Arrest and detention

The authorities of the Commission of the European Communities in Senegal shall be notified, within 48 hours of the arrival at the Marine Nationale base, of the arrest and detention of any fishing vessel flying the flag of a Member State of the Community fishing under the Agreement and of the circumstances and reasons leading to such arrest and detention.

REPUBLIC OF SENEGAL

MINISTRY RESPONSIBLE FOR MARITIME FISHING

DIRECTORATE OF OCEANOGRAPHY
AND MARITIME FISHING

APPLICATION
FORM FOR A
FISHING LICENCE

For official use only	Remarks
Nationality:
Licence No:
Date of signing:
Date of issue:

APPLICANT

Name of firm:
Number and date of authorization of the company
Trade register No (*):
First name and surname of applicant:
Date and place of birth:
Occupation:
Number of levy payer's account (*):
Address:
.....
No of employees (*): Permanent (*): Temporary (*):
Name and address of co-signatory:
.....
Annual turnover figure (*):

VESSEL

Type of vessel: Registration No:
New name: Former name:
Date and place of construction (*):
Original nationality:
Date of assumption of Senegalese flag (*):
Provisional Period granted Permanent
Length: Beam: Hold:
Gross tonnage: Net tonnage:
Type of building materials: Draught:
Make of main engine: Type: Ratings:
Propeller: Fixed Variable Ducted
Transit speed:
Call sign: Call frequency:

LIST OF NAVIGATION, SOUNDING AND TRANSMISSION INSTRUMENTS

Radar Sonar VHF radio
Satellite navigation Netsonde HF, BLU radio
Automatic pilot Scanmar Telex
Route plotter
Other

(*) Optional for foreign vessels.

CONSERVATION

Packed in ice Ice + refrigeration

Freezing in brine Dry Refrigerated sea water

Total refrigerating power:

Freezing capacity in tonnes/24 hours:

Hold capacity:

TYPE OF FISHING

A. Inshore demersal

Shrimp Fish and cephalopod

Type of fishing gear: Fish Shrimps Long line fishing

1. Length of trawl: Headline:

Mesh size in the body: In the wings:

2. Length of line: Number of hooks:

Number of lines: Size of hooks:

B. Deep sea demersal

Shrimp Fish

Type of fishing gear: Shrimp Fish Long line fishing

1. Length of trawl: Headline:

Mesh size in the body: In the wings:

2. Length of line: Number of hooks:

Number of lines: Size of hooks:

C. Inshore pelagic

Pelagic trawler Seine

1. Length of trawl: Headline:

Mesh size in the body:

2. Length of seine: Dept of seine:

Mesh dimension (drawn):

D. Deep sea pelagic (runa)

Type of fishing gear: Seine Pole and line Long line

1. Length of seine: Depth of seine:

Mesh dimension (drawn):

2. Number of poles and lines:

3. Long line

Length of lines: Number of hooks:

Number of lines: Size of hooks:

Number of pots: Capacity in tonnes:

E. Longlines and pots

Number of pots: Material:

Length (base diameter): Width (upper diameter):

Diameter of openings: Method of cover:

Mesh (cover)

SHORE INSTALLATIONS

Address and permit No:

Name of firm:

Activities:

Domestic wholesale fish trade Export

Type and No of wholesale trader's card:

Description of processing and conservation plant:

.....

.....

.....

.....

.....

No of employees: Senegalese: Foreigners:

Permanent: Temporary:

Technical remarks of the Director of Fisheries

Authorization of the State Secretariat for Animal Resources

STATEMENT OF CATCH MADE BY VESSELS USING LONG LINES AND POTS

NAME OF VESSEL:

TYPE OF FISHING (long lines or pots):

SPACING OF CATCH EQUIPMENT
(Hooks or pots)

.....

Date of drop	No of hooks or pots	Time of drop		Time of raising		Average position		Depth		Species (circle those thrown back)												
		Start	End	Start	End	Lat.	Long.	Start	End	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg	
1.																						
2.																						
3.																						
4.																						
5.																						
6.																						
7.																						
8.																						
9.																						
10.																						

STATEMENT OF CATCH BY TUNA VESSELS

Voyage from to

NAME OF VESSEL:

TYPE: Pole and line or seine

NATIONALITY:

Catch from Senegal's economic zone

(in tonnes)

Species	Tonnage landed	Tonnage not landed	Thrown back	Total
Albacore				
Skipjack				
Bigeye				
Thunnidae + Bonito				
Other species				
Total				

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1177/91

of 18 April 1991

on the conclusion of the Protocol setting out, for the period from 1 August 1990 to 31 July 1993, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

contribution provided for in the aforementioned Agreement was initialled on 31 July 1990;

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

Whereas, pursuant to Article 155 (2) (b) of the Act of Accession, it is for the Council to determine the procedures appropriate to take into consideration all or part of the interests of the Canary Islands and Ceuta and Melilla when it adopts decisions, case by case, particularly with a view to the conclusion of fisheries agreements with third countries; whereas the case in point calls for the said procedures to be determined;

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) thereof,

Having regard to the proposal from the Commission,

Whereas it is in the Community's interest to approve this Protocol,

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

HAS ADOPTED THIS REGULATION:

Whereas, before the end of the period of validity of the current Protocol, in accordance with the second paragraph of Article 13 of the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania (²), the two Parties negotiated to determine the amendments or additions to be introduced into the Annex to the said Agreement and into the Protocol at the end of the period of application of the Protocol;

Article 1

The Protocol setting out, for the period from 1 August 1990 to 31 July 1993, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Islamic Republic of Mauritania on fishing off the coast of Mauritania is hereby approved on behalf of the Community.

Whereas the two Parties agreed to extend the said Protocol on a temporary basis between 1 and 31 July 1990 pending the outcome of the said negotiations;

The text of the Protocol is attached to this Regulation.

Article 2

Whereas, as a result of these negotiations, a new Protocol setting out, for the period from 1 August 1990 to 31 July 1993, the fishing opportunities and financial

With a view to taking into consideration the interests of the Canary Islands and Ceuta and Melilla, the Protocol referred to in Article 1 and, insofar as is necessary for its application, the provisions of the common fisheries policy relating to the conservation and management of fishery resources, shall also apply to vessels sailing under

(¹) OJ No C 106, 22. 4. 1991.

(²) OJ No L 388, 31. 12. 1987, p. 1.

the flag of Spain which are recorded on a permanent basis in the registers of the relevant authorities at local level ('registros de base') in the Canary Islands or in Ceuta and Melilla, under the conditions specified in Note 6 to Annex I to Council Regulation (EEC) No 1135/88 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands (*).

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Article 4

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

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

Done at Luxembourg, 18 April 1991.

For the Council

The President

R. STEICHEN

(*) OJ No L 114, 2. 5. 1988, p. 1.

PROTOCOL

setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania for the period 1 August 1990 to 31 July 1993

Article 1

For a period of three years from 1 August 1990, the fishing opportunities granted pursuant to Article 2 of the Agreement shall be as follows:

1. Specialized vessels:

- (a) fishing vessels specializing in crustaceans with the exception of lobsters: 10 000 GRT/month annual average;
- (b) black hake trawlers and bottom longliners: 15 000 GRT/month annual average;
- (c) pelagic trawlers and seiners: 9 000 GRT/month annual average;
- (d) pot vessels (crawfish): 1 950 GRT/month annual average.

Vessels with licences for crawfish fishing may keep on board no fishing gear other than pots. These vessels are not authorized for live-bait fishing. In addition, crawfish fishing shall be prohibited between 1 July and 30 September each year, since this is the height of the breeding season for these species.

It has also been agreed that the crawfish fishing opportunities offered to the Communities represent the maximum fishing effort currently possible given the state of stocks. The fishing effort may be reviewed in the Joint Committee on the basis of the results of the scientific assessment provided for in Article 4. If the effort is increased, the Community will be given first refusal on the additional rights after the requirements of the national fleet have been met.

2. Vessels fishing for highly migratory species:

- pole-and-line tuna vessels and surface longliners: 38 vessels,
- freezer tuna seiners: 25 vessels.

3. Live-bait fishing:

pole-and-line tuna vessels are also authorized to fish with live bait where required to carry out their fishing trips within the limits and under the conditions (zones and mesh sizes) laid down in the Annex to the Agreement.

Article 2

1. The financial compensation referred to in Article 6 of the Agreement shall be, for the period referred to in Article 1, ECU 27 750 000, payable in three annual instalments.

2. The use to which this compensation is put shall be the sole responsibility of Mauritania.

3. The compensation shall be paid into an account opened with a financial institution or any other body designated by Mauritania.

Article 3

Demersal trawling fishing rights will be offered to Community vessels if Mauritania decides, taking account of stock levels, to reopen this type of fishing to vessels other than those of the national fleet. In such a case, the financial compensation referred to in Article 2 shall be increased proportionately *pro rata temporis*.

Article 4

The Community shall contribute during the period referred to in Article 1 the sum of ECU 900 000 towards the financing of scientific and technical programmes to improve biological and fishery resource information as regards the Mauritanian fishing zone.

Part of this amount shall be used to carry out a scientific assessment of crawfish stocks.

These programmes shall be drawn up by the CNROP and submitted to the Community, which will participate in their implementation. Once the content of the programmes has been approved by both Parties, the corresponding amounts shall be paid into an account indicated by the Mauritanian authorities by the dates specified in the programmes.

The Mauritanian authorities must report regularly on the implementation of the approved programmes and the results obtained. The Community reserves the right to request any further scientific information from the other Party.

Article 5

1. The Community shall make it easier for nationals of Mauritania to find places in establishments in its Member States and shall provide for that purpose awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. Such awards may also be used in all countries linked to the Community by a Cooperation Agreement.

The Community shall contribute to the costs of participating in international meetings or training courses on fisheries.

2. The cost of these measures may not exceed ECU 360 000. This sum shall be paid as and when it is needed.

Article 6

Should the Community fail to make the payments provided for in Articles 2 and 4, the application of this Protocol may be suspended.

Article 7

The Parties agree to encourage cooperation in the field of fisheries. They shall encourage the integration of Community and Mauritanian concerns through associations of mutual interest to exploit fisheries resources and process and market fishery products. To this end, the Joint Committee shall examine appropriate measures.

Article 8

The Annex to the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania is hereby repealed and replaced by the Annex to this Protocol.

Article 9

This Protocol shall enter into force on the date which it is signed. It shall apply with effect from 1 August 1990.

ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN MAURITANIA'S FISHING ZONE

A. Licence applications and issuing formalities

- (a) The Commission of the European Communities shall, via its delegation in Mauritania, present to the Mauritanian fishery authorities a licence application in respect of each vessel, drawn up by shipowners wishing to fish under the Agreement, at least 20 days before the date of commencement of the period of validity requested. The applications shall be made on the forms provided for that purpose by Mauritania, a specimen of which is shown in Appendix I. Licence applications shall be accepted only if accompanied by proof of payment of the fee for the period of the licence's validity. The fees shall include all national and local charges except for the cost referred to at (b).

In addition, in the case of freezer tuna seiners, a tonnage certificate must be attached to the licence application form.

- (b) Before receiving a licence, each vessel, with the exception of freezer tuna seiners, must be presented at the port of Nouadhibou for inspection in accordance with the rules and regulations in force. This inspection shall be carried out within 48 hours of the vessel's arrival in port. The expenses incurred shall be borne by the shipowner and may not be higher than those usually paid by other vessels for the same services.
- (c) Licences shall be issued for a given vessel. At the request of the Commission of the European Communities, a licence issued for one vessel may in a case of *force majeure* be replaced by a licence for another Community vessel having the same characteristics. In such a case, the owner of the vessel to be replaced shall return the licence to the Ministry responsible for maritime fisheries via the Delegation of the Commission of the European Communities in Mauritania.

The new licence shall indicate:

- the date of issue,
- the fact that this licence cancels and replaces that of the first vessel.

No fee shall be due for the period of validity remaining.

Licences issued to seiners and pelagic trawlers shall be transferable from one ship to another at the request of the Community, provided that the payment for the year in question is made at the issue of the first licence.

Where such a transfer is made, the Community shall apply for a licence for the replacement vessel, indicating the name of the vessel to be replaced and the date on which the transfer is to take effect.

- (d) The licence shall be delivered to the master of the vessel or his representative by the Mauritanian authorities within 20 days of receipt of proof of payment of the fee. The Delegation of the Commission of the European Communities in Mauritania shall be notified of delivery.
- (e) The licence must be held on board at all times.
- (f) The Mauritanian authorities shall specify the bank account and currencies to be used for payment of fees before the entry into force of the Agreement.

B. Validity of licences and payment of fees by shipowners

1. Provisions applicable to tuna vessels and surface longliners

- (a) Licences for these vessels shall be issued for periods of 12 months.
- (b) The fee to be paid by the shipowner shall be set at ECU 20 per tonne caught within the Mauritanian fishing zone.

(c) Licences shall be issued following payment to the Mauritanian treasury of a lump sum of ECU 2 000 a year for each pole-and-line tuna vessel and each surface longliner and ECU 1 000 a year for each freezer tuna seiner, equivalent to the fees for:

- 100 tonnes of tuna a year in the case of pole-and-line tuna vessels,
- 100 tonnes per year of species caught by surface longliners,
- 50 tonnes of tuna per year caught by freezer tuna seiners.

The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data such as the French Office de la recherche scientifique et technique d'outre-mer (Orstom) and the Instituto Español de Oceanografía (IEO) on the one hand and the Centre National de Recherche Océanographique et des Pêches (CNROP) on the other.

This statement shall be forwarded simultaneously to the Mauritanian sea-fishing services and to the shipowners not later than 30 April of the following year. Any additional payment due shall be made by the shipowners to the Mauritanian sea-fishing services no later than 30 days after notification of the final statement.

However, if the amount of the final statement is lower than the abovementioned advance, the resulting balance shall not be reimbursable to the shipowner.

In addition, ships' masters shall keep a logbook for each fishing period in Mauritania's fishing zone in accordance with the specimen in Appendix II.

2. Provisions applicable to other vessels

(a) Licences for these vessels shall be issued for periods of 12 months. They shall be renewable.

(b) The licence fees to be paid by shipowners, expressed in ecus per gross registered tonnage per year, are as follows:

- (a) fishing vessels specializing in crustaceans with the exception of crawfish: 276;
- (b) black hake trawlers and bottom long-liners: 142;
- (c) pelagic trawlers and seiners: 110;
- (d) pot vessels (crawfish): 242.

C. Statement of catch

1. All vessels authorized to fish in Mauritania's fishing zone under the Agreement, with the exception of tuna vessels and longliners, shall be obliged to forward a statement of their catch, made out according to the specimen in Appendix III, to the Ministry for Fisheries and the Economy of the Sea, via the Delegation of the Commission of the European Communities at Nouakchott.

These statements of catch must be drawn up for each month and sent at least once every six months. They must be completed legibly and be signed by the master of the vessel.

2. Should these provisions not be adhered to, Mauritania reserves the right to suspend the licence of the offending vessel until the required formality has been complied with. In this case, the Delegation of the Commission of the European Communities at Nouakchott shall be informed without delay.

D. Signing-on of seamen

1. With the exception of freezer tuna seiners, owners of Community vessels engaged in activities in Mauritania's fishing zone shall employ Mauritanian fishermen and seamen to make up 35 % of the non-officer crew engaged in manning the vessel or fishing operations at the rates of pay applicable to seamen on Mauritanian vessels.

2. However, for the duration of this Protocol, the percentage of fishermen and seamen actually taken on board may not be lower than 25 %. In this case, shipowners are required to pay compensation to the Mauritanian authorities of ECU 200 per month for each seaman of the number constituting the difference between the 35 % quota and the number of seamen actually employed on board; such compensation shall be used for the training of Mauritanian fishermen.

3. At the request of the Mauritanian authorities, Community vessels shall take on board a fisherman/scientific observer as part of the compulsory percentage taken on board.

The presence of this fisherman/scientific observer may not prejudice fishing operations.

4. Shipowners shall be free to choose which Mauritanian sailors they take on board their vessels. The Mauritanian authorities shall therefore keep an up-to-date list containing an adequate number of sailors.

5. The employment contracts of the fishermen shall be drawn up in Mauritania between the shipowners or their representatives and the fishermen in agreement with the Mauritanian fisheries authorities. These contracts shall cover the social security arrangements applicable to the fishermen (including life, accident and sickness insurance).

6. The provisions relating to the signing-on of seamen shall be studied in detail at the first meeting of the Joint Committee. It will examine, in particular, the possibility of taking on board trainee officers with a view to the completion of their practical training.

E. Inspection and monitoring of fishing activities

Any Community vessel fishing in Mauritania's fishing zone shall allow on board and assist in the accomplishment of his duties any Mauritanian official responsible for inspecting and monitoring fishing activities.

These officials should not remain on board any longer than the time required to carry out their duties.

F. Entering and leaving the zone

Community vessels, except those of less than 150 GRT, fishing in Mauritania's fishing zone under the Agreement shall inform the headquarters of the Commande des Pêches (DCP) at Nouadhibou of the date, time and their position whenever entering or leaving the Mauritanian fishing zone. In addition, pole-and-line tuna vessels shall radio to the same station 24 hours in advance their intention to fish with live bait in the zones demarcated for this purpose.

G. Fishing zones

The fishing zones to which Community vessels shall have access are the waters referred to in Article 1 of the Agreement beyond the following limits:

— for fishing vessels specializing in crustaceans, with the exception of crawfish:

north of latitude 19°21' N: nine nautical miles from the base line of Cap Blanc-Cap Timiris,

south of latitude 19°21' N: six nautical miles from the low water mark,

during a period laid down annually by decree of the Minister responsible for sea fishing, north of latitude 19°21' N the line between the following points:

20° 46' N	17° 03' W,
19° 50' N	17° 03' W,
19° 21' N	16° 45' W,

— for black hake trawlers and bottom long-liners:

north of latitude 19°21' N, the line between the following points:

20°36' N	17°36,0' W,
20°03' N	17°36,0' W,
19°50' N	17°12,8' W,
19°50' N	17°03,0' W,
19°04' N	16°34,0' W,

south of latitude 19°21' N, the 18 nautical mile line measured from the low water mark,

— for pelagic trawlers and seiners:

for the zone from Cap Blanc to latitude 19°21' N, the line between the following points:

20°46,3' N	17°03,0' W,
20°10,7' N	17°24,2' W,
19°50,0' N	17°12,8' W,
19°43,0' N	16°58,0' W,
19°21,0' N	16°45,0' W,

south of latitude 19°21' N the 12 nautical mile line measured from the low water mark,

— for pot vessels (crawfish):

north of latitude 19°21' N: 20 nautical miles from the base lines of Cap Blanc-Cap Timiris,

south of latitude 19°21' N: 15 nautical miles from the low water line,

— for pole-and-line tuna vessels and surface longliners:

north of latitude 19°21' N: 15 nautical miles from the base lines of Cap Blanc-Cap Timiris,

south of latitude 19°21' N: 12 nautical miles from the low water line,

— for freezer tuna seiners:

north of latitude 19°21' N: 30 nautical miles from the base lines of Cap Blanc-Cap Timiris,

south of latitude 19°21' N: 30 nautical miles from the low water line,

— for pole-and-line tuna vessels fishing with live bait:

north of latitude 19°21' N: three nautical miles from the base lines of Cap Blanc-Cap Timiris,

south of latitude 19°21' N: three nautical miles from the low water line.

H. By-catch

The by-catch (expressed as a proportion of the total weight of the catch) which may be held on board the Community vessels specified below operating in Mauritanian waters may not exceed the following percentages:

— fishing vessels specializing in crustaceans with the exception of crawfish: 10 %, of which 0 % cephalopods,

— black hake trawlers and bottom long-liners: 35 %, of which 0 % shrimps and cephalopods,

— pelagic trawlers: 3 %,

— pelagic seiners: 10 %.

I. Authorized mesh sizes

The minimum mesh sizes authorized are the following:

— fishing vessels specializing in crustaceans with the exception of crawfish: 40 mm,

— black hake trawlers: 60 mm,

- pelagic seiners: 20 mm,
- pelagic trawlers: 30 mm,
- pole-and-line tuna vessels fishing with live bait: 8 mm,
- tuna seiners: the standards recommended by ICCAT shall apply.

J. Seizure and detention of vessels

The seizure or detention, under the terms of the applicable Mauritanian legislation, of a fishing vessel flying the flag of a Member State of the Community shall be notified to the Delegation of the Commission of the European Communities in Mauritania within 48 hours and simultaneously to the consular agent of the Member State whose flag the vessel flies.

The circumstances and reasons which led to the seizure or detention shall be brought to the attention of the Delegation of the Commission of the European Communities in Mauritania.

K. Transshipment of catches

The Joint Committee shall study the possibility of transshipments for fishing vessels specializing in crustaceans with the exception of crawfish at its first meeting.

Appendix I

I. APPLICANT

Business name:
Number and date of registration:
Commercial registration number:
Forename and name of person responsible:
Date and place of birth:
Profession:
Address:
.....
Number of employees: Permanent: Temporary:
Name and address of person responsible:
.....

II. VESSEL

Name of shipowner: Type of ship:
Registration number:
Home port:
New name: Former name:
Date and place of construction:
Modifications: to the structure: to the equipment:
Nationality of origin: Current nationality:
Date of acquiring current flag:
Classification bureau:
Length overall: Breadth: Draught:
..... GRT NRT
Make of main engine: Type:
HP of engine:
Engine No:
Propeller: fixed pitch Controllable pitch Nozzle
Maximum speed:
Radio: call sign: Frequency:
Detection, navigation and transmission equipment:
Radar Sonar Sounder/headline/Net Sonde
VHF SSB Navigation: satellite Other

Crew:

Name of master:

Number of seamen: Total:

Mauritanian:

III. PRESERVATION METHOD

Ice Ice + refrigeration

Freezing: In brine Dry In cold water

Total refrigeration capacity:

Freezer capacity per 24 hours in tonnes:

Hold capacity:

IV. TYPE OF FISHING FOR WHICH AUTHORIZATION IS SOUGHT

— Crustaceans, type:

— Black hake:

— Pelagic species:

— Tuna:

— Gear and mesh used:

V. OTHER

— Live bait fishing:

— Gear and mesh used:

— Period of validity sought:

— Date of application:

— Name and signature:

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1295/91
of 14 May 1991

on the conclusion of the Protocol establishing, for the period from 1 June 1990 to 31 May 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) thereof,

Having regard to the proposal from the Commission,

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

Whereas, in accordance with the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe⁽²⁾, which entered into force on 18 April 1985, the two Parties negotiated to determine the amendments or additions to be introduced into the said Agreement at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations, a new Protocol establishing, for the period from 1 June 1990 to 31 May 1993, the fishing rights and financial compensation provided for in the aforementioned Agreement was initiated on 4 May 1990;

Whereas, pursuant to Article 155 (2) (b) of the Act of Accession of Spain and Portugal, it is for the Council to determine the procedures appropriate to take into consideration all or part of the interests of the Canary Islands when it adopts decisions, case by case, particularly with a view to the conclusion of fisheries agreements with third countries; whereas the case in point calls for the said procedures to be determined;

Whereas it is in the Community's interest to approve the Protocol referred to in this Agreement,

⁽¹⁾ Opinion delivered on 19 April 1991 (not yet published in the Official Journal).

⁽²⁾ OJ No L 54, 25. 2. 1984, p. 1.

Article 1

The Protocol establishing, for the period from 1 June 1990 to 31 May 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

With a view to taking into consideration the interests of the Canary Islands, the Protocol referred to in Article 1 and, in so far as is necessary for its application, the provisions of the common fisheries policy relating to the conservation and management of fishery resources, shall also apply to vessels sailing under the flag of Spain which are recorded on a permanent basis in the registers of the relevant authorities at local level (*registros de base*) in the Canary Islands, under the conditions specified in Note 6 to Annex I to Council Regulation (EEC) No 1135/88 of 7 March 1988 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in the trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands⁽¹⁾.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Article 4

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

⁽¹⁾ OJ No L 114, 2. 5. 1988, p. 1.

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

Done at Brussels, 14 May 1991.

For the Council

The President

J. F. POOS

PROTOCOL

establishing, for the period from 1 June 1990 to 31 May 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe

Article 1

For a period of three years from 1 June 1990, the fishing rights granted pursuant to Article 2 of the Agreement shall be 46 freezer tuna seiners and five pole-and-line wet tuna vessels.

Article 2

1. The financial compensation referred to in Article 6 of the Agreement shall be, for the period referred to in Article 1, ECU 1 650 000, payable in three equal annual instalments.

2. The use to which this compensation is put shall be the sole responsibility of the Government of the Democratic Republic of São Tomé e Príncipe. It shall be paid into an account with the National Bank of São Tomé e Príncipe.

Article 3

1. The Community shall contribute during the period referred to in Article 1 the sum of ECU 150 000 towards the financing of scientific and technical programmes to improve biological and fishery resource information as regards the exclusive economic zone of São Tomé e Príncipe.

2. These programmes shall be drawn up jointly by the competent authorities of São Tomé e Príncipe and the Community, which will, if necessary, participate in their implementation. Once the content of the programmes has been approved, they shall be financed by payments into an account indicated by the competent authorities of São Tomé e Príncipe.

3. The competent authorities of São Tomé e Príncipe shall send to the Commission of the European Communities a report on the implementation of the approved programmes and the results obtained. The Commission of the European Communities reserves the right to request any further scientific information from the authorities of São Tomé e Príncipe.

Article 4

1. The two Parties agree that improving the skills and knowledge of those involved in sea fishing is a vital element in the success of their cooperation. To that end, the Community shall:

(a) make it easier for nationals of São Tomé e Príncipe to find places in establishments in its Member States and shall provide for that purpose awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. These awards may also be used by any State linked to the Community by a Cooperation Agreement;

(b) cover São Tomé e Príncipe's participation in the Regional Fisheries Committee for the Gulf of Guinea and Iccat;

(c) cover its participation in international meetings or training courses on fisheries.

2. The cost of these measures may not exceed ECU 375 000. This sum shall be paid as and when it is needed.

Article 5

Should the Community fail to make the payments provided for in Articles 2 and 3, the application of this Protocol may be suspended.

Article 6

The Annex to the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé e Príncipe on fishing off São Tomé e Príncipe is hereby repealed and replaced by the Annex to this Protocol.

Article 7

This Protocol shall enter into force on the date on which it is signed.

It shall apply from 1 June 1990.

ANNEX

Conditions for the exercise of fishing activities by Community vessels in São Tomé e Príncipe's fishing zone

1. The procedure for applications for and issue of the licences referred to in Article 4 of the Agreement shall be as follows :

The relevant Community authorities shall present to the Ministry for Agriculture and Fisheries of São Tomé e Príncipe, via the Commission Delegation responsible for São Tomé e Príncipe, an application for each vessel that wishes to fish under the Agreement, at least 20 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Government of the Democratic Republic of São Tomé e Príncipe, a specimen of which is attached hereto (Appendix 1).

Licences shall be issued by the São Tomé e Príncipe authorities within 20 days following submission of the application to the shipowners or their representatives via the Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe.

Licences shall be issued for a specific vessel and shall not be transferable. However, where *force majeure* is proven and at the request of the Commission of the European Communities, a vessel's licence shall be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Ministry of Agriculture and Fisheries of São Tomé e Príncipe via the Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe.

The new licence shall indicate :

- the date of issue ;
- the fact that this licence replaces that of the first vessel, for the period of validity remaining.

In this case, no new lump sum as laid down in paragraph 5 below shall be due.

The licence must be held on board at all times.

2. Licences shall be valid for one year and shall be renewable.
3. The fees provided for in Article 4 of the Agreement shall be set at ECU 20 per tonne caught in São Tomé e Príncipe's fishing zone.
4. The competent authorities of São Tomé e Príncipe shall indicate the detailed rules for payment of the fees, in particular the bank accounts and currencies to be used.
5. Licences shall be issued following payment to the National Bank of São Tomé e Príncipe of a lump sum of ECU 1 500 for each freezer tuna seiner per year and ECU 200 for each pole-and-line tuna vessel per year, equivalent to the fees for :
 - 75 tonnes of tuna caught per freezer tuna seiner per year,
 - 10 tonnes of tuna caught per pole-and-line tuna vessel per year ;
6. The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made for each vessel and confirmed by the competent scientific institutes, namely the French Institut de la recherche scientifique et technique d'outre-mer (Orstom) and the Instituto Español de Oceanografía (IEO).

The statement shall be forwarded simultaneously to the competent authorities of São Tomé e Príncipe and to the shipowners. Any additional payment due shall be made by the shipowners to the National Bank of São Tomé e Príncipe no later than 30 days after notification of the final statement. However, if the amount of the final statement is lower than the advance referred to in paragraph 5 above, the resulting balance shall not be reimbursable to the shipowner.

7. Community vessels shall keep a fishing log, in accordance with the model in Appendix 2, for each fishing period spent in São Tomé e Príncipe's fishing zone. The form shall be sent to the Ministry of Agriculture and Fisheries, via the Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe, within 45 days of the end of the fishing trip spent in the São Tomé e Príncipe fishing zone.

Forms must be completed legibly and signed by the master of the vessel.

8. Every time they enter or leave São Tomé e Príncipe's fishing zone, Community vessels shall communicate the volume of catch held on board at that time to the radio station on São Tomé e Príncipe. The call sign shall be communicated to shipowners when the licence is issued

A vessel caught fishing without having notified the radio of São Tomé e Príncipe shall be considered an unlicensed vessel.

In cases where this radio communication cannot be used, vessels may use alternative means such as telex or telegram.

6. Vessels shall allow on board observers at the request of the authorities of São Tomé e Príncipe. Observers should not remain on board any longer than the time needed to carry out spot checks on the catch. The master of the vessel shall take all necessary steps to facilitate the task of the observers on board.
10. The international standards on tuna fishing as recommended by Iccat shall apply.

11. The Delegation of the Commission of the European Communities responsible for São Tomé e Príncipe shall be notified within 48 hours of any boarding within São Tomé e Príncipe's fishing zone of a fishing vessel flying the flag of a Member State of the Community and operating under this Agreement.

A brief report of the circumstances and reasons leading to the boarding must be submitted within 72 hours.

Appendix 1

DEMOCRATIC REPUBLIC OF SÃO TOMÉ E PRÍNCIPE

MINISTRY OF AGRICULTURE AND FISHERIES

FISHING LICENCE APPLICATION No

Name of applicant :

Address of applicant :

Name and address of shipowner :

Name and address of any representative in São Tomé e Príncipe :

Name of vessel :

Type of vessel :

Country of registration :

Port and registration number :

External identification of vessel :

Radio call sign and frequency :

Length of vessel :

Width of vessel :

Engine type and rating :

Hold capacity :

Minimum crew :

Type of fishing :

Species to be fished :

Period of validity sought :

'I hereby certify that this information is correct and that I know and agree with and undertake to observe and enforce the laws of the Democratic Republic of São Tomé e Príncipe concerning fishing and the sea, and all applicable international legislation.'

Date :

The Applicant

.....

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 1454/90 of 28 May 1990 relating to the conclusion of the Protocol establishing, for the period 1 January 1990 to 31 December 1991, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations

(Official Journal of the European Communities No L 140 of 1 June 1990)

Page 2, Protocol, Article 4, second line :

for : 'ECU 1 950 000',

read : 'ECU 950 000'.

COUNCIL DECISION

of 7 October 1991

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing for the period 16 June 1991 to 15 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau

(91/570/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) thereof,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau signed in Bissau on 27 February 1980⁽¹⁾, as last amended by the Agreement signed in Brussels on 29 June 1987⁽²⁾,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic Guinea-Bissau conducted negotiations to determine the amendments or additions to be made to the Agreement on fishing off the coast of Guinea-Bissau at the end of the period of application of the Protocol referred to in Article 9 of the Agreement;

Whereas, as a result of these negotiations, a new Protocol was initialled on 13 June 1991;

Whereas, under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of Guinea-Bissau for the period 16 June 1991 to 15 June 1993;

Whereas, under Article 155 (2) (b) of the Act of Accession, it is for the Council to determine the procedures appropriate to take into consideration all or part of the interests of the Canary Islands when it adopts decisions, case by case, particularly with a view to the conclusion of fisheries agreements with third countries; whereas the case in point calls for the said procedures to be determined;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, it is essential that the Protocol in question be approved as soon as possible, whereas, for this reason, the two Parties initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the Protocol in force; whereas this Agreement should be

approved pending a final decision taken on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol establishing for the period 16 June 1991 to 15 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

With a view to taking into consideration the interests of the Canary Islands, the Agreement referred to in Article 1 and, in so far as is necessary for its application, the provisions of the common fisheries policy relating to the conservation and management of fishery resources shall also apply to vessels which sail under the flag of Spain, which are recorded on a permanent basis in the registers of the relevant authorities at local level ('registros de base') in the Canary Islands, under the conditions specified in Note 6 to Annex I to Council Regulation (EEC) No 1135/88 of 7 March 1988 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands⁽³⁾.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Luxembourg, 7 October 1991.

For the Council
The President
W. KOK

⁽¹⁾ OJ No L 226, 29. 8. 1980, p. 33.

⁽²⁾ OJ No L 113, 30. 4. 1987, p. 1.

⁽³⁾ OJ No L 114, 2. 5. 1988, p. 1.

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol defining, for the period 16 June 1991 to 15 June 1993, the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau

A. Letter from the Government of the Republic of Guinea-Bissau

Sir,

With reference to the Protocol, initialled on 13 June 1991, establishing the fishing rights and the financial compensation for the period 16 June 1991 to 15 June 1993, I have the honour to inform you that the Government of the Republic of Guinea-Bissau is ready to apply this Protocol on a provisional basis, with effect from 16 June 1991, pending its entry into force in accordance with Article 8 of the Protocol, provided that the European Economic Community is prepared to do the same.

The licences of present vessels or of vessels which had a licence in 1991 shall be automatically extended should the vessels so require. To this end, a list of vessels requiring this shall be sent by 15 June 1991 at the latest. The licence fees shall be paid prior to 30 June 1991. It is understood that holding new licence documents does not necessarily mean that fishing activities will be carried out.

This is on the understanding that in this case a first instalment equal to 50 % of the financial compensation specified in Article 2 of the Protocol is to be paid prior to 15 November 1991.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.

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

*For the Government
of the Republic of Guinea-Bissau*

B. Letter from the Community

Sir,

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

'With reference to the Protocol, initialled on 13 June 1991, establishing the fishing rights and the financial compensation for the period 16 June 1991 to 15 June 1993, I have the honour to inform you that the Government of the Republic of Guinea-Bissau is ready to apply this Protocol on a provisional basis, with effect from 16 June 1991, pending its entry into force in accordance with Article 8 of the Protocol, provided that the European Economic Community is prepared to do the same.

The licences of present vessels or of vessels which had a licence in 1991 shall be automatically extended should the vessels so require. To this end, a list of vessels requiring this shall be sent by 15 June 1991 at the latest. The licence fees shall be paid prior to 30 June 1991. It is understood that holding new licence documents does not necessarily mean that fishing activities will be carried out.

This is on the understanding that in this case a first instalment equal to 50 % of the financial compensation specified in Article 2 of the Protocol is to be paid prior to 15 November 1991.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.'

I have the honour to confirm the European Community's agreement to this provisional application of the Protocol.

*On behalf of
the Council of the European Communities*

PROTOCOL

establishing for the period 16 June 1991 to 15 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau signed in Bissau on 27 February 1980, as last amended by the Agreement signed in Brussels on 29 June 1987,

HAVE AGREED AS FOLLOWS:

Article 1

For a period of two years from 16 June 1991, the fishing rights granted pursuant to Article 4 of the Agreement shall be as follows:

1. (a) freezer shrimp trawlers: 11 000 GRT per month, annual average;
(b) freezer fin fish and cephalopod trawlers: 6 000 GRT per month, annual average;
2. freezer tuna seiners: 20 vessels;
3. pole-and-line tuna vessels and surface longliners: 12 vessels.

Article 2

1. The financial compensation referred to in Article 9 of the Agreement shall be, for the period referred to in Article 1, ECU 12 000 000, payable in two equal annual instalments.
2. The use to which this compensation is put shall be the sole responsibility of the Government of the Republic of Guinea-Bissau.
3. The compensation shall be paid into an account opened with a financial institution or any other body designated by Guinea-Bissau.

Article 3

At the request of the Community, the fishing rights referred to in Article 1 (1) (a) and (b) may be increased by successive instalments of 1 000 GRT per month, calculated on an annual average basis. In this case, the financial compensation referred to in Article 2 shall be increased proportionately.

Article 4

The Community shall also contribute during the period referred to in Article 1 the sum of ECU 850 000 towards the financing of a Guinea-Bissau scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of Guinea-

Bissau and the functioning of the marine biology laboratory.

This sum shall be made available to the Government of the Republic of Guinea-Bissau and paid into the account indicated by the Guinea-Bissau authorities.

Article 5

The two Parties agree that improving the skills of those involved in sea fishing is a vital element in the success of their cooperation. To that end, the Community shall make it easier for nationals of Guinea-Bissau to find places in establishments in its Member States and shall provide for that purpose, during the period referred to in Article 1, awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries.

The awards may also be used in any country linked with the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 550 000. At the request of the Guinea-Bissau authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries or the organization of seminars on fishing in Guinea-Bissau, or to strengthen the administrative infrastructure of the Office of the Secretary of State for Fisheries. The sum shall be payable as and when it is used.

Article 6

Should the Community fail to make the payments provided for in Articles 2 and 4, the application of this Protocol may be suspended.

Article 7

The Annex to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau is hereby repealed and replaced by the Annex to this Protocol.

Article 8

This Protocol shall enter into force on the date on which it is signed.

It shall be applicable from 16 June 1991.

Article 9

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each text being equally authentic.

ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN GUINEA-BISSAU'S FISHING ZONE

A. Licence application and issuing formalities

The procedure for applications for, and issue of, the licences enabling Community vessels to fish in Guinea-Bissau's fishing zone shall be as follows:

The relevant Community authorities shall present to the Ministry for Fisheries of the Republic of Guinea-Bissau, via the Commission Delegation in Guinea-Bissau, an application for each vessel that is to be used for fishing under the Agreement, at least 30 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Government of the Republic of Guinea-Bissau, specimens of which are attached hereto (Appendix 1).

Each licence application shall be accompanied by proof of payment of the fee for the period of the licence's validity. Payment shall be made into the account referred to in Article 2 of the Protocol.

The fees shall include all national and local taxes with the exception of port fees and fees for the provision of services.

By way of derogation from Article 4 (3) of the Agreement, the licences shall be valid from their date of issue to 31 December of the year in which they are issued or to the expiry of the Protocol in the case of the last year of application of the Protocol. The fees are annual. However, during the first and last years of application of the Protocol they shall be payable in proportion to the period of validity of the Agreement.

Licences for tuna seiners, pole-and-line tuna vessels and surface longliners shall be issued by the Guinea-Bissau authorities within the 30-day time limit laid down above to the shipowners or their representatives via the Delegation of the Commission of the European Communities in Guinea-Bissau.

Freezer trawlers must be present in the port of Bissau when the licence is handed over. The Delegation of the Commission of the European Communities shall be notified of each licence issued.

Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the European Economic Community, and where *force majeure* is proven, a vessel's licence shall be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Ministry for Fisheries of the Republic of Guinea-Bissau via the authorities of the Commission of the European Communities.

The licence must be held on board at all times.

1. Provisions applicable to trawlers

For the duration of this Protocol the fees for annual licences shall be as follows:

- ECU 188 per GRT per year for fin fish trawlers;
- ECU 209 per GRT per year for cephalopod trawlers;
- ECU 266 per GRT per year for shrimp trawlers.

The fees for a calendar year may be paid in four-monthly or half-yearly instalments, in which case they shall be increased by 5 % or 3 % respectively.

2. Provisions applicable to tuna vessels and surface longliners

- (a) The fees shall be ECU 20 per tonne caught within Guinea-Bissau's fishing zone.

(b) Licences shall be issued following payment to the Ministry for Fisheries of a lump sum of ECU 1 500 a year for each tuna seiner and ECU 300 a year for each pole-and-line tuna vessel and surface longliner, equivalent to the fees for:

- 75 tonnes of tuna caught per year in the case of seiners,
- 15 tonnes caught per year in the case of pole-and-line tuna vessels and surface longliners.

The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data (Orstom and IEO — Spanish Institute of Oceanography). The statement shall be forwarded simultaneously to the Ministry for Fisheries and to the shipowners. Any additional payment due shall be made by the shipowners to the Ministry of Fisheries of Guinea-Bissau by 31 May of the following year at the latest, in accordance with the procedure for payment set out in Article 2 of the Protocol.

However, if the amount of the final statement is lower than the abovementioned amount, the resulting balance shall not be reimbursable.

B. Statement of catch

For all Community vessels authorized to fish in Guinea-Bissau's waters under the Agreement a statement of their catch must be provided to the Ministry for Fisheries, with a copy to the Commission Delegation in Guinea-Bissau, in accordance with the procedures set out below:

- for trawlers a statement of catch shall be made out according to the specimen annexed hereto (Appendix 2). The statements of catch shall be drawn up each month and presented at least once each quarter,
- for tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with Appendix 3, for each fishing period spent in Guinea-Bissau's fishing zone. The form must be sent, within 45 days of the end of the fishing voyage spent in the Guinea-Bissau fishing zone, to the Ministry for Fisheries via the Delegation of the Commission of the European Communities in Guinea-Bissau,
- forms must be completed legibly and be signed by the master of the vessel.

Should this provision not be adhered to, the Government of Guinea-Bissau reserves the right to suspend the licence of the offending vessel until the formality has been complied with.

C. By-catches

1. Fin fish trawlers may not hold on board crustaceans representing more than 10 % of their total catch in the Guinea-Bissau fishing zone.

Cephalopod trawlers may not hold on board crustaceans representing more than 5 % or fish representing more than 10 % of their total catch in the Guinea-Bissau fishing zone.

2. Pole-and-line tuna vessels shall, moreover, be authorized to fish for live bait in order to carry out their fishing activities in the Guinea-Bissau fishing zone.

D. Signing-on of seamen

Owners who have been issued fishing licences under the Agreement shall contribute to the on-the-job vocational training of Guinea-Bissau nationals, subject to the conditions and limits set out below:

1. each trawler owner shall undertake to employ:

- 3 seamen/fishermen on vessels of up to 300 GRT,
- 4 seamen/fishermen on vessels of between 300 and 400 GRT,
- 5 seamen/fishermen on vessels of more than 400 GRT.

2. Owners of tuna vessels and surface longliners shall undertake to employ Guinea-Bissau nationals, subject to the conditions and limits set out below:

- for the fleet of tuna seiners, four Guinea-Bissau seamen shall be signed on permanently in the Guinea-Bissau fishing zone,
- for the fleet of pole-and-line tuna vessels and surface longliners, six Guinea-Bissau seamen shall be signed on for the tuna fishing season in the Guinea-Bissau fishing zone, all of them to be assigned to different vessels.

3. The wages of these seamen/fishermen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the Office of the Secretary of State for Fisheries; the wages shall be borne by the shipowners and must include the social contributions to which the seaman is subject (including life assurance and accident and sickness insurance).

Should the seamen not be signed on, owners of tuna seiners, pole-and-line tuna vessels and surface longliners shall be obliged to pay a lump sum equivalent to the wages of seamen not signed on.

This sum will be used for the training of seamen/fishermen in Guinea-Bissau and is to be paid into an account specified by the Guinea-Bissau authorities.

E. Taking on board of observers

1. The observer's task shall be to check on fishing activities in the Guinea-Bissau fishing zone. He shall be offered every facility needed to carry out his duties, including access to premises and documents. He must not remain on board any longer than is necessary for the accomplishment of his duties. The master of the vessel shall facilitate the work of the observer, who shall be accorded the conditions enjoyed by officers of the vessel. The salary and the social contributions of the observer shall be borne by the Government of Guinea-Bissau.

Should the observer be taken on board in a foreign port, his travelling costs shall be borne by the shipowner. Should a vessel with an observer on board leave the Guinea-Bissau fishing zone, all measures must be taken to ensure the observer's return to Guinea-Bissau as soon as possible at the expense of the shipowner.

2. Each trawler shall take on board an observer designated by the Ministry for Fisheries. As a contribution to the costs arising from the presence of the observer on board, the shipowner shall pay the Guinea-Bissau authorities the sum of ECU 4 per GRT per year per vessel exercising fishing activities in Guinea-Bissau waters at the same time as the licence fee is paid.

3. Tuna vessels and surface longliners shall take an observer on board at the request of the Ministry for Fisheries.

In that case, the port of embarkation shall be determined by mutual agreement between the Ministry for Fisheries and the shipowners or their representatives at a meeting to be arranged between the two parties.

F. Inspection and monitoring

Any Community vessel fishing in Guinea-Bissau's fishing zone shall allow on board any official of Guinea-Bissau responsible for inspection and monitoring and shall assist him in the accomplishment of his duties. The official must not remain on board any longer than is necessary for the verification of catches by random checks and for any other inspection relating to fishing activities.

G. Fishing zones

The freezer trawlers referred to in Article 1 of the Protocol shall be authorized to fish in waters beyond 12 nautical miles from the base lines.

H. Meshes authorized

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be:

- (a) 60 mm for fin fish vessels;
- (b) 40 mm for cephalopod vessels;
- (c) 40 mm for shrimp vessels;
- (d) 16 mm for fishing for live bait.

Outrigger fishing shall be authorized.

I. Entering and leaving the zone

All Community vessels fishing under the Agreement in the Guinea-Bissau zone shall communicate to the radio station of the Ministry for Fisheries the date and time and their position when entering and leaving the Guinea-Bissau fishing zone.

The call sign, frequency and working hours of the station shall be communicated to the shipowners by the Ministry for Fisheries at the time the licence is issued.

In cases where this radio communication cannot be used, vessels may use alternative means, such as telex (No 266 SEP BI), telegram or telefax (No 20 11 57).

J. Procedure in case of boarding

The authorities of the Commission of the European Communities in Guinea-Bissau shall be notified within 48 hours of any boarding within the Guinea-Bissau fishing zone of a fishing vessel flying the flag of a Member State of the Community and shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through an administrative procedure. This procedure shall end no later than three working days after the boarding.

If the case cannot be settled by administrative procedure and has to be brought before a competent judicial body, the competent authority shall fix a bank security within 48 hours of the completion of the administrative procedure pending the judicial decision. The size of the security shall not exceed the maximum fine provided for in national legislation in respect of the presumed infringement.

The bank security shall be released by the competent authority once the master of the vessel has been acquitted by the judicial decision.

The vessel and its crew shall be released:

- either on fulfilment of the obligations arising from the administrative procedure, or
- once the bank security has been lodged.

Should one of the parties consider it necessary, it may request urgent consultations pursuant to Article 10 of the Agreement.

Appendix 1

APPLICATION FORM
FOR A
FISHING LICENCE

For official use only	Remarks
Nationality:
Licence No:
Date of signing:
Date of issue:

APPLICANT

Name of firm:

Trade register No:

First name and surname of applicant:

Date and place of birth:

Occupation:

Address:

.....

No of employees:

Name and address of co-signatory:

VESSEL

Type of vessel: Registration No:

New name: Former name:

Date and place of construction:

Original nationality:

Length: Beam: Hold:

Gross tonnage: Net tonnage:

Type of building materials:

Make of main engine: Type: Rating:

Propeller: Fixed Variable Ducted

Transit speed:

Call sign: Call frequency:

List of sounding, navigating and transmission instruments:

Radar Sonar Netsonde -

VHF SSB Netsonde satellite navigation Other

No of seamen:

CONSERVATION

Packed in ice Ice + refrigeration
Freezing in brine Dry Refrigerated sea water

Total refrigerating power:

Freezing capacity in tonnes/24 hours:

Hold capacity:

TYPE OF FISHING

A. Demersal

Inshore demersal Deep-sea demersal
Type of trawl: Cephalopods Shrimps Fish

Length of trawl: Headline:

Mesh size in the body:

Mesh size in the wings:

Speed of trawling:

B. Deep-sea pelagic (tuna)

Pole and line No of poles and lines

Seine Length of net: Depth of net:

No of tanks: Capacity in tonnes:

C. Longlines and pots

Surface Bottom

Length of lines: No of hooks:

No of lines:

No of pots:

SHORE INSTALLATIONS

Address and permit No:

Name of firm:

Activities:

Domestic wholesale fish trade

Export

Type and No of wholesale trader's card:

Description of processing and conservation plant:

.....

.....

.....

.....

.....

No of employees:

NB: Indicate affirmative answers by a tick in the appropriate box.

Technical remarks

Authorization of the Ministry

MINISTRY FOR FISHERIES

STATISTICS ON CATCH AND ACTIVITY

Month: _____ Year: _____

Name of vessel:	
Nationality (flag):	

Engine rating:	
Gross registered tonnage:	

Fishing method:	
Port of landing:	

Date	Fishing zone		Number of fishing operations	Number of fishing hours	Species of fish								Totals	
	Longitude	Latitude												
1/														
2/														
3/														
4/														
5/														
6/														
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