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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 1866/86
of 12 June 1986**

**laying down certain technical measures for the conservation of fishery resources
in the waters of the Baltic Sea, the Belts and the Sound**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas Article 2 of Regulation (EEC) No 170/83 states that the conservation measures necessary to achieve the aims set out in Article 1 of the Regulation must be formulated in the light of the available scientific advice;

Whereas the accession of the Community to the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts, as amended by the Protocol to the Conference of the Representatives of the States Parties to the Convention and hereinafter referred to as 'the Baltic Sea Convention', was approved by Decision 83/414/EEC⁽²⁾;

Whereas the Convention entered into force with respect to the Community on 18 March 1984 and the Community accepted all the rights and obligations of Denmark and the Federal Republic of Germany as laid down by the Baltic Sea Convention;

Whereas the International Baltic Sea Fishery Commission set up by the Baltic Sea Convention and hereinafter referred to as 'the Baltic Sea Commission' has adopted, since it was set up, a body of measures for the conservation and management of fishery resources in the Baltic Sea which were last amended by its recommendations of 20 September 1985;

Whereas the aforesaid Convention provides that the Community must bring these recommendations into force in the waters of the Baltic Sea and the Belts subject to the objections which have been lodged in accordance with the procedure laid down in Article XI of the Convention,

HAS ADOPTED THIS REGULATION:

Article 1

Definition of the geographical area

1. This Regulation concerns the taking and landing of fishery resources occurring in the waters of the Baltic Sea, the Belts and the Sound bounded to the west by a line drawn from Hasenøre Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen. It does not apply to waters within the baselines.
2. It applies to:
 - (i) Community fishermen in the geographical area described in paragraph 1;
 - (ii) all fishermen in the waters of this area which lie under the sovereignty or jurisdiction of the Member States.
3. The geographical area is divided into 11 subdivisions numbered 22 to 32 which are described in Annex I.

Article 2

Ban on fishing for certain species in certain geographical areas during certain periods

1. It shall be prohibited to retain on board the following species of fish which have been taken in the waters and during the periods listed below:

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 237, 26. 8. 1983, p. 4.

Species	Waters	Period of prohibition
Flounder (<i>Platichthys flesus</i>)	subdivision 26	1 February to 30 April
Flounder	subdivisions 27, 28 and 29 south of latitude 59° 30' N	1 February to 31 May
Flounder	subdivision 32	1 February to 30 June
Female flounder	subdivision 22 south of the boundary indicated in Annex II	1 February to 30 April
Plaice (<i>Pleuronectes platessa</i>)	subdivision 26	1 February to 30 April
Plaice	subdivisions 27, 28 and 29 south of latitude 59° 30' N	1 February to 31 May
Plaice	subdivision 32	1 February to 30 June
Female plaice	subdivision 22 south of the boundary indicated in Annex II and subdivisions 24 and 25	1 February to 30 April
Turbot (<i>Psetta maxima</i>)	subdivisions 22, 24, 25 and 26	1 June to 31 July
Brill (<i>Scophthalmus rhombus</i>)	subdivisions 22, 24, 25 and 26	1 June to 31 July
Salmon (<i>Salmo salar</i>)	subdivision 22 south of the boundary indicated in Annex II and beyond four nautical miles measured from the baselines	15 June to 31 August ⁽¹⁾
	subdivisions 23 to 31 beyond four nautical miles measured from the baselines	15 June to 31 August ⁽¹⁾
	subdivision 32 beyond four nautical miles measured from the baselines	1 July to 31 August ⁽¹⁾
Sea trout (<i>Salmo trutta</i>)	subdivision 22 south of the boundary indicated in Annex II and beyond four nautical miles measured from the baselines	15 June to 31 August ⁽¹⁾
	subdivisions 23 to 31 beyond four nautical miles measured from the baselines	15 June to 31 August ⁽¹⁾
	subdivision 32 beyond four nautical miles measured from the baselines	1 July to 31 August ⁽¹⁾

⁽¹⁾ For 1986, the closed season for salmon and sea trout fishing in the Baltic Sea shall be extended from 31 August to 15 September.

2. By way of derogation from the provisions of paragraph 1, by-catches of flounder and plaice in fishing for cod, taken during the periods of prohibition referred to in that paragraph, may be retained on board within a limit of 10 % by weight of the total catch of cod on board the vessel.

Article 3

Minimum fish sizes

1. A fish shall be regarded as undersized if it is smaller than the minimum size specified in Annex III for the species and waters in question.

2. The size of a fish shall be measured from the tip of the snout, with mouth closed, to the extreme end of the tail fin.

3. Fish smaller than the minimum size, even where such fish are part of a by-catch, shall not be retained on board or be transhipped, landed, transported, processed, preserved, sold or stored, displayed or offered for sale. They must be returned to the sea, if at all possible while still alive, immediately after being taken.

4. By way of derogation from paragraph 3, undersized cod taken south of latitude 59° 30' N may be retained on board within a limit of 5 % by weight of the total catch of all species on board.

Article 4

Determination of by-catch percentage

1. The percentage of the by-catches referred to in Article 2 (2) shall be measured as a proportion by weight of the total quantity of cod on board after sorting or of all cod in the hold or on landing.

2. The percentage of the by-catches referred to in Article 3 (4) shall be measured as a proportion by weight of the total quantity of fish on board after sorting or of all fish in the hold or on landing.

3. Detailed rules for the determination of percentage by-catches may be adopted in accordance with the procedure referred to in Article 13.

Article 5

Minimum mesh size

1. It shall be prohibited to use or to tow any trawl, Danish seine or similar net having meshes of a smaller size than those laid down in Annex IV for the waters, species or group of species of fish concerned.

2. It shall be prohibited to use anchored floating nets or drift nets having meshes of a smaller size than those laid down in Annex IV for salmon fishery.

Article 6

Measurement of mesh size

1. In the case of trawls, Danish seines and similar nets, anchored floating nets, drift nets, meshes shall be measured using a flat gauge which is 2 mm thick and which is made of durable material that will retain its shape. It shall have one or more parallel-edge sides connected by intermediate tapering sides with a taper of 2 cm in 8 cm. The gauge shall be inscribed on one side with the width in millimetres both on the parallel-sided section or sections and on the tapering sections. In the case of the latter, the width shall be inscribed every 1 mm interval and the indication of the width shall appear at regular intervals.

2. To measure the size of a mesh, the gauge shall be inserted by its narrowest extremity into the mesh opening in a direction perpendicular to the plane of the net so as to measure the long axis of the mesh when stretched diagonally lengthwise. The gauge shall be inserted into the mesh opening with manual force until it is stopped at the tapering edges by the resistance of the mesh. The size of an individual mesh shall be the width of the gauge at the point where the gauge is stopped.

3. The mesh size of a net shall be the average size of at least one series of 20 consecutive meshes in the direction of the long axis of the net, chosen at random. Meshes less than 10 meshes and within 50 cm from lacings, ropes or codline shall not be measured. This distance shall be measured perpendicular to the lacings, ropes or codline with the net stretched in the direction of that measurement.

4. The meshes of a net shall be measured only when the net is wet.

5. An individual mesh shall not be considered undersized if the section of the gauge corresponding to the minimum size listed in Annex IV for the species, waters and type of net concerned passes easily through it.

Article 7

Attachments to nets

1. By way of derogation from Article 5 (1) it shall be permitted to attach to the outside of the lower half of the codend of any trawl, Danish seine or similar net, any canvas, netting or other material which has the purpose of preventing or reducing wear. Such material shall be attached along the forward and lateral edges of the codend only.

2. By way of derogation from Article 5 (1) it shall be permitted to attach to the outside of the codend and the lengthening piece a strengthening bag. A strengthening bag is a cylindrical piece of netting completely surrounding the codend. It may be made of either the same or heavier material as the codend or lengthening piece. The mesh size of the strengthening bag shall be at least twice as large as that of the mesh size of the codend except that its minimum mesh size shall not be less than 80 mm.

A strengthening bag may be attached at the following points :

- (a) at its forward edge ; and
- (b) at its rear edge ; and, either
- (c) laced circumferentially to the codend around one row of meshes ; or
- (d) laced longitudinally along a single row of meshes.

3. By way of derogation from Article 5 (1), it shall be permitted to use in trawls, Danish seines and similar nets a non-return net or flapper which has a mesh size smaller than that of the codend.

The flapper may be attached either inside the codend or in front of the codend.

The distance from the point of forward attachment of the flapper to the rear end of the codend shall be at least three times the length of the flapper.

Article 8

Use of gear

1. Gear that may not be used within a certain geographical area or during a certain period shall be stowed away on board in such a manner that it is not ready for use in the prohibited area or during the prohibited period. Reserve gear shall be stowed away separately and in such a manner that it is not ready for use.

2. Fishing gear shall be considered not ready for use if :
— in the case of trawls, Danish seines and similar nets,

- (a) the trawl boards are made fast to the inner or outer side of the bulwark or the gallows ; and
- (b) sweep lines or warps are unshackled from the trawl boards or weights ;

- in the case of salmon-fishing gear,
 - (a) the nets are stowed under a lashed cover;
 - (b) the lines and hooks are kept in closed boxes;
- in the case of purse seines, the main or bottom wire is unshackled from the seine.

Article 9

Restrictions on fishing effort for salmon and sea trout

In the waters referred to in Article 1 (1) except north of the boundaries specified in Annex II it shall be prohibited, in fishing for salmon or sea trout:

- where fishing is conducted using anchored floating nets and drift nets, to use more than 600 nets at once per vessel, the length of each net not exceeding 35 metres measured in the gear's headrope. In addition to the permitted number of nets, not more than 100 reserve nets may be kept on board,
- where fishing is conducted by means of drifting lines, to use more than 2 000 hooks at once per vessel.

Hooks on drifting lines and fixed lines shall have a minimum distance between the point and the shaft of at least 19 mm.

In addition to the number of hooks permitted in fishing, a maximum of 200 reserve hooks may be kept on board.

General Provisions

Article 10

1. It shall be prohibited to fish directly for cod and flatfish (Pleuronectidae) with the intention of landing them for purposes other than human consumption.
2. Explosives, poisonous or stupefying substances may not be used for the purpose of catching fish.
3. It shall be prohibited to use anchored or drifting gear without marking it with buoys or other identification marks.
4. It shall be prohibited to release exotic species into the Baltic Sea, the Belts and the Sound or to fish for exotic species and sturgeon, unless authorized by the rules adopted in accordance with the procedure referred to in Article 13 and with the obligations arising from the Baltic Sea Convention. Exotic species are defined as those which do not occur naturally in the Baltic Sea, the Belts and the Sound.

Article 11

This Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member State or Member States concerned and of which the Commission and the

Member State or Member States in whose waters the research is carried out have been informed in advance.

Fish, crustaceans and molluscs caught for the purposes specified in the first subparagraph may be sold, stored, displayed or offered for sale provided that:

- they meet the standards laid down in Annexes II and III and the marketing standards adopted pursuant to Articles 2 and 3 of Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products⁽¹⁾, or
- they are sold directly for purposes other than human consumption.

A vessel conducting any of the operations referred to in the first paragraph must carry on board an authorization issued by the Member State whose flag the vessel is flying.

Article 12

This Regulation shall not apply to fishing operations carried out during the course of artificial restocking or transplantation of fish, crustaceans or molluscs.

Fish, crustaceans and molluscs caught for the purposes set out in the first subparagraph may not be sold directly for human consumption, or held in possession, displayed or offered for sale in contravention of the other provisions of this Regulation.

Article 13

1. Member States may take measures for the conservation and management where such measures concern:
 - (a) strictly local stocks of value only to the fishermen of the relevant Member State; or
 - (b) conditions or procedures designed to limit catches by technical measures
 - (i) supplementing those defined in Community fisheries regulations; or
 - (ii) going beyond minimum requirements set out in such regulations,

provided that such measures are applicable solely to the fishermen of the Member State concerned, are compatible with Community law and consistent with the Common fisheries policy or with obligations under the Baltic Sea Convention.

2. The Commission shall be informed of any draft for the introduction or amendment of national technical measures early enough to make its comments.

If within one month after such notification the Commission so requests, the Member State concerned shall suspend the entry into force of the planned measures for three months from the date of notification to enable the Commission to rule within this time limit on the compatibility of the measures with the provisions of paragraph 1.

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

Where the Commission finds, in a decision of which it must inform the other Member States, that a planned measure does not comply with the provisions of paragraph 1, the Member State concerned may not implement the measure without making the necessary changes.

The Member State concerned shall communicate without delay to the other Member States and the Commission the measures adopted, where appropriate after making the necessary changes.

3. The Member States shall supply to the Commission, on its request, all information needed for the assessment of whether the national technical measures comply with the provisions of paragraph 1.

4. At the initiative of the Commission or on a request from any Member State, the question of whether a national technical measure implemented by a Member State complies with the provisions of paragraph 1 may be referred to the Management Committee for examination in accordance with Article 15 of Regulation (EEC) No 170/83, and a decision may be taken in accordance with the procedure laid down in Article 14 of that Regulation. Where such a decision is taken, the third and fourth subparagraphs of paragraph 2 shall apply *mutatis mutandis*.

5. Where the Commission finds that a measure notified does not comply with the provisions of paragraph 1, it shall adopt a decision, within not more than one year from the date of notification of the measure, to the effect that the Member State must terminate or amend the measure within a time limit which the Commission shall indicate. The provisions of subparagraph 4 of paragraph 2 shall apply *mutatis mutandis*.

6. Measures concerning aquaculture and fishing from the shore shall be notified by the Member State to the Commission for information purposes only.

'Aquaculture' shall be taken to mean the farming of fish, crustaceans or molluscs in salt or brackish water.

Article 14

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 170/83.

Article 15

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

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

Done at Luxembourg, 12 June 1986.

For the Council

The President

P. WINSEMIUS

ANNEX I

SUBDIVISIONS OF THE GEOGRAPHICAL AREA REFERRED TO IN ARTICLE 1

Subdivision 22

The waters bounded by a line drawn from Hasenøre Head ($56^{\circ}09' N$, $10^{\circ}44' E$) on the east coast of Jutland to Griben Point ($56^{\circ}01' N$, $11^{\circ}18' E$) on the west coast of Zealand; then along the west coast and south coast of Zealand to a point situated at longitude $12^{\circ}00' E$; from there, due south to the island of Falster; then along the east coast of the island of Falster to Gedser Odde ($54^{\circ}34' N$, $11^{\circ}58' E$); then due east to longitude $12^{\circ}00' E$; then due south to the coast of the German Democratic Republic; then in a south-westerly direction along the coasts of the German Democratic Republic and the Federal Republic of Germany and the east coast of Jutland as far as the point of departure.

Subdivision 23

The waters bounded by a line drawn from Gilbjerg Head ($56^{\circ}08' N$, $12^{\circ}18' E$) on the north coast of Zealand to Kullen ($56^{\circ}18' N$, $12^{\circ}28' E$) on the coast of Sweden; then in a southerly direction along the coast of Sweden to the Falsterbo lighthouse ($55^{\circ}23' N$, $12^{\circ}50' E$); then through the southern entrance to the Sound to the Stevns lighthouse ($55^{\circ}19' N$, $12^{\circ}28' E$) on the coast of Zealand; then in a northerly direction along the east coast of Zealand as far as the point of departure.

Subdivision 24

The waters bounded by a line drawn from the Stevns lighthouse ($55^{\circ}19' N$, $12^{\circ}28' E$) on the east coast of Zealand through the southern entrance to the Sound to the Falsterbo lighthouse ($55^{\circ}23' N$, $12^{\circ}50' E$) on the coast of Sweden; then along the south coast of Sweden to the Sandhammaren lighthouse ($55^{\circ}24' N$, $14^{\circ}12' E$); from there to the Hammerodde lighthouse ($55^{\circ}18' N$, $14^{\circ}47' E$) on the north coast of Bornholm; then along the west and south coasts of Bornholm to a point situated at longitude $15^{\circ}00' E$; from there due south to the coast of Poland; then in a westerly direction along the coasts of Poland and the German Democratic Republic to a point situated at longitude $12^{\circ}00' E$; then due north to a point situated at latitude $54^{\circ}34' N$ and longitude $12^{\circ}00' E$; then due west to Gedser Odde ($54^{\circ}34' N$, $11^{\circ}58' E$); from there, along the east and north coast of the island of Falster to a point situated at longitude $12^{\circ}00' E$; from there, due north to the south coast of Zealand; then in a westerly and northerly direction along the west coast of Zealand as far as the point of departure.

Subdivision 25

The waters bounded by a line drawn from a point on the east coast of Sweden at latitude $56^{\circ}30' N$ and proceeding due east to the west coast of the island of Oland; then, after passing south of the island of Oland to a point on the east coast situated at latitude $56^{\circ}30' N$, due east to longitude $18^{\circ}00' E$; then due south to the coast of Poland; then in a westerly direction along the coast of Poland to a point situated at longitude $15^{\circ}00' E$; then due north to the island of Bornholm; then along the south and west coasts of Bornholm to the Hammerodde lighthouse ($55^{\circ}18' N$, $14^{\circ}47' E$); then to the Sandhammaren lighthouse ($55^{\circ}24' N$, $14^{\circ}12' E$) on the south coast of Sweden; then in a northerly direction along the east coast of Sweden as far as the point of departure.

Subdivision 26

The waters bounded by a line drawn from a point situated at latitude $56^{\circ}30' N$ and longitude $18^{\circ}00' E$ and proceeding due east to the west coast of the USSR; then in a southerly direction along the coasts of the USSR and Poland to a point on the Polish coast situated at longitude $18^{\circ}00' E$; then due north as far as the point of departure.

Subdivision 27

The waters bounded by a line drawn from a point on the east mainland coast of Sweden situated at latitude $59^{\circ}41' N$ and longitude $19^{\circ}00' E$ and proceeding due south to the north coast of the island of Gotland; then in a southerly direction along the west coast of Gotland to a point situated at latitude $57^{\circ}00' N$; then due west to longitude $18^{\circ}00' E$; then due south to latitude $56^{\circ}30' N$; then due west to the east coast of the island of Oland; then, after passing south of the island of Oland, to a point on its west coast situated at latitude $56^{\circ}30' N$; then due west to the coast of Sweden; then in a northerly direction along the east coast of Sweden as far as the point of departure.

Subdivision 28

The waters bounded by a line drawn from a point situated at latitude $58^{\circ}30'$ N and longitude $19^{\circ}00'$ E and proceeding due east to the west coast of the island of Saaremaa ; then, after passing north of the island of Saaremaa, to a point on its east coast situated at latitude $58^{\circ}30'$ N ; then due east to the coast of the USSR ; then in a southerly direction along the west coast of the USSR to a point situated at latitude $56^{\circ}30'$ N ; then due west to longitude $18^{\circ}00'$ E ; then due north to latitude $57^{\circ}00'$ N ; then due east to the west coast of the island of Gotland ; then in a northerly direction to a point on the north coast of Gotland situated at longitude $19^{\circ}00'$ E ; then due north as far as the point of departure.

Subdivision 29

The waters bounded by a line drawn from a point on the east mainland coast of Sweden situated at latitude $60^{\circ}30'$ N and proceeding due east to the mainland coast of Finland ; then in a southerly direction along the west and south coasts of Finland to a point on the south mainland coast situated at longitude $23^{\circ}00'$ E ; then due south to latitude $59^{\circ}00'$ N ; then due east to the mainland coast of the USSR ; then in a southerly direction along the west coast of the USSR to a point situated at latitude $58^{\circ}30'$ N ; then due west to the east coast of the island of Saaremaa ; then, after passing north of the island of Saaremaa, to a point on its west coast situated at latitude $58^{\circ}30'$ N ; then due west to longitude $19^{\circ}00'$ E ; then due north to a point on the east mainland coast of Sweden situated at latitude $59^{\circ}41'$ N ; then in a northerly direction along the east coast of Sweden as far as the point of departure.

Subdivision 30

The waters bounded by a line drawn from a point on the east coast of Sweden situated at latitude $63^{\circ}30'$ N and proceeding due east to the mainland coast of Finland ; then in a southerly direction along the coast of Finland to a point situated at latitude $60^{\circ}30'$ N ; then due west to the mainland coast of Sweden ; then in a northerly direction along the east coast of Sweden as far as the point of departure.

Subdivision 31

The waters bounded by a line drawn from a point on the east coast of Sweden situated at latitude $63^{\circ}30'$ N and proceeding, after passing north of the Gulf of Bothnia, to a point on the west mainland coast of Finland situated at latitude $63^{\circ}30'$ N ; then due west as far as the point of departure.

Subdivision 32

The waters bounded by a line drawn from a point on the south coast of Finland situated at longitude $23^{\circ}00'$ E and proceeding, after passing east of the Gulf of Finland, to a point on the west coast of the USSR situated at latitude $59^{\circ}00'$ N ; then due west to longitude $23^{\circ}00'$ E ; then due north as far as the point of departure.

ANNEX II

BOUNDARIES OF CERTAIN GEOGRAPHICAL AREAS REFERRED TO IN ARTICLE 2

Boundaries of the geographical areas, in the Sound, the Great Belt and the Little Belt, as regards fishing for female flounder, female plaice, salmon and sea trout.

- Falsterbo lighthouse — Stevns lighthouse
- Jungshoved — Bøgenæssand
- Hestehoved lighthouse — Maddes Klint
- Skelby church — Flinthorne Odde
- Kappel church — Gulstav
- Ristingehale — Ærøhale
- Skjoldnæs — Pøls Huk
- Christian X bridge, Sønderborg

ANNEX III

MINIMUM SIZES REFERRED TO IN ARTICLE 3 (3)

Species	Waters	Minimum size
Cod (<i>Gadus morhua</i>)	all subdivisions south of latitude 59° 30' N	30 cm
Flounder (<i>Platichthys flesus</i>)	subdivisions 22 to 25	25 cm
	subdivisions 26 to 28 in both subdivisions 29 and 32 south of latitude 59° 30' N	21 cm
		18 cm
Plaice (<i>Pleuronectes platessa</i>)	subdivisions 22 to 25	25 cm
	subdivisions 26 to 28	21 cm
	subdivision 29 south of latitude 59° 30' N	18 cm
Turbot (<i>Psetta maxima</i>)	subdivisions 22 to 32	30 cm
Brill (<i>Scophthalmus rhombus</i>)	subdivisions 22 to 32	30 cm
Eel (<i>Anguilla anguilla</i>)	subdivisions 22 to 32	35 cm
Salmon (<i>Salmo salar</i>)	subdivisions 22 to 32 with the exception of the waters situated north of the boundaries laid down in Annex II	60 cm

ANNEX IV

MINIMUM MESH SIZE PROVIDED FOR IN ARTICLE 5

Species	Waters	Type of net	Minimum mesh size Length of long diagonal
Cod (<i>Gadus morhua</i>)	south of latitude 59°30' N	trawls, Danish seines and similar nets	95 mm
Flatfish (Pleuronectidae)	subdivisions 22 to 27 and subdivision 28 west of longitude 21°00' E and subdivision 29 south of latitude 59°30' N and west of longitude 21°00' E	trawls, Danish seines and similar nets	90 mm
	subdivision 28 east of longitude 21°00' E	trawls, Danish seines and similar nets	80 mm
	subdivisions 29 and 32 south of latitude 59°30' N and east of longitude 21°00' E	trawls, Danish seines and similar nets	70 mm
Herring (<i>Clupea harengus</i>)	subdivisions 22 to 27	trawls, Danish seines and similar nets	32 mm
	subdivisions 28 and 29 south of latitude 59°30' N	trawls, Danish seines and similar nets	28 mm
	subdivisions 30 to 32 and subdivision 29 north of latitude 59°30' N	trawls, Danish seines and similar nets	16 mm
Sprat (<i>Clupea sprattus</i>)	subdivisions 22 to 32	trawls, Danish seines and similar nets	16 mm
Salmon (<i>Salmo salar</i>)	subdivisions 22 to 32, with the exception of the waters situated north of the boundaries laid down in Annex II	anchored floating nets and drift nets	165 mm (natural fibres) 157 mm (synthetic fibres)

COMMISSION REGULATION (EEC) No 1867/86

of 17 June 1986

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1355/86⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 720/86⁽⁴⁾ and subsequent amending Regulations ;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis :

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient ;

Whereas these exchange rates being those recorded on 16 June 1986 ;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients ;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 720/86 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 June 1986.

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

Done at Brussels, 17 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 118, 7. 5. 1986, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 65, 7. 3. 1986, p. 31.

ANNEX

to the Commission Regulation of 17 June 1986 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	10,31	180,04
10.01 B II	Durum wheat	31,61	232,33 ⁽¹⁾ ⁽²⁾
10.02	Rye	48,52	161,89 ⁽⁶⁾
10.03	Barley	43,38	172,94
10.04	Oats	82,54	167,28
10.05 B	Maize, other than hybrid maize for sowing	—	155,07 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	—	0
10.07 B	Millet	43,38	55,18 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid maize for sowing	—	168,66 ⁽⁴⁾
10.07 D I	Triticale	(7)	(7)
10.07 D II	Canary seed; other cereals	—	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	30,25	267,88
11.01 B	Rye flour	83,75	242,46
11.02 A I a)	Durum wheat groats and meal	62,83	373,95
11.02 A I b)	Common wheat groats and meal	29,56	286,20

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 486/85 the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1,81 ECU/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

COMMISSION REGULATION (EEC) No 1868/86**of 17 June 1986****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1355/86⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 2160/85⁽⁴⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 16 June 1986;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt shall be as set out in the Annexes hereto.

Article 2

This Regulation shall enter into force on 18 June 1986.

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

Done at Brussels, 17 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 118, 7. 5. 1986, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 203, 1. 8. 1985, p. 11.

ANNEX I

to the Commission Regulation of 17 June 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from Portugal

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 6	1st period 7	2nd period 8	3rd period 9
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid maize for sowing	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

ANNEX II

to the Commission Regulation of 17 June 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 6	1st period 7	2nd period 8	3rd period 9
10.01 B I	Common wheat, and meslin	0	2,72	2,72	0,88
10.01 B II	Durum wheat	0	10,38	10,38	13,30
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	15,96
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid maize for sowing	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	3,80	3,80	1,23

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
11.07 A I (a) 1,28	Unroasted malt, obtained from wheat, in the form of flour	0	4,84	4,84	1,57	1,57
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	3,62	3,62	1,17	1,17
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	28,41	28,41
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	21,23	21,23
11.07 B	Roasted malt	0	0	0	24,74	24,74

COMMISSION REGULATION (EEC) No 1869/86

of 17 June 1986

amending Regulation (EEC) No 2813/85 on an invitation to tender for the refund on export of wholly milled long grain rice to certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976, on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular Article 17 thereof,

Having regard to Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 4 thereof,

Whereas, under Commission Regulation (EEC) No 2813/85⁽⁴⁾, as last amended by Regulation (EEC) No 1593/86⁽⁵⁾, an invitation to tender was opened for the refund on export of wholly milled long grain rice to certain third countries; whereas exports of long grain rice carried out up to the present time in the context of the said Regulation have not disposed of all the substantial stocks of rice available; whereas therefore, it is now opportune to increase the quantities foreseen, in order to

take into account the last production estimates and the impact of Spanish production in the Community;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2813/85 is hereby amended as follows:

— In the last subparagraph of Article 1 (1), '125 000 tonnes' is replaced by '140 000 tonnes'.

Article 2

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

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

Done at Brussels, 17 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.
⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.
⁽⁴⁾ OJ No L 266, 9. 10. 1985, p. 8.
⁽⁵⁾ OJ No L 140, 27. 5. 1986, p. 10.

COMMISSION REGULATION (EEC) No 1870/86

of 17 June 1986

fixing the quotas applying to imports into Spain of beef products from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 491/86 of 25 February 1986 laying down rules for the application of quantitative restrictions on imports into Spain of certain agricultural products from third countries⁽¹⁾, and in particular Article 3 (1) thereof,

Whereas, pursuant to Article 77 of the Act of Accession of Spain and Portugal, Spain may, until 31 December 1995, apply quantitative restrictions on imports from third countries; whereas the said restrictions concern products which are subject to the supplementary trade mechanism in the case of beef; whereas the initial quotas in volume should be fixed in respect of each product or group of products in accordance with Article 1 (2) of Council Regulation (EEC) No 491/86;

Whereas, to ensure proper management of the quota, the applications for import licences should be subject to the lodging of a security in accordance with Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products⁽²⁾;

Whereas provision should be made for Spain to communicate information to the Commission on the application of the quota;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Initial contingents of beef products, referred to in Annex III of Regulation (EEC) No 491/86 applying to imports into Spain from third countries are settled as follows:

CCT heading No	Description	Initial contingent
01.02 A ex II	Live animals of the bovine species other than pure-bred breeding animals and animals for use in bull-fighting	300 animals
02.01 A II a)	Meat of bovine animals, fresh or chilled	900 tonnes (carcase weight)
02.01 A II b) and 02.01 B II b)	Meat of bovine animals, frozen, and offals of bovine animals	3 600 tonnes (carcase weight)

2. For the period from 1 March to 31 December 1986, the quotas referred to above are reduced by one-sixth.

3. In the final outcome of the present Regulation, 100 kilograms of bone-in beef corresponds to 100 kilograms of bone-in beef corresponds to 77 kilograms of boneless beef.

Article 2

1. The Spanish authorities shall issue import authorizations so as to ensure a fair allocation of the available quantity between the applicants.

2. Applications for import authorizations shall be subject to the lodging of a security. The provisions of Regulation (EEC) No 2220/85 shall apply in respect of the said security.

The primary requirement, within the meaning of Article 20 of the said Regulation, shall consist in the effective importation of the products.

Article 3

1. The Spanish authorities shall communicate to the Commission the measures which they adopt for the application of Article 2.

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 25.

⁽²⁾ OJ No L 205, 3. 8. 1985, p. 5.

2. They shall, for each of the products concerned transmit, not later than the 15th of each month, the following information on import authorizations issued in the preceding month :

- the quantities covered by the import authorizations issued,
- the quantities imported.

Article 4

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

It will apply with effect from 1 March 1986.

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

Done at Brussels, 17 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1871/86

of 17 June 1986

on exemption from the co-responsibility levy of cereals in stock at the end of the 1985/86 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1579/86 ⁽²⁾, and in particular Article 4 thereof,

Whereas, in accordance with the provisions of Article 4 of Regulation (EEC) No 2727/75, a co-responsibility levy to be borne by producers of cereals, collected on all cereals processed, exported or bought in during the 1986/87 marketing year, is to be introduced as from 1 July 1986 ;

Whereas stocks of cereals from harvests prior to 1986 held on 30 June 1986 by trade and processing undertakings and intervention agencies were purchased without regard to the co-responsibility levy arrangements ; whereas the burden of that levy cannot therefore be passed on to the producer ; whereas provisions should accordingly be made to exempt the quantities concerned from payment of the co-responsibility levy ; whereas, for that purpose, a mechanism should be introduced to record stocks of cereals existing at the end of the 1985/86 marketing year ;

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

HAS ADOPTED THIS REGULATION :

Article 1

Stocks of cereals as listed in Article 1 (a) and (b) of Regulation (EEC) No 2727/75 from harvests prior to 1986 which :

- are owned by trade and processing undertakings on 30 June 1986 and are held by the latter on 7 July 1986 at the latest,
- are held by intervention agencies on 30 June 1986,

shall be exempt from the co-responsibility levy fixed for the 1986/87 marketing year.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

Stocks held by governments on 30 June 1986 by way of security stocks shall be assimilated into intervention stocks.

Article 2

1. To qualify for the exemption provided for in Article 1, applicants must have lodged, by registered letter, telex or telegram forwarded by 7 July 1986 at the latest, an application for exemption with the competent authority of the Member State in whose territory the stocks are held.

2. The application provided for in paragraph 1 must contain at least the following details and declarations :

- the type of cereal,
- the quantity,
- the place of storage,
- a declaration to the effect that the cereal :
 - (a) does not come from the 1986 harvest ;
 - (b) was harvested in the Community.

Article 3

1. In France, Greece, Italy and Spain, stocks of cereals other than maize in respect of which an application for exemption is lodged in accordance with Article 2 may not exceed the quantity of the said cereals on the previous 31 May, as declared to the competent authority of the Member State concerned by registered letter, telex or telegram forwarded by 13 June 1986 at the latest.

Cereals purchased between 1 and 30 June 1986 shall be exempt only on condition that the applicant provides evidence that the said cereals come from either an intervention agency or stocks existing on 31 May as declared in accordance with the first subparagraph.

2. The quantities of cereals other than maize to be exempted on 30 June 1986 in France, Greece, Italy and Spain shall be determined by reference to stocks held on 31 May 1986, as declared in accordance with paragraph 1 :

- with the addition of any quantities of cereals from previous harvests purchased between 1 and 30 June 1986 coming from an intervention agency or from stocks declared in accordance with paragraph 1,
- less any quantities of cereals processed or sold on the Community or export market between 1 and 30 June 1986.

Article 4

Where stocks of cereals other than maize harvested in France, Greece, Italy or Spain are held in another Member State on 7 July 1986, the exemption shall apply only on condition that the applicant provides evidence that the said cereals :

- were purchased within the Community on 31 May 1986 at the latest, or
- come from a French, Greek, Italian or Spanish intervention agency or from stocks existing in France, Greece, Italy or Spain on 31 May which were declared in those countries in accordance with Article 3 (1). The applicant shall be required to submit a statement of sale certified by the competent French, Greek, Italian or Spanish authorities.

Article 5

1. For the purpose of applying this Regulation, the competent authority of each Member State shall carry out the requisite controls. To that end it shall adopt all

measures required to take account of the special conditions applying within its territory, in particular as regards changes in stocks and movements thereof and the period during which they are subject to controls. It may also lay down shorter time limits for the provision by applicants of information in accordance with Articles 2 and 3.

2. The competent authority of each Member State shall issue a certificate of eligibility for exemption from the co-responsibility levy in respect of the quantities declared in compliance with this Regulation. Extracts of such certificates may be issued.

3. Member States shall notify the Commission, by 31 August at the latest, of exempted quantities, and, by the following 31 January at the latest, provide a report on the application of this Regulation.

Article 6

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

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

Done at Brussels, 17 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1872/86

of 17 June 1986

fixing additional amounts for live and slaughtered poultry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by the Regulation (EEC) No 1475/86⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 1527/73⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Regulation (EEC) No 565/68⁽⁵⁾, the import levies on slaughtered fowls, ducks and geese origi-

nating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2261/69⁽⁶⁾, the import levies on slaughtered ducks and geese originating in and coming from Romania are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2474/70⁽⁷⁾, the import levies on slaughtered turkeys originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2164/72⁽⁸⁾, the import levies on slaughtered fowls and geese originating in and coming from Bulgaria are not increased by an additional amount;

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

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 18 June 1986.

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

Done at Brussels, 17 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 39.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

⁽⁵⁾ OJ No L 107, 8. 5. 1968, p. 7.

⁽⁶⁾ OJ No L 286, 14. 11. 1969, p. 24.

⁽⁷⁾ OJ No L 265, 8. 12. 1970, p. 13.

⁽⁸⁾ OJ No L 232, 12. 10. 1972, p. 3.

ANNEX

Additional amounts applicable to live and slaughtered poultry and halves or quarters

(ECU/100 kg)

CCT heading No	Description	Additional amount	Imports affected
02.02	Dead poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen :	ECU/100 kg	
	A. Whole poultry :		
	I. Fowls :		
	a) Plucked and gutted, with heads and feet, known as '83 % chickens'	20,00	Origin : Hungary or Yugoslavia
	b) Plucked and drawn, without heads and feet, but with hearts, livers and gizzards, known as '70 % chickens'	20,00	Origin : Hungary or Yugoslavia
	c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '65 % chickens'	20,00	Origin : Hungary or Yugoslavia
	II. Ducks :		
	a) Plucked, bled, gutted not drawn, with heads and feet, known as '85 % ducks'	7,00	Origin : Hungary
	b) Plucked and drawn, without heads and feet but hearts, livers and gizzards, known as '70 % ducks'	7,00	Origin : Hungary
	c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '63 % ducks'	7,00	Origin : Hungary
B. Poultry cuts (excluding offals) :			
II. Unboned (bone-in) :			
a) Halves or quarters :			
1. Of fowls	20,00	Origin : Hungary or Yugoslavia	
2. Of ducks	7,00	Origin : Hungary	

COMMISSION REGULATION (EEC) No 1873/86
of 17 June 1986
fixing additional amounts for poultrymeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by the Regulation (EEC) No 1475/86⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 1527/73⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third coun-

tries, a second offer price must be determined for exports from these other countries;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for poultrymeat products other than slaughtered poultry and halves or quarters indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 18 June 1986.

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

Done at Brussels, 17 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 39.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

ANNEX

Additional amounts applicable to poultrymeat products with the exception of live and slaughtered poultry and halves or quarters

(ECU/100 kg)

CCT heading No	Description	Additional amount	Imports affected
02.02	Dead poultry (that is to say, fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen : B. Poultry cuts (excluding offals) : I. Boned or boneless : c) Of other poultry II. Unboned (bone-in) : e) Legs and cuts of legs : 3. Of other poultry f) Goose or duck paletots (1) g) Other	 40,00 35,00 7,00 50,00	 Origin : Hungary or Brazil Origin : Hungary or Brazil Origin : Bulgaria Origin : Hungary or Brazil

(1) For the purposes of subheading 02.02 B II f), 'goose or duck paletots' shall be taken to mean geese or ducks plucked and completely drawn, without heads or feet, with carcase bones (breastbone, ribs, backbone and sacrum) removed but with the femurs, tibias and humeri.

COMMISSION REGULATION (EEC) No 1874/86**of 17 June 1986****abolishing the countervailing charge on cucumbers originating in Poland**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1351/86⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1774/86 of 8 April 1986⁽³⁾ introduced a countervailing charge on cucumbers originating in Poland;

Whereas for this product originating in Poland there were no prices for six consecutive working days; whereas the

conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of cucumbers originating in Poland can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1774/86 is hereby repealed.

Article 2

This Regulation shall enter into force on 18 June 1986.

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

Done at Brussels, 17 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 153, 7. 6. 1986, p. 36.

COMMISSION REGULATION (EEC) No 1875/86
of 17 June 1986

amending Regulation (EEC) No 1792/86 introducing a countervailing charge on tomatoes originating in Poland

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

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1351/86⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1792/86 of 10 June 1986⁽³⁾, introduced a countervailing charge on tomatoes originating in Poland;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas, if those conditions are taken into consideration, the countervailing charge on the import of tomatoes originating in Poland must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1792/86, '17,07 ECU' is hereby replaced by '33,49 ECU'.

Article 2

This Regulation shall enter into force on 18 June 1986.

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

Done at Brussels, 17 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 156, 11. 6. 1986, p. 18.

COMMISSION REGULATION (EEC) No 1876/86

of 17 June 1986

discontinuing the additional amounts for ovalbumin and lactalbumin

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽¹⁾, as amended by the Act of Accession of Greece ⁽²⁾, and in particular Article 5 (5) thereof,

Whereas for certain of the products specified in Article 1 of Regulation (EEC) No 2783/75, additional amounts were fixed by Commission Regulation (EEC) No 1208/86 of 24 April 1986 fixing the additional amounts for ovalbumin and lactalbumin ⁽³⁾;

Whereas, from the regular review of the dates serving as a basis for the determination of average offer prices for the abovementioned products, it appears that the free-at-

frontier offer prices for these products are no longer below the sluice-gate price; whereas the conditions set out in Article 5 (3) of Regulation (EEC) No 2783/75 are not satisfied; whereas it is therefore necessary to discontinue additional amounts laid down in Regulation (EEC) No 1208/86;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1208/86 is hereby repealed.

Article 2

This Regulation shall enter into force on 18 June 1986.

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

Done at Brussels, 17 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 108, 25. 4. 1986, p. 27.

COMMISSION REGULATION (EEC) No 1877/86
of 17 June 1986
fixing the import levies on white sugar and raw sugar

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

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1809/85 ⁽³⁾, as last amended by Regulation (EEC) No 1865/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1809/85 to the infor-

mation known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 June 1986.

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

Done at Brussels, 17 June 1986.

For the Commission
 Frans ANDRIESEN
 Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.
⁽³⁾ OJ No L 169, 29. 6. 1985, p. 77.
⁽⁴⁾ OJ No L 161, 17. 6. 1986, p. 32.

ANNEX

to the Commission Regulation of 17 June 1986 fixing the import levies on white sugar and raw sugar

CCT heading No	Description	Levy (ECU/100 kg)
17.01	Beet sugar and cane sugar, in solid form : A. White sugar : flavoured or coloured sugar B. Raw sugar	48,71 42,89 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

COMMISSION REGULATION (EEC) No 1878/86

of 17 June 1986

altering the corrective amount applicable to the refund on cereals

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

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1355/86 ⁽²⁾, and in particular the fourth sentence of the second subparagraph of Article 16 (4) thereof,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 1689/86 ⁽⁴⁾, as last amended by Regulation (EEC) No 1815/86 ⁽⁵⁾;

Whereas, the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75, fixed in the Annex to the amended Regulation (EEC) No 1689/86 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 June 1986.

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

Done at Brussels, 17 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 118, 7. 5. 1986, p. 1.
⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.
⁽⁴⁾ OJ No L 146, 31. 5. 1986, p. 41.
⁽⁵⁾ OJ No L 157, 12. 6. 1986, p. 49.

ANNEX

to the Commission Regulation of 17 June 1986 altering the corrective amount applicable to the refund on cereals

CCT heading No	Description	(ECU/tonne)						
		Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11	6th period 12
10.01 B I	Common wheat and meslin for exports to:							
	— China	0	+ 31,00	+ 31,00	+ 31,00	+ 31,00	+ 31,00	+ 31,00
	— other third countries	0	+ 25,00	+ 25,00	+ 25,00	+ 25,00	+ 25,00	+ 25,00
10.01 B II	Durum wheat	0	+ 40,00	+ 40,00	+ 40,00	+ 40,00	—	—
10.02	Rye	0	+ 27,00	+ 27,00	+ 27,00	+ 27,00	—	—
10.03	Barley	0	+ 25,00	+ 25,00	+ 20,00	+ 20,00	—	—
10.04	Oats	—	—	—	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	0	0	0	0	—	—	—
10.07 C II	Grain sorghum, other than hybrid maize for sowing	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	+ 50,00	+ 50,00	+ 50,00	+ 50,00	—	—
11.01 B	Rye flour	0	+ 50,00	+ 50,00	+ 50,00	+ 50,00	—	—
11.02 A I a)	Durum wheat groats and meal	0	+ 60,00	+ 60,00	+ 60,00	+ 60,00	+ 60,00	+ 60,00
11.02 A I b)	Common wheat groats and meal	0	+ 50,00	+ 50,00	+ 50,00	+ 50,00	—	—

N. B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 3817/85 (OJ No L 368, 31. 12. 1985).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 9 June 1986

**authorizing the extension or tacit renewal of certain trade agreements conducted
between the Member States and third countries**

(86/237/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Decision 69/494/EEC of 16 December 1969 on the progressive standardization of agreements concerning commercial relations between Member States and third countries and on the negotiation of Community agreements ⁽¹⁾, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas the extension or tacit renewal beyond the end of the transitional period was last authorized in the case of the Agreements and Protocols listed in the Annex by Decision 85/254/EEC ⁽²⁾;

Whereas the Member States concerned have, with a view to avoiding any disruption of their commercial relations with the third countries concerned based on agreement, requested authorization to extend or renew the above-mentioned Agreements;

Whereas, however, most of the areas covered by these national agreements are henceforth the subject of Community agreements; whereas in this situation there should be authorization for the maintenance of national agreements only for those areas not covered by Community agreements; whereas, in addition, such authorization should not, therefore, adversely affect the obligation incumbent upon the Member States to avoid and, where appropriate, to eliminate any incompatibility between such agreements and the provisions of Community law;

Whereas the provisions of the agreements to be either prolonged or renewed should not furthermore, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy;

Whereas the Member States concerned have declared that the extension or tacit renewal of these agreements would neither constitute an obstacle to the opening of Community negotiations with the third countries concerned and the transfer of the commercial substance of those agreements to Community agreements nor, during the period under consideration, hinder the adoption of the measures necessary to complete the standardization of the import arrangements of the Member States;

Whereas at the conclusion of the consultations provided for in Article 2 of Decision 69/494/EEC it was established, as the aforesaid declarations by the Member States concerned confirm, that the provisions of the agreements to be extended or renewed would not, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy;

Whereas, in these circumstances, the agreements concerned may be either extended or tacitly renewed for a limited period,

HAS ADOPTED THIS DECISION:

Article 1

The Trade Agreements and Protocols between Member States and third countries listed in the Annex hereto may be extended or tacitly renewed up to the dates indicated for each of them for those areas not covered by agreements between the Community and the third countries concerned and in so far as their provisions are not contrary to existing common policies.

⁽¹⁾ OJ No L 326, 29. 12. 1969, p. 39.

⁽²⁾ OJ No L 120, 30. 4. 1985, p. 15.

Article 2

This Decision is addressed to the Member States.

Done at Luxembourg, 9 June 1986.

For the Council

The President

G.M.V. van AARDENNE

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Estado miembro	País tercero	Naturaleza y fecha del Acuerdo	Prorogado o tácitamente reconducido hasta el	
Medlemsstat	Tredjeland	Aftalens art og datering	Udløb efter forlængelse eller stiltiende videreførelse	
Mitgliedstaat	Drittland	Art und Datum des Abkommens	Ablauf nach Verlängerung oder stillschweigender Verlängerung	
Κράτος μέλος	Τρίτη χώρα	Φύση και ημερομηνία της συμφωνίας	Ημερομηνία λήξεως κατόπιν της παρατάσεως ή της σιωπηράς ανανεώσεως	
Member State	Third country	Type and date of Agreement	Prolonged or tacitly renewed until	
État membre	Pays tiers	Nature et date de l'accord	Échéance après prorogation ou tacite reconduction	
Stato membro	Paese terzo	Natura e data dell'accordo	Scadenza dopo la proroga o il tacito rinnovo	
Lid-Staat	Derde land	Aard en datum van het akkoord	Vervaldatum na al dan niet stilzwijgende verlenging	
Estado-membro	País terceiro	Natureza e data do acordo	Prorogado ou tácitamente renovado até	
BENELUX	Israël	Accord commercial/Handelsakkoord	29. 8. 1958	31. 8. 1987
	Philippines/ Filippijnen	Accord commercial/Handelsakkoord	14. 3. 1967	11. 10. 1987
IRELAND	Switzerland	Trade Agreement	26. 12. 1951	31. 12. 1987
ITALIA	Cuba	Scambio di note	9. 9. 1950	8. 9. 1987
	India	Accordo commerciale e scambio di lettere	6. 10. 1959	30. 6. 1987
			7. 7. 1964	
	Libano	Accordo commerciale	4. 11. 1955	10. 9. 1987
	Svezia	Accordo commerciale	18. 12. 1961	31. 10. 1987
	Svizzera	Accordo commerciale	21. 10. 1950	31. 10. 1987
Yemen	Protocollo addizionale (al trattato d'amicizia e di relazioni economiche del 4. 9. 1937)	5. 10. 1959	31. 12. 1987	
DANMARK	Cameroun	Handelsaftale	8. 10. 1962	7. 10. 1987
DEUTSCHLAND	Ekuador	Handelsabkommen	1. 8. 1953	15. 10. 1987
	Kolumbien	Handelsabkommen	9. 11. 1957	10. 11. 1987
ΕΛΛΑΔΑ	Βραζιλία	Εμπορική συμφωνία	9. 6. 1975	2. 7. 1987
	Αιθιοπία	Εμπορική συμφωνία	22. 6. 1959	22. 6. 1987
	Φινλανδία	Εμπορική συμφωνία	23. 6. 1966	24. 5. 1987
	Λίβανος	Εμπορική συμφωνία	3. 7. 1958	2. 5. 1987
	Λιβερία	Εμπορική συμφωνία	29. 6. 1973	29. 6. 1987
	Λιβύη	Εμπορική συμφωνία	16. 3. 1957	23. 5. 1987
	Μεξικό	Εμπορική συμφωνία	12. 4. 1960	20. 6. 1987
	Ιράκ	Εμπορική συμφωνία	26. 4. 1956	1. 5. 1987
	Σουηδία	Εμπορική συμφωνία	25. 6. 1948	25. 6. 1987
UEBL/BLEU	Mexique/Mexico	Accord commercial/Handelsakkoord	16. 9. 1950	11. 9. 1987
UNITED KINGDOM	Haiti	Exchange of letters for the establishment of a commercial 'Modus vivendi'	25. 2. 1928	31. 12. 1987
	Iceland	Agreement relating to trade and commerce (with Protocol)	19. 5. 1933	31. 12. 1987
	Norway	Trade Agreement	15. 12. 1950	31. 12. 1987

COUNCIL DECISION

of 9 June 1986

on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984

(86/238/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas there is a need for international regulation of the management and conservation of highly migratory species in the Atlantic Ocean and adjacent seas;

Whereas to that end an International Convention for the Conservation of Atlantic Tunas was signed on 14 May 1966 and entered into force on 21 March 1969;

Whereas on 10 July 1984, at the end of a Conference of Plenipotentiaries, the States Parties to the International Convention for the Conservation of Atlantic Tunas signed a Final Act to which is annexed a Protocol amending the Convention so as to enable the Community to accede thereto;

Whereas the Protocol must be approved, ratified or accepted by all the Contracting Parties to the Convention;

Whereas the Protocol will enter into force on the 30th day following the deposit of the last instrument of approval, ratification or acceptance with the Director-General of the Food and Agriculture Organization of the United Nations;

Whereas the Community must accede to the Convention in order to be a Contracting Party thereto from the entry into force of the Protocol,

HAS DECIDED AS FOLLOWS:

Article 1

The accession of the European Economic Community to the Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed at Paris on 10 July 1984, is hereby approved.

The texts of the Convention, the Final Act and the Protocol annexed thereto are attached to this Decision.

Article 2

The President of the Council shall deposit the instrument of accession with the Director-General of the Food and Agriculture Organization of the United Nations in accordance with Article XIV, paragraphs 2 and 4, of the Convention ⁽³⁾.

Done at Luxembourg, 9 June 1986.

*For the Council**The President*

G. M. V. van AARDENNE

⁽¹⁾ OJ No C 349, 31. 12. 1985, p. 1.

⁽²⁾ OJ No C 68, 24. 3. 1986, p. 166.

⁽³⁾ The date of entry into force of the Convention with regard to the Community will be published in the *Official Journal of the European Communities* by the General-Secretariat of the Council.

INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS

PREAMBLE

The governments whose duly authorized representatives have subscribed hereto, considering their mutual interest in the populations of tuna and tuna-like fish found in the Atlantic Ocean, and desiring to cooperate in maintaining the populations of these fish at levels which will permit the maximum sustainable catch for food and other purposes, resolve to conclude a Convention for the conservation of the resources of tuna and tuna-like fish of the Atlantic Ocean, and to that end agree as follows :

Article I

The area to which this Convention shall apply, hereinafter referred to as the 'Convention area', shall be all waters of the Atlantic Ocean, including the adjacent seas.

Article II

Nothing in this Convention shall be considered as affecting the rights, claims or views of any Contracting Party in regard to the limits of territorial waters or the extent of jurisdiction over fisheries under international law.

Article III

1. The Contracting Parties hereby agree to establish and maintain a Commission to be known as the International Commission for the Conservation of Atlantic Tunas, hereinafter referred to as 'the Commission', which shall carry out the objectives set forth in this Convention.

2. Each of the Contracting Parties shall be represented on the Commission by not more than three delegates. Such delegates may be assisted by experts and advisors.

3. Except as may otherwise be provided in this Convention, decisions of the Commission shall be taken by a majority of the Contracting Parties, each Contracting Party having one vote. Two-thirds of the Contracting Parties shall constitute a quorum.

4. The Commission shall hold a regular meeting once every two years. A special meeting may be called at any time at the request of a majority of the Contracting Parties or by decision of the Council as constituted in Article V.

5. At its first meeting, and thereafter at each regular meeting, the Commission shall elect from among its members a chairman, a first vice-chairman and a second vice-chairman who shall not be re-elected for more than one term.

6. The meetings of the Commission and its subsidiary bodies shall be public unless the Commission otherwise decides.

7. The official languages of the Commission shall be English, French and Spanish.

8. The Commission shall have authority to adopt such rules of procedure and financial regulations as are necessary to carry out its functions.

9. The Commission shall submit a report to the Contracting Parties every two years on its work and findings and shall also inform any Contracting Party, whenever requested, on any matter relating to the objectives of the Convention.

Article IV

1. In order to carry out the objectives of this Convention the Commission shall be responsible for the study of the populations of tuna and tuna-like fish (the Scombriformes with the exception of the families Trichiuridae and Gempylidae and the genus *Scomber*) and such other species of fish exploited in tuna fishing in the Convention area as are not under investigation by another international fishery organization. Such study shall include research on the abundance, biometry and ecology of the fish; the oceanography of their environment; and the effects of natural human factors upon their abundance. The Commission, in carrying out these responsibilities, shall, in so far as feasible, utilize the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political subdivisions and may, when desirable, utilize the available services and information of any public or private institution, organization or individual, and may undertake within the limits of its budget independent research to supplement the research work being done by governments, national institutions or other international organizations.

2. The carrying out of the provisions in paragraph 1 of this Article shall include :

- (a) collecting and analyzing statistical information relating to the current conditions and trends of the tuna fishery resources of the Convention area ;

- (b) studying and appraising information concerning measures and methods to ensure maintenance of the populations of tuna and tuna-like fish in the Convention area at levels which will permit the maximum sustainable catch and which will ensure the effective exploitation of these fish in a manner consistent with this catch ;
- (c) recommending studies and investigations to the Contracting Parties ;
- (d) publishing and otherwise disseminating reports of its findings and statistical, biological and other scientific information relative to the tuna fisheries of the Convention area.

Article V

1. There is established within the Commission a Council which shall consist of the chairman and the vice-chairman of the Commission together with the representatives of not less than four and not more than eight Contracting Parties. The Contracting Parties represented on the Council shall be elected at each regular meeting of the Commission. However, if at any time the number of the Contracting Parties exceeds 40, the Commission may elect an additional two Contracting Parties to be represented on the Council. The Contracting Parties of which the chairman and vice-chairman are nationals shall not be elected to the Council. In elections to the Council the Commission shall give due consideration to the geographic, tuna-fishing and tuna-processing interests of the Contracting Parties, as well as to the equal right of the Contracting Parties to be represented on the Council.

2. The Council shall perform such functions as are assigned to it by this Convention or are designated by the Commission, and shall meet at least once in the interim between regular meetings of the Commission. Between meetings of the Commission the Council shall make necessary decisions on the duties to be carried out by the staff and shall issue necessary instructions to the Executive Secretary. Decisions of the Council shall be made in accordance with rules to be established by the Commission.

Article VI

To carry out the objectives of this Convention the Commission may establish panels on the basis of species, group of species, or of geographic areas. Each panel in such case :

- (a) shall be responsible for keeping under review the species, group of species, or geographic area under its purview, and for collecting and other information relating thereto ;

- (b) may propose to the Commission, upon the basis of scientific investigations, recommendations for joint action by the Contracting Parties ;
- (c) may recommend to the Commission studies and investigations necessary for obtaining information relating to its species, group of species, or geographic area, as well as the coordination of programmes of investigation by the Contracting Parties.

Article VII

The Commission shall appoint an executive secretary who shall serve at the pleasure of the Commission. The executive secretary, subject to such rules and procedures as may be determined by the Commission, shall have authority with respect to the selection and administration of the staff of the Commission. He shall also perform, *inter alia*, the following functions as the Commission may prescribe :

- (a) coordinating the programmes of investigation by the Contracting Parties ;
- (b) preparing budget estimates for review by the Commission ;
- (c) authorizing the disbursement of funds in accordance with the Commission's budget ;
- (d) accounting for the funds of the Commission ;
- (e) arranging for cooperation with the organizations referred to in Article XI of this Convention ;
- (f) preparing the collection and analysis of data necessary to accomplish the purposes of the Convention particularly those data relating to the current and maximum sustainable catch of tuna stocks ;
- (g) preparing for approval by the Commission scientific, administrative and other reports of the Commission and its subsidiary bodies.

Article VIII

1. (a) The Commission may, on the basis of scientific evidence, make recommendations designed to maintain the populations of tuna and tuna-like fish that may be taken in the Convention area at levels which will permit the maximum sustainable catch. These recommendations shall be applicable to the Contracting Parties under the conditions laid down in paragraphs 2 and 3 of this Article.

- (b) The recommendations referred to above shall be made :
 - (i) at the initiative of the Commission if an appropriate panel has not been established or with the approval of at least two-thirds of all the Contracting Parties if an appropriate panel has been established ;

- (ii) on the proposal of an appropriate panel if such a panel has been established ;
 - (iii) on the proposal of the appropriate panels if the recommendation in question relates to more than one geographic area, species, or group of species.
2. Each recommendation made under paragraph 1 of this Article shall become effective for all Contracting Parties six months after the date of the notification from the Commission transmitting the recommendation to the Contracting Parties, except as provided in paragraph 3 of this Article.
3. (a) If any Contracting Party in the case of a recommendation made under paragraph 1 (b) (i) above, or any Contracting Party member of a panel concerned in the case of a recommendation made under paragraph 1 (b) (ii) or (iii) above, presents to the Commission an objection to such recommendation within the six months period provided for in paragraph 2 above, the recommendation shall not become effective for an additional 60 days.
- (b) Thereupon any other Contracting Party may present an objection prior to the expiration of the additional 60 days period or within 45 days of the date of the notification of an objection made by another Contracting Party within such additional 60 days, whichever date shall be the later.
- (c) The recommendation shall become effective at the end of the extended period or periods for objection, except for those Contracting Parties that have presented an objection.
- (d) However, if a recommendation has met with an objection presented by only one or less than one-quarter of the Contracting Parties, in accordance with subparagraphs (a) and (b) above, the Commission shall immediately notify the Contracting Party or Parties having presented such objection that it is to be considered as having no effect.
- (e) In the case referred to in subparagraph (d) above the Contracting Party or Parties concerned shall have an additional period of 60 days from the date of the said notification in which to reaffirm their objection. On the expiry of this period the recommendation shall become effective, except with respect to any Contracting Party having presented an objection and reaffirmed it within the delay provided for.
- (f) If a recommendation has met with objection from more than one-quarter but less than the majority of the Contracting Parties, in accordance with subparagraphs (a) and (b) above, the recommendation shall become effective for the Contracting Parties that have not presented an objection thereto.

- (g) If objections have been presented by a majority of the Contracting Parties the recommendation shall not become effective.

4. Any Contracting Party objecting to a recommendation may at any time withdraw that objection, and the recommendation shall become effective with respect to such Contracting Party immediately if the recommendation is already in effect, or at such time as it may become effective under the terms of this Article.

5. The Commission shall notify each Contracting Party immediately upon receipt of each objection and of each withdrawal of an objection, and of the entry into force of any recommendation.

Article IX

1. The Contracting Parties agree to take all action necessary to ensure the enforcement of this Convention. Each Contracting Party shall transmit to the Commission, biennially or at such other times as may be required by the Commission, a statement of the action taken by it for these purposes.

2. The Contracting Parties agree :

- (a) to furnish, on the request of the Commission, any available statistical, biological and other scientific information the Commission may need for the purposes of this Convention ;
- (b) when their official agencies are unable to obtain and furnish the said information, to allow the Commission, through the Contracting Parties, to obtain it on a voluntary basis direct from companies and individual fishermen.

3. The Contracting Parties undertake to collaborate with each other with a view to the adoption of suitable effective measures to ensure the application of the provisions of this Convention and in particular to set up a system of international enforcement to be applied to the Convention area except the territorial sea and other waters, if any, in which a State is entitled under international law to exercise jurisdiction over fisheries.

Article X

1. The Commission shall adopt a budget for the joint expenses of the Commission for the biennium following each regular meeting.

2. Each Contracting Party shall contribute annually to the budget of the Commission an amount equal to :

- (a) US \$ 1 000 (one thousand United States dollars) for Commission membership ;
- (b) US \$ 1 000 (one thousand United States dollars) for each Panel membership ;

(c) If the proposed budget for joint expenses for any biennium should exceed the whole amount of contributions to be made by the Contracting Parties under (a) and (b) of this paragraph, one-third of the amount of such excess shall be contributed by the Contracting Parties in proportion to their contributions made under (a) and (b) of this paragraph. For the remaining two-thirds the Commission shall determine on the basis of the latest available information :

- (i) the total of the round weight of catch of Atlantic tuna and tuna-like fish and the net weight of canned products of such fish for each Contracting Party ;
- (ii) the total of (i) for all Contracting Parties.

Each Contracting Party shall contribute its share of the remaining two-thirds in the same ratio that its total in (i) bears to the total in (ii). That part of the budget referred to in this subparagraph shall be set by agreement of all the Contracting Parties present and voting.

3. The Council shall review the second half of the biennial budget at its regular meeting between Commission meeting and, on the basis of current and anticipated developments, may authorize reapportionment of amounts in the Commission budget for the second year within the total budget approved by the Commission.

4. The executive secretary of the Commission shall notify each Contracting Party of its yearly assessment. The contributions shall be payable on 1 January of the year for which the assessment was levied. Contributions not received before 1 January of the succeeding year shall be considered as in arrears.

5. Contributions to the biennial budget shall be payable in such currencies as the Commission may decide.

6. At its first meeting the Commission shall approve a budget for the balance of the first year the Commission functions and for the following biennium. It shall immediately transmit to the Contracting Parties copies of these budgets together with notices of the respective assessments for the first annual contribution.

7. Thereafter, within a period not less than 60 days before the regular meeting of the Commission which precedes the biennium, the executive secretary shall submit to each Contracting Party a draft biennial budget together with a schedule of proposed assessments.

8. The Commission may suspend the voting rights of any Contracting Party when its arrears of contributions equal or exceed the amount due from it for the two preceding years.

9. The Commission shall establish a working capital fund to finance operations of the Commission prior to receiving annual contributions, and for such other

purposes as the Commission may determine. The Commission shall determine the level of the fund, assess advances necessary for its establishment, and adopt regulations governing the use of the fund.

10. The Commission shall arrange an annual independent audit of the Commission's accounts. The reports of such audits shall be reviewed and approved by the Commission, or by the Council in years when there is no regular Commission meeting.

11. The Commission may accept contributions, other than provided for in paragraph 2 of this Article, for the prosecution of its work.

Article XI

1. The Contracting Parties agree that there should be a working relationship between the Commission and the Food and Agriculture Organization of the United Nations. To this end the Commission shall enter into negotiations with the Food and Agriculture Organization of the United Nations with a view to concluding an agreement pursuant to Article XIII of the Organization's Constitution. Such agreement should provide, *inter alia*, for the Director-General of the Food and Agriculture Organization of the United Nations to appoint a representative who would participate in all meetings of the Commission and its subsidiary bodies, but without the right to vote.

2. The Contracting Parties agree that there should be cooperation between the Commission and other international fisheries commissions and scientific organizations which might contribute to the work of the Commission. The Commission may enter into agreements with such commissions and organizations.

3. The Commission may invite any appropriate international organization and any Government which is a Member of the United Nations or of any specialized agency of the United Nations and which is not a member of the Commission, to send observers to meetings of the Commission and its subsidiary bodies.

Article XII

1. This Convention shall remain in force for 10 years and thereafter until a majority of Contracting Parties agree to terminate it.

2. At any time after 10 years from the date of entry into force of this Convention, any Contracting Party may withdraw from the Convention on 31 December of any year including the 10th year by written notification of withdrawal given on or before 31 December of the preceding year to the Director-General of the Food and Agriculture Organization of the United Nations.

3. Any other Contracting Party may thereupon withdraw from this Convention with effect from the same 31 December by giving written notification of withdrawal to the Director-General of the Food and Agriculture Organization of the United Nations not later than one month from the date of receipt of information from the Director-General of the Food and Agriculture Organization of the United Nations concerning any withdrawal, but not later than 1 April of that year.

Article XIII

1. Any Contracting Party or the Commission may propose amendments to this Convention. The Director-General of the Food and Agriculture Organization of the United Nations shall transmit a certified copy of the text of any proposed amendment to all the Contracting Parties. Any amendment not involving new obligations shall take effect for all Contracting Parties on the 30th day after its acceptance by three-quarters of the Contracting Parties. Any amendment involving new obligations shall take effect for each Contracting Party accepting the amendment on the 90th day after its acceptance by three-quarters of the Contracting Parties and thereafter for each remaining Contracting Party upon acceptance by it. Any amendment considered by one or more Contracting Parties to involve new obligations shall be deemed to involve new obligations and shall take effect accordingly. A government which becomes a Contracting Party after an amendment to this Convention has been opened for acceptance pursuant to the provisions of this Article shall be bound by the Convention as amended when the said amendment comes into force.

2. Proposed amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations. Notifications of acceptance of amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

Article XIV

1. This Convention shall be open for signature by any government which is a Member of the United Nations or of any specialized agency of the United Nations. Any such government which does not sign this Convention may adhere to it at any time.

2. This Convention shall be subject to ratification or approval by signatory countries in accordance with their constitutions. Instruments of ratification, approval, or adherence shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification, approval, or adherence by seven governments and shall enter into force with respect to each government which subsequently deposits an instrument of ratification, approval or adherence on the date of such deposit.

Article XV

The Director-General of the Food and Agriculture Organization of the United Nations shall inform all governments referred to in paragraph 1 of Article XIV of deposits of instruments of ratification, approval or adherence, the entry into force of this Convention, proposals for amendments, notifications of acceptance of amendments, entry into force of amendments, and notifications of withdrawal.

Article XVI

The original of this Convention shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations who shall send certified copies to the governments referred to in paragraph 1 of Article XIV.

In witness whereof the representatives duly authorized by their respective governments have signed the present Convention. Done at Rio de Janeiro this 14th day of May 1966 in a single copy in the English, French and Spanish languages, each version being equally authoritative.

FINAL ACT
of the Conference of Plenipotentiaries of the States Parties to the International
Convention for the Conservation of Atlantic Tunas

(Paris, 9 and 10 July 1984)

1. At the invitation of the Government of the Republic of France, a Conference of Plenipotentiaries of the States Parties to the International Convention for the Conservation of Atlantic Tunas was held in Paris on 9 and 10 July 1984.
2. The following States were present at the Conference : Angola, Benin, Brazil, Canada, Cuba, France, Ghana, Ivory Coast, Japan, Republic of Korea, Morocco, Portugal, São Tomé and Príncipe, Senegal, South Africa, Spain, United States, Uruguay, USSR and Venezuela.
3. The European Economic Community, invited as an observer, and the Food and Agriculture Organization of the United Nations were present at the Conference and participated in the proceedings.
4. The Conference used as a basis for its discussion the final report of the Eighth Regular Meeting of the International Commission for the Conservation of Atlantic Tunas held in Madrid, 9 to 15 November 1983.
5. The Conference agreed upon the attached Protocol relating to the modification of Articles XIV, XV and XVI of the International Convention for the Conservation of Atlantic Tunas.
6. The Conference also agreed that the provisions of Article XIV, paragraph 4, contained in the abovementioned Protocol, will, upon their entry into force, be applicable to the European Economic Community with the understanding that the European Economic Community will have the rights and obligations of a single Contracting Party, especially as concerns voting and contributions to the budget of the International Commission for the Conservation of Atlantic Tunas.
7. The Conference took note of the explanations offered by the Japanese representative regarding the problems of a procedural nature which were not resolved during the course of the meeting. The representative, however, in a spirit of compromise, did not oppose the consensus reached in the Conference in order to ensure the early admission of the European Economic Community to the International Convention for the Conservation of Atlantic Tunas.
8. The Conference requested the Governments of the Contracting Parties to the International Convention for the Conservation of Atlantic Tunas to proceed to implement the internal procedures necessary for the approval, ratification or acceptance of the Protocol, so as to ensure its entry into force as soon as possible.

Done at Paris, 10 July 1984.

SIGNING PARTIES TO THE FINAL ACT OF THE CONFERENCE OF PLENIPOTENTIARIES OF
THE STATES PARTIES TO THE INTERNATIONAL CONVENTION FOR THE CONSERVATION OF
ATLANTIC TUNAS

SIGNATAIRES DE L'ACTE FINAL DE LA CONFÉRENCE DES PLÉNIPOTENTIAIRES DES ÉTATS
PARTIES À LA CONVENTION INTERNATIONALE POUR LA CONSERVATION DES THONIDÉS
DE L'ATLANTIQUE

SIGNATARIOS DEL ACTA FINAL DE LA CONFERENCIA DE PLENIPOTENCIARIOS DE LOS
ESTADOS PARTES EN EL CONVENIO INTERNACIONAL PARA LA CONSERVACIÓN DEL ATÚN
DEL ATLÁNTICO

ANGOLA	S. Makiadi	REPUBLIC OF KOREA	J. S. Choo
BÉNIN	L. Nagnonhou	MAROC	A. El Jaï
BRASIL	A. Amado	PORTUGAL	J. G. Boavida
CANADA	M. Hunter	SÃO TOMÉ e PRÍNCIPE	G. Posser da Costa
CÔTE D'IVOIRE	K. Douabi	SÉNÉGAL	B. C. Dioh
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GHANA	J. Q. Cleland	URSS	Y. Vialov
JAPON	S. Akiyama	VENEZUELA	F. Alvino

PROTOCOL

attached to the Final Act of the Conference of Plenipotentiaries of the States Parties to the International Convention for the Conservation of Atlantic Tunas

(Paris, 9 and 10 July 1984)

I. Articles XIV, XV and XVI of the International Convention for the Conservation of Atlantic Tunas are modified as follows:

Article XIV

1. This Convention shall be open for signature by the government of any State which is a Member of the United Nations or of any specialized agency of the United Nations. Any such government which does not sign this Convention may adhere to it at any time.

2. This Convention shall be subject to ratification or approval by signatory countries in accordance with their constitutions. Instruments of ratification, approval, or adherence shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification, approval, or adherence by seven governments and shall enter into force with respect to each government which subsequently deposits an instrument of ratification, approval, or adherence on the date of such deposit.

4. This Convention shall be open for signature or adherence by any inter-governmental economic integration organization constituted by States that have transferred to it competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters.

5. Upon the deposit of its instrument of formal confirmation or adherence, any organization referred to in paragraph 4 shall be a Contracting Party having the same rights and obligations in respect of the provisions of the Convention as the other Contracting Parties. Reference in the text of the Convention to the term 'State' in Article IX, paragraph 3, and to the term 'government' in the Preamble and in Article XIII, paragraph 1, shall be interpreted in this manner.

6. When an organization referred to in paragraph 4 becomes a Contracting Party to this Convention, the member States of that organization and those which adhere to it in the future shall cease to be parties to the Convention; they shall transmit a written notification to this effect to the Director-General of the

Food and Agriculture Organization of the United Nations.

Article XV

The Director-General of the Food and Agriculture Organization of the United Nations shall inform all governments referred to in paragraph 1 of Article XIV and all the organizations referred to in paragraph 4 of the same Article of deposits of instruments of ratification, approval, formal confirmation or adherence, the entry into force of this Convention, proposals for amendments, notifications of acceptance of amendments, entry into force of amendments, and notifications of withdrawal.

Article XVI

The original of this Convention shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations who shall send certified copies of it to the governments referred to in paragraph 1 of Article XIV and to the organizations referred to in paragraph 4 of the same Article.

- II. The original of this Protocol, the English, French and Spanish texts of which are equally authentic, shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations. It shall be open for signature in Rome until 10 September 1984. The Contracting Parties to the International Convention for the Conservation of Atlantic Tunas that have not signed the Protocol by that date may nevertheless deposit their instruments of acceptance at any time. The Director-General of the Food and Agriculture Organization of the United Nations shall send a certified copy of this Protocol to each of the Contracting Parties to the International Convention for the Conservation of Atlantic Tunas.
- III. This Protocol shall enter into force upon deposit with the Director-General of the Food and Agriculture Organization of the United Nations of instruments of approval, ratification or acceptance of all Contracting Parties. In this regard, the provisions set out in the last sentence of paragraph 1 of Article XIII of the International Convention for the Conservation of Atlantic Tunas shall apply *mutatis mutandis*. The date of entry into force shall be the 30th day following the deposit of the last instrument.

Done at Paris, 10 July 1984.

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 1355/86 of 24 March 1986 amending Regulations (EEC) No 2358/71, (EEC) No 2727/75 and (EEC) No 950/68 in respect of seed

(Official Journal of the European Communities No L 118 of 7 May 1986)

Page 4, Annex II, subheading 10.07 C I:

for: 'I. Hybrid dor sowing ...',

read: 'I. Hybrid for sowing (a) ...'.

The following is added as the corresponding footnote:

'(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.'

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