

English edition

## Legislation

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## I

(Acts whose publication is obligatory)

## COUNCIL REGULATION (EC) No 3061/95

of 22 December 1995

amending Regulation (EC) No 992/95 opening and providing for the administration of Community tariff quotas for certain agricultural and fishery products originating in Norway

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas pursuant to the provisions of Regulation (EC) No 992/95<sup>(1)</sup> Community tariff quotas have been opened for certain agricultural and fishery products originating in Norway; whereas the quotas were granted under an Agreement between the European Economic Community and the Kingdom of Norway concluded on 14 May 1973<sup>(2)</sup>; whereas, following the accession of Spain and Portugal to the Community, an Agreement in the form of exchanges of letters was concluded between the Community and Norway and approved by Decision 86/557/EEC<sup>(3)</sup>;

Whereas the above Agreement has been amended or supplemented by the Agreement on the European Economic Area, and by the bilateral Agreement in the form of exchanges of letters with Norway and approved by Decision 93/737/EC<sup>(4)</sup>;

Whereas, following the accession of Austria, Finland and Sweden, the abovementioned quotas have to be adjusted to take into account, *inter alia*, the existing trade arrangements for fishery products between Austria, Finland and Sweden, on the one hand, and Norway, on the other;

Whereas an Additional Protocol to the above Agreement has therefore been concluded between the European Community and the Kingdom of Norway and approved by Decision 95/312/EC<sup>(5)</sup>, whereas by virtue of this

Protocol the Community has undertaken to open, each year and subject to certain conditions, Community tariff quotas at zero duty for a number of fishery products originating in Norway;

Whereas the tariff quotas in question should accordingly be opened from 1 January to 31 December each year; whereas it has not been possible to implement these concessions before 1 July this year and therefore, exceptionally for 1995, provision must be made for the quotas to be opened for the period from 1 July to 31 December, but for the full annual volume;

Whereas an Agreement in the form of an exchange of letters for certain agricultural products was concluded between the European Community, on the one hand, and the Kingdom of Norway, on the other hand, and approved by Decision 95/582/EC<sup>(6)</sup>; whereas in the abovementioned Agreement the Community has undertaken to open from 1 January 1995 annual Community tariff quotas at zero duty for certain agricultural products from Norway,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 992/95 is amended as follows:

1. In Article 1, paragraph 3 shall be replaced by the following:

‘3. The Protocol on the definition of the concept of originating products and on methods of administrative cooperation (\*) annexed to the

(\*) See p. 17 of this Official Journal.

(1) OJ No L 101, 4. 5. 1995, p. 1.

(2) OJ No L 171, 27. 6. 1993, p. 2.

(3) OJ No L 328, 22. 11. 1986, p. 76.

(4) OJ No L 346, 31. 12. 1993, p. 17.

(5) OJ No L 187, 8. 8. 1995, p. 15.

Agreement between the European Economic Community and the Kingdom of Norway, as amended by the provisions of Article 3 of the Additional Protocol to the Agreement, shall apply.

2. Annexes I and II shall be replaced by Annexes I and II to this Regulation.

*Article 2*

(\*) OJ No L 171, 27. 6. 1973, p. 1, Protocol as amended by Decision No 1/94 of the EC-Norway Joint Committee (OJ No L 204, 6. 8. 1994, p. 90) and by the Additional Protocol (OJ No L 187, 8. 8. 1995, p. 15).'

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

Annex I shall apply from 1 January 1995 or during the periods indicated in Annex I.

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

Done at Brussels, 22 December 1995.

*For the Council*

*The President*

L. ATIENZA SERNA

## ANNEX I

## Products originating in Norway

Order No	CN code <sup>(1)</sup>	Description	Amount of quotas (tonnes)	Quota duty (%)
09.0701	ex 1504 20 10 ex 1504 30 19 ex 1516 10 90	Oils and fats of marine animals, other than whale oil and sperm oil, in packings of a net capacity of more than 1 kg	1 000	8,5
09.0703	0305  0305 51 ex 0305 51 90  0305 59  0305 59 19	Fish, dried, salted, or in brine; smoked fish, whether or not cooked before or during the smoking process; fishmeal fit for human consumption:  – Dried fish, whether or not salted but not smoked: – – Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ): – – – Dried, salted: – – – – Excluding cod of the species <i>Gadus macrocephalus</i> – – Other: – – – Fish of the species <i>Boreogadus saida</i> : – – – – Dried, salted  From 1 April to 31 December	13 250	0
09.0711	ex 1604 13 90  1604 19 92 ex 1604 19 93  1604 19 94 1604 19 95  1604 19 98 ex 1604 20 90	Prepared or preserved fish, including caviar and caviar substitutes prepared from fish eggs;  – – – Other: – – – – Sardinella; brisling or sprats excluding raw fillets merely coated with batter or breadcrumbs, whether or not prefried in oil, deep-frozen – – – – Other: – – – – – Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) – – – – – Coalfish ( <i>Pollachius virens</i> ), excluding smoked coalfish – – – – – Hake ( <i>Merluccius</i> spp., <i>Urophycis</i> spp.) – – – – – Alaska pollack ( <i>Theragra chalcogramma</i> ) and pollack ( <i>Pollachius pollachius</i> ) – – – – – Other – – – Fish other than herring and smoked saithe: – – – – Other than mackerel – – – – Mackerel ( <i>Scomber australasicus</i> )	400	5,8 <sup>(a)</sup>          10
09.0715	0302 11 00 0303 21 00	Trout, fresh or chilled Frozen trout	500 <sup>(2)</sup>	0

<sup>(a)</sup> This duty shall be progressively reduced according to the following timetable: 4,4% on 1. 1. 1996, and 3% on 1. 1. 1997.

<sup>(1)</sup> See Taric codes in Annex II.

<sup>(2)</sup> Volumes applicable from 1 July to 31 December 1995 and thereafter from 1 January to 31 December of each year.

Order No	CN code (1)	Description	Amount of quotas (tonnes)	Quota duty (%)
09.0716	0302 12 00	Salmon, fresh or chilled	6 100 (2)	0
09.0717	0303 10 00 ex 0303 22 00	Frozen Pacific salmon Frozen Atlantic salmon	580 (2)	0
09.0718	0304 10 13 0304 20 13	Salmon fillets, fresh or chilled Frozen salmon fillets	610 (2)	0
09.0719	0302 19 00 0303 29 00	Other <i>Salmonidae</i> , fresh or chilled Other frozen <i>Salmonidae</i>	670 (2)	0
09.0720	0302 69 45	Ling, fresh or chilled	370 (2)	0
09.0721	0302 22 00 0302 23 00 0302 29 10 0302 29 90 0303 39 10 0303 39 20 0303 39 30 0303 39 80 0302 69 65 0302 69 81 0302 69 86 0302 69 87 0302 69 91 0302 69 92 0302 69 93 0302 69 96	Plaice, fresh or chilled Sole, fresh or chilled Megrin, fresh or chilled Other Frozen flounder Frozen megrim Frozen fish of the genus <i>Rhombosolea</i> Other Hake, fresh or chilled Monkfish, fresh or chilled Southern blue whiting, fresh or chilled Fresh or chilled sword fish Fresh or chilled horse mackerel Pink cusk-eel, fresh or chilled Fish of the species <i>Kathetostoma giganteum</i> Other	250 (2)	0
09.0722	0304 90 35 0304 90 38 0304 90 39  0304 90 41 0304 90 45  0304 90 47 0304 90 49  0304 90 59 0304 90 61 0304 90 65 ex 0304 90 97	Frozen meat of cod and of fish of the species <i>Boreogadus Saida</i> Other  Frozen coalfish meat Frozen haddock meat  Frozen hake meat  Frozen meat of blue whiting Meat of Alaska pollack, frozen Meat of swordfish, frozen Frozen meat of saltwater fish, excluding mackerel	500 (2)	0

(1) See Taric codes in Annex II.

(2) Volumes applicable from 1 July to 31 December 1995 and thereafter from 1 January to 31 December of each year.

Order No	CN code (1)	Description	Amount of quotas (tonnes)	Quota duty (%)
09.0723	0302 40 90 0303 50 90	Herrings, fresh or chilled from 16 June to 14 February Frozen herrings, from 16 June to 14 February	800 (2)	0
09.0724	0302 64 90	Mackerel, fresh or chilled, from 16 June to 14 February	260 (2)	0
09.0725	0303 74 19	Frozen mackerel, from 16 June to 14 February	100 (2)	0
09.0726	0302 69 31 0302 69 33  0303 79 35 0303 79 37	Redfish ( <i>Sebastes</i> spp.), fresh or chilled  Redfish ( <i>Sebastes</i> spp.), frozen	130 (2)	0
09.0727	0304 10 19 0304 20 19	Fillets of other freshwater fish, fresh or chilled Frozen fillets of other freshwater fish	110 (2)	0
09.0728	0304 10 33 0304 10 35 0304 10 38	Fillets of coalfish, fresh or chilled Fillets of redfish, fresh or chilled Other	180 (2)	0
09.0729	0304 10 92 0304 10 93 0304 10 98	Flaps of herring, fresh or chilled Other	130 (2)	0
09.0730	0304 20 21 0304 20 29 0304 20 31 0304 20 33  0304 20 35 0304 20 37  0304 20 57 0304 20 59  0304 20 71 0304 20 83 0304 20 85 0304 20 87 0304 20 91 0304 20 96	Frozen fillets of cod and of fish of the species <i>Boreogadus saida</i> Frozen coalfish fillets Frozen haddock fillets Frozen fillets of redfish  Frozen fillet of the species <i>Sebastes marinas</i>  Frozen hake fillets (genus <i>Merluccius</i> ) Frozen hake fillets (genus <i>Urophycis</i> )  Frozen plaice fillets Frozen fillets of monkfish Frozen fillets of Alaska pollack Frozen fillets of swordfish Frozen fillets of blue grenadier Other	9 000 (2)	0
09.0731	ex 0305 20 00	Livers and roes, dried, salted or in brine, but not smoked	1 900 (2)	0
09.0732	0305 41 00	Smoked salmon	450 (2)	0

(1) See Taric codes in Annex II.

(2) Volumes applicable from 1 July to 31 December 1995 and thereafter from 1 January to 31 December of each year.

Order No	CN code (1)	Description	Amount of quotas (tonnes)	Quota duty (%)
09.0733	0305 42 00	Smoked herring	140 (2)	0
	0305 49 10	Smoked lesser or Greenland halibut		
	0305 49 20	Smoked Atlantic halibut		
	0305 49 30	Smoked mackerel		
	0305 49 40	Smoked trout		
	0305 49 50	Smoked eel		
	0305 49 90	Other smoked fish		
09.0734	0305 69 90	Other fish, salted but not dried or smoked and fish in brine	250 (2)	0
09.0735	0305 61 00	Herrings, salted but not dried or smoked and herrings in brine	1 440 (2)	0
09.0736	0306 13 10	Frozen Pandalidae shrimps	950 (2)	0
	0306 19 30	Frozen Norway lobsters		
09.0737	ex 0306 23 10	Pandalidae shrimps, not frozen boiled on board	800 (2)	0
09.0738	ex 0306 23 10 (*)	Pandalidae shrimps, not frozen, for processing (*)	900 (2)	0
	0306 29 30	Norway lobsters, not frozen		
09.0739	1604 11 00	Prepared or preserved salmon, whole or in pieces	170 (2)	0
09.0740	1604 12 91 1604 12 99	Prepared or preserved herrings, whole or in pieces, in airtight containers; other	3 000 (2)	0
09.0741	1604 13 90	Prepared or preserved sardines, sardinella and brisling or sprats, whole or in pieces	180 (2)	0
09.0742	1604 15 11 1604 15 19	Prepared or preserved mackerel, whole or in pieces	130 (2)	0
09.0743	1604 19 92	Prepared or preserved cod, whole or in pieces	5 500 (2)	0
	1604 19 93	Prepared or preserved coalfish		
	1604 19 94	Prepared or preserved hake		
	1604 19 95	Prepared or conserved Alaska pollack and pollack		
	1604 19 98	Other fish, prepared or preserved		
	1604 20 90	Prepared or preserved meat of other fish		

(\*) Checks on compliance with this use shall be carried out in accordance with the relevant Community provisions.

(1) See Taric codes in Annex II.

(2) Volumes applicable from 1 July to 31 December 1995 and thereafter from 1 January to 31 December of each year.



Order No	CN code <sup>(1)</sup>	Description	Amount of quotas (tonnes)	Quota duty (%)
09.0744	1604 20 10	Prepared or preserved salmon meat	300 <sup>(2)</sup>	0
09.0745	ex 1605 20 10 ex 1605 20 91 ex 1605 20 99	Peeled and frozen shrimps and prawns	5 500 <sup>(2)</sup>	0
09.0746	ex 1605 20 10 ex 1605 20 91 ex 1605 20 99	Shrimps and prawns other than frozen and peeled	1 000 <sup>(2)</sup>	0
09.0747	2301 20 00	Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates	28 000 <sup>(2)</sup>	0
09.0748	1605 10 00	Prepared or preserved crab	50 <sup>(2)</sup>	0
09.0751	ex 0704 10 10	Cauliflowers, fresh or chilled, from 1 August to 31 October	2 000	0
09.0753	ex 0704 90 90	Broccoli, fresh or chilled, from 1 July to 31 October	1 000	0
09.0755	ex 0704 90 90	China cabbages, fresh or chilled, from 1 July to 28 February	3 000	0
09.0757	0809 20 51 0809 20 59 0809 20 61 0809 20 69 ex 0809 20 71 ex 0809 20 79	Cherries, fresh, from 16 July to 31 August	600	0 <sup>(3)</sup>
09.0759	ex 0809 40 30 ex 0809 40 40 ex 0809 40 90	Plums and sloes, fresh, from 1 September to 15 October	600	0 <sup>(3)</sup>
09.0761	ex 0810 10 10	Strawberries, fresh, from 15 July to 31 July	750	0
09.0762	ex 0810 10 90	Strawberries, fresh, from 1 August to 15 September	750	0
09.0775	1504 10 10	Fish-liver oils and their fractions, of a vitamin A content not exceeding 2 500 IU/g	103	0
09.0776	1504 20 10	Solid fractions fats and oils and their fractions, of fish, other than liver oils	384	0
09.0777	ex 1516 10 90	Animal fats and oils and their fractions	5 141	0

<sup>(1)</sup> See Taric codes in Annex II.

<sup>(2)</sup> Volumes applicable from 1 July to 31 December 1995 and thereafter from 1 January to 31 December of each year.

<sup>(3)</sup> The specific additional duty shall be applied.

## ANNEX II

## Taric codes

Order No	CN codes	Taric codes	Order No	CN codes	Taric codes
09.0701	ex 1504 20 10 ex 1504 30 19 ex 1516 10 90	1504 20 10*90 1504 30 19*90 1516 10 90*11	09.0745	ex 1605 20 10  ex 1605 20 91  ex 1605 20 99	1605 20 10*20 91 1605 20 91*20 91 1605 20 99*20 91
09.0703	ex 0305 51 90  ex 1604 13 90	0305 51 90*10 *20 1604 13 90*91 *99	09.0746	ex 1605 20 10  ex 1605 20 91  ex 1605 20 99	1605 20 10*30 96 99 1605 20 91*30 96 99 1605 20 99*30 96 99
09.0711	ex 1604 19 93 ex 1604 20 90	1604 19 93*90 1604 20 90*30 *40 *90	09.0751	ex 0704 10 10	0704 10 10*30
09.0717	ex 0303 22 00	0303 22 00*21 23 25 29	09.0753	ex 0704 90 90	0704 90 90*13
09.0722	ex 0304 90 97	0304 90 97*31 39 50 60 70 80 90	09.0755	ex 0704 90 90	0704 90 90*92 *94 *97
09.0731	ex 0305 20 00	0305 20 00*11 19 93 98	09.0757	ex 0809 20 71 ex 0809 20 79	0809 20 71*10 0809 20 79*11 0809 20 79*19
09.0737	ex 0306 23 10	0306 23 10*20 95	09.0759	ex 0809 40 30  ex 0809 40 40 ex 0809 40 90	0809 40 30*51 *52 *53 *54 *55 *56 0809 40 40*20 0809 40 90*50
09.0738	ex 0306 23 10	0306 23 10*11 91	09.0761	ex 0809 10 10	0810 10 10*60 *80
			09.0762	ex 0810 10 90	0810 10 90*12 *14
			09.0777	ex 1516 10 90	1516 10 90*11 *19

## COUNCIL REGULATION (EC) No 3062/95

of 20 December 1995

## on operations to promote tropical forests

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 130s and 130w thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Acting in accordance with the procedure laid down in Article 189c of the Treaty <sup>(3)</sup>,

Whereas the Commission communication to the Council of 16 October 1989 on 'The conservation of tropical forests: the role of the Community' <sup>(4)</sup> sets out broad guidelines for Community action in this sphere;

Whereas the resolution of the Council of Ministers for Development Cooperation of 29 May 1990 on 'Tropical forests: development aspects' established a basis for the use of development instruments in tropical forest conservation;

Whereas, in numerous resolutions, the European Parliament has expressed its concern over the destruction of tropical forests and the consequences for forest peoples;

Whereas the Dublin European Council of June 1990 called for a programme of action to be drawn up to counteract the threat to tropical forests;

Whereas the Community and its Member States adopted the Rio Forest Principles, the Agenda 21 action programme and the Convention on Biological Diversity and Climate Change;

Whereas the Community's operations to promote tropical forests form part of its objectives on the conservation of forests, in whatever geographical area or climate zone they may be situated;

Whereas the Community intends to expand its operations to promote the conservation of tropical forests in all appropriate ways, within the context, *inter alia*, of its environment policy and of its new development cooperation policy, laid down in Articles 130u to 130y of the Treaty, and using the relevant instruments of development assistance and trade;

Whereas, by virtue of their special knowledge, the forest peoples play a key role in managing the environment, in particular with regard to the conservation of tropical forests;

Whereas the ecological and socio-economic conditions of tropical forests vary according to regions and countries;

Whereas a Community operation, supplementing action by Member States, will facilitate achievement of the objectives pursued;

Whereas existing financial instruments available to the Community for supporting the conservation and sustainable development of forests could usefully be supplemented;

Whereas a substantial commitment of resources is required to have a significant impact on the protection of tropical forests;

Whereas provision should be made for funding the operations referred to in this Regulation;

Whereas a financial reference amount, within the meaning of point 2 of the declaration of 6 March 1995 by the European Parliament, the Council and the Commission, is included in this Regulation for the entire duration of the programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty;

Whereas a framework should be set up in order to foster these operations and guarantee a consistent policy in this area;

Whereas the Council and the European Parliament will consider, before the end of 1999, the mechanisms for funding, from the year 2000 onwards, operations to promote tropical forests, taking account of the provisions of the ACP-EC Convention and the Regulation concerning cooperation with developing countries in Asia and Latin America;

Whereas rules for implementation, in particular the form of action, recipients of aid and decision-making procedures, should be laid down,

<sup>(1)</sup> OJ No C 78, 19. 3. 1993, p. 8;  
OJ No C 201, 13. 7. 1994, p. 15.

<sup>(2)</sup> OJ No C 249, 13. 9. 1993.

<sup>(3)</sup> Opinion of the European Parliament of 29 October 1993 (OJ No C 315, 22. 12. 1993, p. 644), Council common position of 23 January 1995 (OJ No C 160, 26. 6. 1995) and Decision of the European Parliament of 15 June 1995 (OJ No C 166, 3. 7. 1995).

<sup>(4)</sup> OJ No C 264, 16. 10. 1989, p. 1.

HAS ADOPTED THIS REGULATION:

#### *Article 1*

The Community shall support operations to promote the conservation and sustainable management of tropical forests and their associated biological diversity in accordance with the criteria and procedures provided for in this Regulation.

#### *Article 2*

For the purposes of this Regulation:

1. 'Tropical forests' means the natural and semi-natural tropical or subtropical forest ecosystems, whether primary or secondary, whether closed or open forests, in both dry and humid areas. The areas concerned are those found within the tropics and subtropics delimited by the 30th northern and southern parallels.
2. 'Conservation' means all operations to preserve and rehabilitate tropical forests, in particular operations designed to protect or restore the biological diversity, including ecological functions, of the forest ecosystem in question and at the same time to secure as far as possible its current and future utility value for mankind and in particular for forest peoples.
3. 'Sustainable forest management' means the management and use forests and wooded lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfil, now and in the future, relevant ecological, economic and social functions, at local, national, and global levels, without causing any damage to other ecosystems.
4. 'Sustainable development' means the improvement of the standard of living and welfare of the relevant populations within the limits of the capacity of the ecosystems by maintaining natural assets and their biological diversity for the benefit of present and future generations.
5. 'Forest peoples' means the indigenous peoples who inhabit the forest or claim it as their home and any people who live in or near the forest and have traditionally been directly and to a large extent dependent on the forest.

#### *Article 3*

1. Pursuant to this Regulation, the Community shall provide financial support or technical expertise for

operations which support and encourage the efforts of developing countries and their regional organizations to conserve and sustainably manage their tropical forests, in the context of the sustainable development of those countries and regions.

2. The recipients of aid and partners in cooperation may include not only states, regions and overseas countries and territories but also decentralized authorities, regional organizations, public bodies, local or traditional communities, private industries and operators, including cooperatives and non-governmental organizations and representative associations of forest peoples, which include the conservation of tropical forests among their stated objectives or regular activities.

3. Special consideration shall be given to operations in support of the conservation of forests, as regards both quality and quantity, which are considered to be of importance for local effects such as the protection of hydrographic basins and biotopes, the prevention of soil erosion and the restoration of degraded areas, and for global effects, such as climate change and loss of biological diversity.

#### *Article 4*

1. The priority given to specific operations shall be determined according to the needs of each country as reflected in regional and national development and environment policies relating to forests and according to Community cooperation priorities. Particular consideration, however, shall be given to operations that promote the following:

- (a) conservation of primary tropical forests and their biodiversity and renewal of tropical forests which have been damaged, supported by analysis of the underlying causes of deforestation and taking into account differences between countries and regions and measures to address them;
- (b) sustainable management of forests designated for the production of timber and other products, but excluding commercial logging operations in primary tropical forests, except those which are community-based, on a small scale, sustainable, environmentally sound and implementing sustainable forest management;
- (c) the definition and development of certification systems, combined with independent assessment systems, for timber produced from tropical forests according to sustainable forest management principles as part of internationally harmonized certification systems envisaged for all kinds of timber and timber products;

- (d) provision of prior information to forest peoples, followed by their support for the identification, planning and implementation of actions;
- (e) capacity-building to address the needs for training schemes for local populations, forest managers and researchers, for legislation, for increased political and social support and institutional strengthening and for organizations and associations active in forest conservation;
- (f) a strategic and adapted research policy aimed at supplying the knowledge required for the conservation and sustainable management of forests and also for the implementation of research monitoring activities in the framework of projects and programmes;
- (g) development of buffer zones to assist the conservation or regeneration of tropical forests, as part of a broader land utilization plan;
- (h) development and implementation of forest management plans aimed at conserving tropical forests and promoting sustainable exploitation of timber and other forest products.

2. The Community shall require operations carried out pursuant to this Regulation to be preceded by reports on their ecological, social, economic and cultural impact, with specific qualitative or quantitative objectives. Where appropriate, these actions shall be evaluated with the participation of local people.

The above shall also apply to evaluations of the operations carried out, for which purposes specific indicators shall be given in the reference conditions for the operation which is to be supported. The indicators shall be both quantitative and qualitative.

3. The Community shall, in respect of the various Community policy areas which have a potential direct impact on the conservation of tropical forests, develop and apply the instruments required to prevent the policy pursued or planned from having a negative impact and, where possible, to contribute to the conservation of tropical forests.

4. Operations carried out pursuant to this Regulation shall be coordinated with, and may provide support for, national and international programmes and operations concerned with conservation and sustainable management of tropical forests, such as the Tropical Forest Action Plan and the International Tropical Timber Organization, provided these programmes and actions are in accordance with the principles and objectives laid down in this Regulation.

5. Wherever possible, operations shall be carried out within the framework of regional organizations and

international programmes of cooperation and shall form part of a global policy on the conservation and sustainable management of forests.

#### *Article 5*

Cofinancing with Member States, or with multilateral, regional or other organizations shall be sought through greater coordination. As far as possible, the Community nature of the aid shall be maintained.

#### *Article 6*

Community funding shall be in the form of grants.

#### *Article 7*

1. Community funding of the operations referred to in Article 3 shall cover a period of four years (1996 to 1999).

The financial reference amount for the implementation of this programme for the period referred to in the first paragraph shall be ECU 200 million.

The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.

2. The budget authority shall determine the appropriations available for each financial year, account being taken of the principles of sound financial management referred to in Article 2 of the Financial Regulation applicable to the general budget of the European Communities.

#### *Article 8*

1. Financial and technical assistance may cover all foreign currency costs and local costs for carrying out projects and programmes, including, whenever necessary, integrated programmes and sectoral projects.

2. Maintenance and operating expenses for economic cooperation operations, training and research programmes and development projects and programmes may, in particular, be covered. However, except for training and research programmes, such expenses may be covered as a general rule only at the launching stage and in gradually decreasing amounts.

3. Systematic efforts shall be made to seek contributions, particularly in financial form, from

partners (countries, local communities, undertakings, individual recipients) as far as their means permit and according to the nature of each operation.

4. The payment of taxes, duties and charges shall be excluded from Community financing.

5. Study costs and the short and long-term use of experts to assist the recipients and the Commission in devising general policies, identifying and preparing operations and monitoring and evaluating them shall normally be covered by Community funds, either as part of the financing for individual operations or separately.

#### Article 9

1. Participation in invitations to tender and purchasing and other contracts shall be open on equal terms to all natural or legal persons of the Member States.

2. With regard to financial and technical assistance, the participation referred to in paragraph 1 shall usually be extended to the recipient country, and may also be extended, case-by-case, to other developing countries.

3. In exceptional cases which are duly justified, other countries of origin may be allowed for specific components.

#### Article 10

Projects and programmes for which Community funding exceeds ECU 2 million in the case of an ACP State and ECU 1 million in the case of an Asian or Latin American country, as well as any substantial modifications which exceed 20% of the amount initially agreed, shall be adopted according to the procedure laid down in Article 11.

#### Article 11

1. The Commission shall administer tropical forest cooperation activities.

2. The Commission shall be assisted, as appropriate, by the Committee set up pursuant to Article 15 of Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America <sup>(1)</sup> or by the Committee set up pursuant to Article 21 of the Internal Agreement on the financing and administration of Community aid under the Fourth ACP-EEC Convention <sup>(2)</sup>.

<sup>(1)</sup> OJ No L 52, 27. 7. 1992, p. 1.

<sup>(2)</sup> OJ No L 229, 17. 8. 1991, p. 288.

3. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

4. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

(b) If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of one month, the Council has not acted, the proposed measures shall be adopted by the Commission.

#### Article 12

The Commission shall submit to the European Parliament and the Council an annual report with an assessment of the implementation of this Regulation. The report shall set out the results of implementation of the budget as regards commitments and payments and present the projects and programmes financed during the year. The report shall contain, as far as possible, information on the funds committed at national level during the same financial year. It shall also contain specific, detailed information (undertakings, nationality, etc.) on the contracts awarded for the implementation of the projects and programmes.

Regular evaluation reports shall be submitted to the Committee mentioned in Article 11.

In 1997 the Commission shall submit to the European Parliament and the Council an overall assessment of operations to promote tropical forests financed by the Community.

#### Article 13

This Regulation shall be implemented under an approach consistent with the general principles laid down in Council Regulation (EEC) No 443/92 and in the Fourth ACP-EEC Convention and under common criteria at all

stages of the project cycle from identification to evaluation, according to harmonized methods.

Funding guidelines shall be published for organizations which intend to submit project proposals under this Regulation. The guidelines will specify the criteria for the selection and evaluation of projects.

*Article 14*

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

It shall apply until 31 December 1999.

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

Done at Brussels, 20 December 1995.

*For the Council*

*The President*

J. L. DICENTA BALLESTER

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## II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE  
GOVERNMENTS OF THE MEMBER STATES

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS  
OF THE MEMBER STATES OF THE EUROPEAN  
COMMUNITIES

of 21 December 1995

appointing a member of the Court of First Instance of the European Communities

(95/579/EC, Euratom, ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF  
THE MEMBER STATES OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Community, and in particular Article 168a thereof,

Having regard to the Treaty establishing the European  
Coal and Steel Community, and in particular Article 32d  
thereof,

Having regard to the Treaty establishing the European  
Atomic Energy Community, and in particular  
Article 140a thereof,

Having regard to Council Decision 88/591/ECSC, EEC,  
Euratom of 24 October 1988 establishing a Court of  
First Instance of the European Communities <sup>(1)</sup>,

Having regard to Decision 95/1/EC, Euratom, ECSC of  
the Council of the European Union of 1 January 1995  
adjusting the instruments concerning the accession of new  
Member States to the European Union <sup>(2)</sup>, and in  
particular Article 10 amending Article 2 (1) of Decision  
88/591/ECSC, EEC, Euratom and Article 31 (2)  
amending Article 157 (2) of the Act of Accession  
thereof,

Whereas Mr Donal P. M. Barrington, Judge at the Court  
of First Instance of the European Communities, tendered  
his resignation in a letter dated 15 December 1995;

Whereas, pursuant to Articles 44 and 8 of the Protocol  
on the Statute of the Court of Justice of the European  
Coal and Steel Community, Articles 44 and 7 of the  
Protocol on the Statute of the Court of Justice of the  
European Economic Community and Articles 45 and 7 of  
the Protocol on the Statute of the Court of Justice of the  
European Atomic Energy Community, a Judge needs to  
be appointed for the remainder of Mr Donal P. M.  
Barrington's term of office, which runs until 31 August  
2001,

HAVE DECIDED AS FOLLOWS:

*Article 1*

The following is hereby appointed Judge at the Court of  
First Instance for the period up to and including  
31 August 2001:

Mr John D. Cooke.

*Article 2*

This Decision shall be effective from 10 January 1996.

Done at Brussels, 21 December 1995.

*The President*

F. J. ELORZA CAVENGT

<sup>(1)</sup> OJ No L 319, 25. 11. 1988, p. 1, as corrected by OJ No  
C 241, 17. 8. 1989, p. 4. Decision as amended by Decision  
93/350/Euratom, ECSC, EEC (OJ No L 144, 16. 6. 1993,  
p. 21), as amended by Decision 94/149/ECSC (OJ No L 66,  
10. 3. 1994, p. 29).

<sup>(2)</sup> OJ No L 1, 1. 1. 1995, p. 1.



# COUNCIL

## DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL

of 20 December 1995

### on the conversion into grants of special loans provided for under the Second and Third Lomé Conventions

(95/580/EC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITY, MEETING WITHIN THE COUNCIL,

Having regard to the fourth ACP-EC Convention, signed at Lomé on 15 December 1989, as amended by the Agreement amending the said Convention, signed in Mauritius on 4 November 1995,

Whereas Articles 91 *et sequiter* of the second ACP-EEC Convention, signed at Lomé on 31 October 1979 and Articles 194 *et sequiter* of the Third ACP-EEC Convention, signed at Lomé on 8 December 1984 provide for special loans;

Whereas at the final ministerial negotiating session on the mid-term review of the fourth ACP-EC Convention held in Brussels on 30 June 1995, the Community adopted a Declaration to the effect that the special loans not yet committed under the second and third Lomé Conventions should be converted into grants,

HAVE DECIDED AS FOLLOWS:

#### *Article 1*

The special loans provided for under the second and third Lomé Conventions which have not been the subject of financing agreements on the date of adoption of this Decision shall be converted into grants.

The first paragraph shall also apply to balances released before or after that date, following the termination of commitments resulting from all financing agreements concluded in connection with special loans provided for under the second and third Lomé Conventions.

#### *Article 2*

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

Done at Brussels, 20 December 1995.

*The President*

J. L. DICENTA BALLESTER

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DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL

of 20 December 1995

on the provisional application of certain provisions of the internal agreement (Eighth EDF) relating to programming of the Agreement amending the Fourth ACP-EC Convention

(95/581/EC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITY, MEETING WITHIN THE COUNCIL,

Having regard to the Fourth ACP-EC Convention, signed at Lomé on 15 December 1989, as amended by the Agreement amending the said Convention, signed in Mauritius on 4 November 1995,

Having regard to the Internal Agreement on the Financing and Administration of Community Aid under the Second Financial Protocol to the Fourth ACP-EC Convention,

Whereas the transitional measures to be adopted by the ACP-EC Council of Ministers provide for the provisional application of the provisions on programming in the Agreement amending the Fourth ACP-EC Convention;

Whereas it is therefore important, pending the entry into force of the Internal Agreement, that some provisions of the said Agreement be applied provisionally,

HAVE DECIDED AS FOLLOWS:

*Article 1*

The provisions of the Internal Agreement (Eighth EDF) relating to the programming process, as set out in Articles 17, 18, 21, 22 and 23 of the said Agreement and in the statements thereon, shall be applied provisionally.

*Article 2*

This Decision shall enter into force on the same day as the transitional measures which are to be adopted by the ACP-EC Council.

Done at Brussels, 20 December 1995.

*The President*

J. L. DICENTA BALLESTER

## COUNCIL DECISION

of 20 December 1995

on the conclusion of the Agreements in the form of exchanges of letters between the European Community, of the one part, and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation, of the other part, concerning certain agricultural products

(95/582/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 in conjunction with the first sentence of Article 228 (2) thereof,

Having regard to the Act of Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden,

Having regard to the proposal from the Commission,

Whereas the Agreements in the form of exchanges of letters between the European Community, of the one part, and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation, of the other part, concerning certain agricultural products should be approved to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreements in the form of exchanges of letters between the European Community, of the one part, and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation, of the other part, concerning certain

agricultural products are hereby approved on behalf of the Community.

The texts of the Agreements are attached to this Decision.

*Article 2*

Detailed rules for the application of this Decision shall be adopted by the Commission in accordance with the procedure laid down in Article 30 of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products<sup>(1)</sup> or the corresponding provisions of other regulations on the common organization of the markets.

*Article 3*

The President of the Council is hereby authorized to designate the person empowered to sign the Agreements referred to in Article 1 in order to bind the Community<sup>(2)</sup>.

Done at Brussels, 20 December 1995.

*For the Council**The President*

J. M. EGUIAGARAY

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> The dates of entry into force of the Agreements will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

## AGREEMENT

in the form of an exchange of letters between the European Community and the Republic of Iceland concerning certain agricultural products

*Letter No 1*

Brussels, . . . . .

Sir,

I have the honour to refer to the Agreement in the form of an exchange of letters of 2 May 1992 between the European Economic Community and the Republic of Iceland concerning certain agricultural products and to the negotiations which have taken place between the two parties with a view to adapting the said Agreement and establishing trade arrangements for certain agricultural products in the spirit of Article 15 of the EEC-Iceland Free Trade Agreement, consequent on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union.

I hereby confirm that the results of the negotiations were as follows:

1. Iceland and the Community agree that, from 1 January 1995, the concessions granted by the Republic of Iceland under the abovementioned exchange of letters shall be extended to the enlarged Community.
2. From 1 January 1995 the Community will open for Iceland the annual tariff quotas set out in Annex I hereto.
3. The rules of origin for the application of the quotas referred to in point 2 above are set out in Annex II hereto.

This exchange of letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm your agreement with the contents of this letter.

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

*For the Government  
of the Republic of Iceland*

*Letter No 2*

Brussels, . . . . .

Sir,

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

'I have the honour to refer to the Agreement in the form of an exchange of letters of 2 May 1992 between the European Economic Community and the Republic of Iceland concerning certain agricultural products and to the negotiations which have taken place between the two parties with a view to adapting the said Agreement and establishing trade arrangements for certain agricultural products in the spirit of Article 15 of the EEC-Iceland Free Trade Agreement, consequent on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union.

I hereby confirm that the results of the negotiations were as follows:

1. Iceland and the Community agree that, from 1 January 1995, the concessions granted by the Republic of Iceland under the abovementioned exchange of letters shall be extended to the enlarged Community.
2. From 1 January 1995 the Community will open for Iceland the annual tariff quotas set out in Annex I hereto.
3. The rules of origin for the application of the quotas referred to in point 2 above are set out in Annex II hereto.

This exchange of letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm your agreement with the contents of this letter.'

I have the honour to confirm that the Community is in agreement with the contents of your letter.

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

*On behalf of  
the Council of the European Union*

## ANNEX I

## Annual tariff quotas granted by the European Community to the Republic of Iceland

CN code	Description	Quantity	Rate of duty
0101 19 10 0101 19 90	Live horses	100 head	free
0204	Meat of sheep or goats, fresh, chilled or frozen	750 t carcase weight equivalent	free

## ANNEX II

## Rules of origin

- The provisions of Protocol 3 to the Agreement between the European Economic Community and the Republic of Iceland concerning the definition of the concept of 'originating products' and methods of administrative cooperation as last amended by Decision No 1/94 of the EC-Iceland Joint Committee of 8 March 1994 <sup>(1)</sup>, shall apply *mutatis mutandis* to the products mentioned in Annex I.
- The specific rules for the working or processing to be carried out on non-originating materials used in the manufacture of the products in question in order that they obtain originating status and which are not yet mentioned in Annex II to the said Protocol 3 shall be the following:

HS heading	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
0101	Live horses	All the animals of Chapter 1 used must be wholly obtained
0204	Meat of sheep or goats, fresh, chilled or frozen	Manufacture in which all the materials of Chapter 2 used must be wholly obtained

<sup>(1)</sup> OJ No L 204, 6. 8. 1994, p. 62.

## AGREEMENT

in the form of exchanges of letters between the European Community and the Kingdom of Norway concerning certain agricultural products

## EXCHANGE OF LETTERS No 1

*Letter No 1*

Brussels, . . . . .

Sir,

I have the honour to refer to the Agreements in the form of exchanges of letters of 16 April 1973, 14 July 1986 and 2 May 1992 between the European Economic Community and the Kingdom of Norway concerning certain agricultural products and to the negotiations which have taken place between the two parties with a view to adapting the said exchanges of letters and establishing trade arrangements for certain agricultural products, in the spirit of Article 15 of the EEC-Norway Free Trade Agreement, consequent on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union.

I hereby confirm that the results of the negotiations were as follows:

1. Norway and the Community agree that, from 1 January 1995, the mutual concessions under the abovementioned exchanges of letters shall be extended to the enlarged Community.
2. Norway and the Community agree to conclude a new arrangement on their reciprocal trade in cheese. The text of that arrangement is set out in Annex I hereto.
3. From 1 January 1995 the Community will open for Norway the annual tariff quotas set out in Annex II hereto.
4. From 1 January 1995 Norway will open for the Community the annual tariff quotas set out in Annex III hereto.
5. As regards imports of hay falling within heading ex 1214.90, Norway undertakes to apply its import arrangements on the basis of the principle 'first come first served'.
6. The rules of origin for the application of the quotas referred to in points 2, 3 and 4 above are set out in Annex IV hereto.

This exchange of letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm your agreement with the contents of this letter.

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

*For the Government  
of the Kingdom of Norway*

*Letter No 2*

Brussels, . . . . .

Sir,

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

'I have the honour to refer to the Agreements in the form of exchanges of letters of 16 April 1973, 14 July 1986 and 2 May 1992 between the European Economic Community and the Kingdom of Norway concerning certain agricultural products and to the negotiations which have taken place between the two parties with a view to adapting the said exchanges of letters and establishing trade arrangements for certain agricultural products, in the spirit of Article 15 of the EEC-Norway Free Trade Agreement, consequent on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union.

I hereby confirm that the results of the negotiations were as follows:

1. Norway and the Community agree that, from 1 January 1995, the mutual concessions under the abovementioned exchanges of letters shall be extended to the enlarged Community.
2. Norway and the Community agree to conclude a new arrangement on their reciprocal trade in cheese. The text of that arrangement is set out in Annex I hereto.
3. From 1 January 1995 the Community will open for Norway the annual tariff quotas set out in Annex II hereto.
4. From 1 January 1995 Norway will open for the Community the annual tariff quotas set out in Annex III hereto.
5. As regard imports of hay falling within heading ex 1214.90, Norway undertakes to apply its import arrangements on the basis of the principle "first come first served".
6. The rules of origin for the application of the quotas referred to in points 2, 3 and 4 above are set out in Annex IV hereto.

This exchange of letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm your agreement with the contents of this letter.'

I have the honour to confirm that the Community is in agreement with the contents of your letter.

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

*On behalf of  
the Council of the European Union*



## ANNEX I

## ARRANGEMENT

## between the European Community and the Kingdom of Norway concerning reciprocal trade in cheese

With the aim of fostering the harmonious development of trade in agricultural products and taking into account the discussions which have taken place with a view to adapting their bilateral agricultural concessions following the accession of Austria, Finland and Sweden to the European Union, the European Community and the Kingdom of Norway have agreed to conclude a new arrangement with effect from 1 January 1995 concerning their reciprocal trade in cheese <sup>(1)</sup>. In view of the common interest of the Community and Norway in offering consumers, in addition to home-produced cheese, types of imported cheese, the provisions of this arrangement read as follows:

1. The import duties on the annual quantities of cheese set out below may not exceed the following levels:

- (a) On import into the Community (excluding Spain and Portugal):

Cheese covered by CN code 0406, originating in Norway and accompanied by an approved certificate <sup>(2)</sup>:

	Annual quantity (tonnes)	Import duty (ECU/100 kg)
— Jarlsberg, of a minimum fat content of 45 % by weight in the dry matter and of a dry matter content by weight of not less than 56 %, matured for at least 3 months:	2 263	66,41
— whole cheeses with rind <sup>(1)</sup> weighing from 8 kg to 12 kg		
— rectangular blocks of a net weight not exceeding 7 kg <sup>(2)</sup>		
— pieces packed in vacuum or in inert gas, of a net weight of not less than 150 g but not exceeding 1 kg <sup>(2)</sup>		
— Ridder, of a minimum fat content of 60 %, by weight, in the dry matter and matured for at least four weeks:	357	7,50
— whole cheeses with rind <sup>(1)</sup> weighing from 1 kg to 2 kg		
— pieces packed in vacuum or in inert gas, with rind on at least one side <sup>(1)</sup> , of a net weight of not less than 150 g <sup>(2)</sup>		
— Whey cheese		

<sup>(1)</sup> The expression 'whole cheeses with rind' means cheeses of the conventional flat cylindrical shape. For the purposes of these provisions, the rind is defined as follows: the rind of such cheeses is the outer layer formed from the cheese itself, having a distinctly more solid consistency and a distinctly darker colour.

<sup>(2)</sup> The wording on the packing must be such as to enable this cheese to be identified by the consumer.

<sup>(1)</sup> This arrangement is without prejudice to point 3 of the exchange of letters concerning reciprocal trade in cheese signed on 14 July 1986 between the Community and Norway following the accession of Spain and Portugal.

<sup>(2)</sup> The certificate will be issued by 'Norske Meierier' (Norwegian dairies).

(b) on import into Norway:

	Annual quantity (tonnes)	Import duty (Nkr/kg)
— Cheese of all types and varieties, originating in the Community	2 560	1,20

2. Norway will take the necessary steps in order to:
  - limit the issue of the certificates referred to in (1) (a) to the quantities agreed in this arrangement;
  - ensure that the autonomous system of import licence allocation will be managed taking into account market requirements and in such a way that imports may take place regularly and that the quantities agreed for import into Norway from the Community can effectively be imported.
3. The Community and Norway will take steps to ensure that the benefits which they grant each other will not be jeopardized by other import measures.
4. The Community and Norway undertake, each on its own behalf, to ensure that the prices charged by their exporters are not such as to create difficulties on the importing country's market.

They agree, in this connection, to exchange at regular intervals information on price quotations and any other useful information concerning the market in domestic and imported cheeses.

If difficulties arise concerning the prices charged, consultations will be held at the request of either party, as promptly as possible, with a view to the adoption of appropriate corrective measures.
5. Consultations will be held at the request of either party on any question relating to the operation of this arrangement. The two parties may, by common accord, alter it by reference in particular to the trend in market prices, production, marketing or consumption of home-produced and imported cheeses.
6. This arrangement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Kingdom of Norway.
7. This arrangement shall replace the arrangement between the European Economic Community and the Kingdom of Norway concerning reciprocal trade in cheese, signed on 2 May 1992.

## ANNEX II

## Annual tariff quotas granted by the European Community to the Kingdom of Norway

CN code	Description	Quantity (tonnes)	Rate of duty
1504 10 10	Fish-liver oils and their fractions, of a vitamin A content not exceeding 2 500 IU/g	103	free
1504 20 10	Solid fractions of fats and oils of fish, other than liver oils	384	free
ex 1516 10 90	Animal fats and oils and their fractions, wholly of fish or marine mammals, in bulk	5 141	free
ex 2309 90 31	Fish feed	1 177	free

## ANNEX III

## Annual tariff quotas granted by the Kingdom of Norway to the European Community

Norwegian tariff position	Description	Quantity (tonnes)	Rate of duty (Nkr/kg)
0407 00 11 0407 00 19	Birds' eggs, in shell, of the species <i>Gallus domesticus</i>	290	free
0511 99 11 0511 99 21	Powdered animal blood	300	free
1209 23 00	Fescue seed	75	free
1209 24 00	Kentucky blue grass seed	50	free
1602 49 10	Bacon crisp (roasted puffy bacon rind)	50	1,40

## ANNEX IV

## Rules of origin

1. The provisions of Protocol 3 to the Agreement between the European Economic Community and the Kingdom of Norway concerning the definition of the concept of 'originating products' and methods of administrative cooperation as last amended by Decision No 1/94 of the EC-Norway Joint Committee of 8 March 1994 <sup>(1)</sup>, shall apply *mutatis mutandis* to the products mentioned in Annexes I, II and III.
2. The specific rules for the working or processing to be carried out on non-originating materials used in the manufacture of the products in question in order that they obtain originating status and which are not yet mentioned in Annex II to the said Protocol 3 shall be the following:

HS heading	Description	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
ex 0406	Cheese	Manufacture in which all the materials of Chapter 4 used must be wholly obtained
0407	Birds' eggs, in shell	Manufacture in which all the birds' eggs of Chapter 4 used must be wholly obtained
ex 0511	Powdered animal blood	Manufacture in which all the materials of Chapter 5 used must be wholly obtained
ex 1209	Seeds	Manufacture in which all the materials of Chapter 12 used must be wholly obtained
ex 1504	— Fish-liver oils and their fractions, of a vitamin A content not exceeding 2 500 IU/g — Solid fractions of fats and oils, of fish, other than liver oils	Manufacture in which all the materials of Chapter 3 used must be wholly obtained Manufacture from materials of any heading including other materials of heading No 1504
ex 1516	Animal fats and oils and their fractions, obtained entirely from fish or marine mammals	Manufacture in which all the materials of Chapters 2 and 3 used must be wholly obtained
ex 1602	Bacon crisp	Manufacture from animals of Chapter 11
ex 2309	Fish feed	Manufacture in which: — all the cereals, sugar or molasses, meat or milk used must already be originating, and — all the materials of Chapter 3 used must be wholly obtained

<sup>(1)</sup> OJ No L 204, 6. 8. 1994, p. 90.

Exchange of letters No 2

*Letter No 1*

Brussels, . . . . .

Sir,

I have the honour to refer to the arrangement between the European Economic Community and the Kingdom of Norway on reciprocal trade in cheese and to the negotiations which have taken place with a view to adjusting that arrangement following the accession of Austria, Finland and Sweden to the European Union.

In this connection, I confirm that Norway accepts the following undertakings:

1. Subject to a limit of 200 tonnes of cheese, Norway forgoes the provisions of its letter of 11 April 1983 in which it reserved the right to restrict imports of certain cheeses from the Community.
2. Norway recognizes that the change in import arrangements for cheese in the Canary Islands from 1 July 1992, which affected traditional exports from Norway, has been taken fully into account under the new arrangement.

Under these circumstances, Norway forgoes any further compensation for cheeses not covered by the Agreement between the Community and Norway of 14 July 1986 concluded following the accession of Spain to the European Communities.

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

*For the Government  
of the Kingdom of Norway*

*Letter No 2*

Brussels, . . . . .

Sir,

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

'I have the honour to refer to the arrangement between the European Economic Community and the Kingdom of Norway on reciprocal trade in cheese and to the negotiations which have taken place with a view to adjusting that arrangement following the accession of Austria, Finland and Sweden to the European Union.

In this connection, I confirm that Norway accepts the following undertakings:

1. Subject to a limit of 200 tonnes of cheese, Norway forgoes the provisions of its letter of 11 April 1983 in which it reserved the right to restrict imports of certain cheeses from the Community.
2. Norway recognizes that the change in import arrangements for cheese in the Canary Islands from 1 July 1992, which affected traditional exports from Norway, has been taken fully into account under the new arrangement.

Under these circumstances, Norway forgoes any further compensation for cheeses not covered by the Agreement between the Community and Norway of 14 July 1986 concluded following the accession of Spain to the European Communities.'

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

*On behalf of  
the Council of the European Union*

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## AGREEMENT

in the form of an exchange of letters between the Swiss Confederation and the European Community concerning certain agricultural and fishery products

*Letter No 1*

Berne, . . . . .

Sir,

I have the honour to refer to the exchanges of letters of 21 July 1972, 5 February 1981 and 14 July 1986 between the European Economic Community and the Swiss Confederation and to the negotiations which have taken place between the parties with a view to adapting the said exchanges of letters and establishing trade arrangements for certain agricultural products, in the spirit of Article 15 of the EEC-Switzerland Free Trade Agreement, consequent upon the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union.

I hereby confirm that as a result of those negotiations the Swiss Confederation and the Community agree that from 1 January 1995 the reciprocal concessions covered by the abovementioned exchanges of letters and the concessions granted reciprocally as regards cheeses shall be extended to the enlarged Community.

This exchange of letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm your agreement with the contents of this letter.

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

*For the Government  
of the Swiss Confederation*

*Letter No 2*

Brussels, . . . . .

Sir,

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

'I have the honour to refer to the exchanges of letters of 21 July 1972, 5 February 1981 and 14 July 1986 between the European Economic Community and the Swiss Confederation and to the negotiations which have taken place between the parties with a view to adapting the said exchanges of letters and establishing trade arrangements for certain agricultural products, in the spirit of Article 15 of the EEC-Switzerland Free Trade Agreement, consequent upon the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union.

I hereby confirm that as a result of those negotiations the Swiss Confederation and the Community agree that from 1 January 1995 the reciprocal concessions covered by the abovementioned exchanges of letters and the concessions granted reciprocally as regards cheeses shall be extended to the enlarged Community.

This exchange of letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm your agreement with the contents of this letter.'

I have the honour to confirm that the Community is in agreement with the contents of your letter.

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

*On behalf of  
the Council of the European Union*

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## DECISION No 5/95 OF THE ACP-EC COUNCIL OF MINISTERS

of 3 November 1995

updating the list of least-developed ACP States in Article 330 (1) of the fourth Lomé Convention

(95/583/EC)

THE ACP-EC COUNCIL OF MINISTERS,

MEETING in Réduit, Mauritius, from 3 to 4 November 1995,

NOTING that the fourth Lomé Convention signed on 15 December 1989 provided for special measures to help the least-developed, landlocked and island ACP States overcome the difficulties facing them;

NOTING that the Resolution adopted by it in Brussels on 19 May 1993 called for cooperation between the EEC and the least-developed, landlocked and island ACP States to be evaluated in accordance with Article 326 (6) of the Convention;

NOTING that the Resolution adopted by it in Mbabane on 19 May 1994 taking note of the joint report drawn up on the evaluation study by the Development Finance Committee called for the timely redefinition of the category of LDCs using criteria similar to those used by the United Nations based, in particular, on population size, a quality of life indicator and a composite economic indicator, in order to obtain a consistent list that will be regularly and automatically revised according to the arrangements for inclusion on and graduation from the list of LDCs of the United Nations;

NOTING that the UN criteria and arrangements referred to are those adopted by the UN General Assembly in Resolution No 46/206 of 20 December 1991 and included in the UN Economic and Social Council's Decision 1991/275 of 26 July 1991;

NOTING that these criteria and arrangements have recently been confirmed by the UN General Assembly in its Resolution No 49/133 of 19 December 1994;

WHEREAS these criteria and arrangements may therefore be used, subject to their amendment by the General Assembly, for the regular revision and updating of the list of ACP States in Article 330 (1) of the Convention, as requested by the Council of Ministers in its Resolution of 19 May 1994;

WHEREAS the UN General Assembly has also decided, on the basis of these criteria and arrangements

(Resolution No 49/133 of 19 December 1994), to amend the list of least-developed countries by including Angola and Eritrea and removing Botswana;

HAVING REGARD TO Article 330 (2) of the Convention,

HAS DECIDED AS FOLLOWS:

*Article 1*

Angola, Liberia, Madagascar, Zaïre and Zambia shall be included in the list of ACP States in Article 330 (1) of the Convention.

*Article 2*

Antigua and Barbuda, Belize, Botswana, Dominica, Grenada, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Seychelles, Swaziland and Tonga graduate from the list of ACP States in Article 330 (1) of the Convention.

*Article 3*

This Decision shall enter into force on the third day following its publication in the *Official Journal of the European Communities*. However, with regard to Articles 189 (3), 196 (2) and 197 (3) and (4) of the Convention relating to Stabex, this Decision shall only apply from 1 January 1996.

Done at Brussels, 3 November 1995.

*For the ACP-EC Council of Ministers*

*The President*

L. ATIENZA SERNA

**DECISION No 6/95 OF THE ACP-EC COUNCIL OF MINISTERS**  
**of 20 December 1995**  
**on the transitional measures to be applied from 1 January 1996**  
(95/584/EC)

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the Fourth ACP-EC Convention signed at Lomé on 15 December 1989, hereinafter referred to as 'the Convention', and in particular Article 366 (1) and (2) thereof,

Whereas the said Convention was concluded for a period of ten years, starting from 1 March 1990; whereas, however, provision was made for amending it through a mid-term review;

Whereas, in application of that provision, an Agreement amending the said Convention was signed in Mauritius on 4 November 1995;

Whereas transitional measures applicable until the entry into force of the said Agreement should be adopted in order to give effect in advance to some of these amendments to the Convention,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following provisions of the Agreement amending the Fourth ACP-EC Convention shall be applied in advance from 1 January 1996:

- (a) the general provisions on ACP-EC cooperation, namely those concerning the objectives, principles and institutions of cooperation in Chapters 1, 2 and 5 of Part One;
- (b) the provisions on the areas of cooperation in Part Two;
- (c) the provisions on trade cooperation in Title I of Part Three;
- (d) the provisions on the stabilization of export earnings in Chapter 1 of Title II of Part Three, and in Annex XLVI;
- (e) the provisions on programming in Articles 281, 282, 283 and 284;
- (f) Article 364 on the accession of South Africa;
- (g) Article 364a on the accession of Somalia;
- (h) Article 366a on the procedures to be set in train in the case of a violation of an essential element of the Convention;

- (i) the provisions on the definition of the concept of originating products and methods of administrative cooperation in Protocol 1 and relevant annexes, taking into account the amendments to the tariff nomenclature applicable from 1 January 1996;
- (j) the provisions on beef and veal in Protocol 7;
- (k) the provisions on the sustainable management of forest resources in Protocol 10.

*Article 2*

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

*Article 3*

The implementation of financial and technical cooperation under the first Financial Protocol to the Fourth ACP-EC Convention shall continue to be governed by the conditions laid down in the Convention prior to its revision.

Implementation of the system for stabilizing export earnings in respect of the 1994 application year and previous application years under the first Financial Protocol to the Fourth ACP-EC Convention shall continue to be governed by the conditions laid down in the Convention prior to its revision.

*Article 4*

This Decision shall enter into force on 1 January 1996.

It shall apply until the entry into force of the new provisions governing these areas.

However, it shall continue to apply after this date to signatories to the revised Convention which have not yet lodged their instruments of ratification on that date until such time as the revised Convention becomes applicable to them by virtue of Article 360 (3) thereof.

Done at Brussels, 20 December 1995.

*For the ACP-EC Council of Ministers*  
*The President*

J. L. DICENTA BALLESTER

## COUNCIL DECISION

of 22 December 1995

authorizing certain Member States to apply or to continue to apply to certain mineral oils, when used for specific purposes, reduced rates of excise duty or exemptions from excise duty, in accordance with the procedure provided for in Article 8 (4) of Directive 92/81/EEC

(95/585/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonization of the structures of excise duties on mineral oils<sup>(1)</sup>, and in particular Article 8 (4) thereof,

In accordance with the provisions of Article 8 (4) of Directive 92/81/EEC and without prejudice to the obligations laid down in Directive 92/82/EEC<sup>(2)</sup>, the following Member States are hereby authorized, until 31 December 1996, to apply or to continue to apply the reductions in rates of excise duties or exemptions from excise duty as herein specified:

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 8 (4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce further exemptions or reductions in the excise duty charged on mineral oils for special policy considerations;

1. in the Kingdom of Belgium and in the Grand Duchy of Luxembourg:

reduction in the rate of excise duty on heavy fuel oil to encourage the use of more environmentally friendly fuels. Such reduction shall be specifically linked to sulphur content and the weighted average rate of duty charged on heavy fuel oil shall respect the minimum rate of duty on heavy fuel oils as provided for in Community law in force; in no case can the reduced rate fall below ECU 6,5 per tonne;

Whereas the Commission has been informed by the Member States concerned of their intention to continue to apply certain exemptions or reductions which are already provided for in their taxation law or to introduce exemptions or reductions and to which the procedure provided for under the said Article 8 (4) should be applied;

2. in the Kingdom of Denmark:

application of differential rates of excise duty between petrol distributed from petrol stations equipped with a return system for petrol fumes and petrol distributed from other petrol stations, provided that such rates at all times respect the minimum rates of excise duty on mineral oils as provided for under Community law.

Whereas the other Member States have been informed thereof;

Whereas it is accepted by the Commission and by all Member States that all of these exemptions or reductions are well founded in terms of specific policies and do not give rise to distortions in competition or interfere with the working of the internal market;

3. in the Italian Republic:

reduction in the excise duty on fuel oil, for the production of steam, and for gas oil, used in ovens for drying and 'activating' molecular sieves in Reggio Calabria; in no case can the reduced rate fall below ECU 18 per tonne.

Whereas the reductions or exemptions will be regularly reviewed by the Commission to ensure their compatibility with the operation of the internal market or Community policy in the area of protection of the environment;

4. in the Republic of Austria:

exemption from excise duty on waste oils which are re-used as fuel, either directly after recovery, or following a recycling process for waste oils, and the re-use of which is subject to duty.

Whereas, pursuant to Article 8 (6) of Directive 92/81/EEC, the Council is required to review the situation at the latest by 31 December 1996 on the basis of a report from the Commission,

<sup>(1)</sup> OJ No L 316, 31. 10. 1992, p. 12. Directive as amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

<sup>(2)</sup> OJ No L 316, 31. 10. 1992, p. 12. Directive as amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

## 5. in the Portuguese Republic:

reduction in excise duty on fuel oil consumed in the autonomous region of Madeira; this reduction may not be greater than the additional costs incurred in transporting the fuel oil to that region.

*Article 2*

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Italian Republic, the Grand Duchy of Luxembourg, the Republic of Austria, the Portuguese Republic and the Republic of Finland.

## 6. in the Republic of Finland:

exemption from excise duty on waste oils which are re-used as fuel, either directly after recovery, or following a recycling process for waste oils, and the re-use of which is subject to duty.

Done at Brussels, 22 December 1995.

*For the Council*  
*The President*  
L. ATIENZA SERNA

## COUNCIL DECISION

of 22 December 1995

concerning the conclusion of the Agreement constituted in the form of an agreed minute, an exchange of letters, an exchange of notes and the Annexes thereto between the European Community and Canada on fisheries in the context of the NAFO Convention

(95/586/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 43 in conjunction with Article 228 (3), first subparagraph thereof,

*Article 1*

Having regard to the proposal from the Commission <sup>(1)</sup>,

The Agreement constituted in the form of an agreed minute, an exchange of letters, an exchange of notes and the Annexes thereto between the European Community and Canada on fisheries in the context of the NAFO Convention is approved.

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

The text of the acts referred to in the first paragraph are attached to this Decision.

Whereas the European Community and Canada are committed to enhanced cooperation in the conservation and rational management of fish stocks, in particular in the framework of the Northwest Atlantic Fisheries Organization (NAFO);

*Article 2*

Whereas, with a view to increasing cooperation in that field, the European Community and Canada have agreed to collaborate further on management arrangements for species covered by the NAFO Convention, and in particular for Greenland halibut;

The Council agrees hereby to conclude the Agreement on behalf of the Community <sup>(3)</sup>.

This Decision shall be published in the *Official Journal of the European Communities*.

Whereas their Agreement is reflected in the Agreement constituted in the form of an agreed minute, an exchange of letters, an exchange of notes and the Annexes thereto between the European Community and Canada on fisheries in the context of the NAFO Convention, which was signed on 20 April 1995;

Done at Brussels, 22 December 1995.

Whereas it is in the Community's interest to approve the said Agreement,

*For the Council*

*The President*

L. ATIENZA SERNA

<sup>(1)</sup> OJ No C 239, 14. 9. 1995, p. 8.

<sup>(2)</sup> Opinion delivered on 15 December 1995 (not yet published in the Official Journal).

<sup>(3)</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

## AGREEMENT

constituted in the form of an agreed minute, an exchange of letters, an exchange of notes and the Annexes thereto between the European Community and Canada on fisheries in the context of the NAFO Convention

## AGREED MINUTE

The European Community and Canada have agreed as follows:

## A. Control and enforcement

1. The European Community and Canada, in recognition of their commitment to enhanced cooperation in the conservation and rational management of fish stocks, and the pivotal role of control and enforcement in ensuring such conservation, agree that the proposals set out in Annex I shall constitute the basis for a submission to be jointly prepared and made to the NAFO Fisheries Commission, for its consideration and approval, to establish a Protocol to strengthen the NAFO conservation and enforcement measures.
2. The European Community and Canada shall implement immediately on a provisional basis the control and enforcement measures contained in points II.1, II.2, II.3, II.4, II.7, II.8, II.9 (the proposed list of infringements and paragraphs i, iii and v only), II.10 and II.11 of Annex I. In respect of point II.11.A, the Parties shall deploy observers on the vessels not later than 15 days following the signature of the agreed minute. Regarding point II.11, the satellite tracking devices on 35 % of the vessels shall be installed as rapidly as realistically possible when the vessels concerned make a port call or depart for fishing in the NAFO regulatory area.
3. The European Community and Canada commit themselves to seeking on an urgent basis the support of other NAFO Contracting Parties for the adoption of, and subsequent adherence to, the abovementioned Protocol in advance of special meetings of the NAFO Standing Committee on International Control (STACTIC) starting in April 1995 and of the NAFO Fisheries Commission to be convened as early as possible thereafter in May 1995 at the request of the European Community and Canada. The Protocol shall enter into force on the signature of a majority of NAFO Contracting Parties in the form agreed to. The European Community and Canada are convinced that by September 1995 a majority of the NAFO Contracting Parties will have subscribed to the measures. The European Community and Canada shall make great efforts

to obtain the signature to the Protocol of the other NAFO Contracting Parties.

4. Canada shall submit to the NAFO Executive Secretary, in advance of each annual NAFO meeting, a report on the conservation and enforcement measures in effect in its 200-mile zone for NAFO-managed stocks. The report shall deal with the range of matters dealt with in the NAFO conservation and enforcement measures.
5. The European Community and Canada shall cooperate to improve conservation and enforcement measures. Toward this end, Canada shall invite experts from the European Commission to exchange information and to brief them on Canadian conservation and enforcement measures in effect in the Canadian 200-mile zone for NAFO-managed stocks.
6. Under the pilot project for observers and satellite tracking described in Annex I, observers will act under the authority of the European Commission for the European Community and the Government of Canada for Canada, and will be placed on vessels as soon as possible in accordance with the provisions set out under point 2 above. Except in the case of *force majeure*, vessels without an observer will not be allowed to continue fishing in the NAFO regulatory area beyond the period referred to in point 2 above. The European Community and Canada will both monitor on a regular basis the effectiveness and efficiency of the observer scheme as part of the evaluation of the said pilot project.

## B. Total allowable catch and catch limits

In light of their mutual interest in conservation, the European Community and Canada reaffirm their commitment to the level of 27 000 tonnes as the total allowable catch of Greenland halibut for 1995 in NAFO sub-areas II and III. Bearing this in mind, and in the light of the particular circumstances associated with the management of the Greenland halibut resource in the NAFO Convention area, the European Community and Canada agree to the management arrangements for Greenland halibut as set out in Annex II.

**C. Other related issues**

1. Canada shall repeal the provisions of the Regulation of 3 March 1995 pursuant to the Coastal Fisheries Protection Act which subjected vessels from Spain and Portugal to certain provisions of the Act and prohibited these vessels from fishing for Greenland halibut in the NAFO regulatory area. For the European Community, any re-insertion by Canada of vessels from any European Community Member States into its legislation which subjects vessels on the high seas to Canadian jurisdiction will be considered as a breach of this agreed minute.
2. For Canada, any systematic and sustained failure of the European Community to control its fishing vessels in the NAFO regulatory area which clearly has resulted in violations of a serious nature of NAFO conservation and enforcement measures may be considered as a breach of this agreed minute. The European Community and Canada shall consult before taking any action on the foregoing.

**D. General provisions**

1. The European Community and Canada maintain their respective positions on the conformity of the amendment of 25 May 1994 to Canada's Coastal Fisheries Protection Act, and subsequent regulations, with customary international law and the NAFO Convention. Nothing in this agreed minute shall prejudice any multilateral convention to which the European Community and Canada,

or any Member State of the European Community and Canada, are parties, or their ability to preserve and defend their rights in conformity with international law, and the views of either Party with respect to any question relating to the Law of the Sea.

2. Any limitation to the NAFO regulatory area or any parts thereof of the measures referred to in this agreed minute shall not be deemed to affect or prejudice the position of the European Community with regard to the status of the areas within which coastal States exercise their fisheries jurisdiction.

**E. Implementation**

The provisions of this agreed minute, with its Annexes as an integral part of it, shall be provisionally implemented by the European Community and Canada upon signature, pending its final approval through an exchange of notes.

This agreed minute shall cease to apply on 31 December 1995 or when the measures described in this agreed minute are adopted by NAFO, if this is earlier.

Brussels, 20 April 1995.

*On behalf of the  
European Community*

*For the  
Canadian Government*

## ANNEX I

## PROPOSAL FOR IMPROVING FISHERIES CONTROL AND ENFORCEMENT

## I. BASIS FOR CONSERVATION AND ENFORCEMENT STRATEGY

The strategy underlying this proposal comprises the following elements:

- (a) simplification and strengthening of existing rules, making them more enforceable;
- (b) establishment and enforcement of minimum fish sizes compatible with meshes in use in order to minimize discarding;
- (c) encouragement of the practice of selective fisheries, with minimal by-catch;
- (d) improvement of hail system;
- (e) increased inspection on fishing grounds and on landings;
- (f) increased transparency;
- (g) pilot project for observers and satellite tracking system;
- (h) a system for immediate response to alleged major infringements;
- (i) reporting rules;
- (j) use of legal process;
- (k) penalties;
- (l) effort control.

Any proposals to be adopted by NAFO shall take into account cost/benefit analysis and existing legal systems of Contracting Parties, including the principles of non-discrimination, proportionality and the right of appeal by fishermen.

## II. PROPOSALS TO AMEND THE NAFO CONSERVATION AND ENFORCEMENT MEASURES

## II.1. Inspections

Inspections of vessels shall be carried out in a non-discriminatory way. The number of inspections shall be based upon fleet size, taking also into account their compliance records. Contracting Parties shall ensure that their inspectorates take special care to avoid damage to the cargo or the gear being inspected. Interference with fishing activities and normal activities on board shall be minimized. Crews and vessels operating in conformity with the NAFO conservation and enforcement measures shall not be harassed. Inspections shall only aim to ascertain that NAFO rules are respected and must not unduly hinder the activities of specific vessels, while at the same time do not limit the capability of NAFO inspectors to carry out their mandate.

## II.2. Transmission of information from inspections

Any information on suspected illegal practices and any evidence of apparent infringements shall be transmitted swiftly to the inspection authorities of the Contracting Party of the vessel and to the NAFO Executive Secretary.

## II.3. Increase of the inspection presence

Each Contracting Party having 10 or more vessels operating in the NAFO regulatory area (NRA) shall deploy at least one inspection vessel. Contracting Parties with fewer than 10 vessels shall cooperate in the deployment of inspection vessels.

Every Contracting Party shall have at least one inspector present in the NAFO Convention Area (NCA) when vessels of that Contracting Party are operating in the NRA.



#### II.4. Improved hail system

A system of reporting of catch on board upon entry into and exit from the NRA will be associated with the hail system currently in practice.

Vessels with a satellite-based system of position reporting shall not be required to hail but shall submit catch reports to the NAFO Executive Secretary. Contracting Parties remain responsible for transmitting the hail information to the NAFO Executive Secretary. Contracting Parties whose vessels are so equipped shall notify the NAFO Executive Secretary of the names of such vessels.

#### II.5. Additional enforcement measures

In order to improve conservation and rationalize enforcement, the next STACTIC meeting will study the issues of the protection of juvenile fish and the by-catch of regulated species and will make recommendations thereon to the next NAFO Fisheries Commission meeting.

In particular, the following issues shall be addressed:

- the addition of Greenland halibut to the list of species subject to a minimum fish size, with a length of (X) cm,
- the applicability of current discard rules in the NRA,
- the development of special rules for fish products, e.g. processed length equivalents,
- the problem of on-board production of fish meal and similar products,
- further measures to protect juvenile fish, e.g. area/seasonal closures,
- amendments to incidental by-catch limit measures so that where an 'others' quota or an individual Contracting Party quota has been taken or, on a case-by-case basis, a directed fishery has been prohibited, the incidental by-catch for that stock is not retained on board.

#### II.6. Mesh size

The derogation of 120 mm when using polyamide-type fibres shall be phased out in a period to be fixed by the Fisheries Commission.

#### II.7. Dockside inspection

Each Contracting Party shall ensure that all vessels engaged in fishing in the NRA for stocks subject to NAFO conservation and enforcement measures undergo a dockside inspection at each port call. Results of these inspections shall be provided to other Contracting Parties on request. Results of these inspections shall also be cross-checked with log books and results reported to the NAFO Executive Secretary on an annual basis.

Annual checks shall be made of the fish holds in order to certify the correctness of the fish hold plans.

#### II.8. Effort plans and catch reporting

For 1995, each Contracting Party shall inform the NAFO Executive Secretary of the fishing plan for the Greenland halibut fishery in the NRA and shall, at the end of the year, report on its implementation. If this system proves useful, it shall be extended to other fisheries.

For 1995, catches of Greenland halibut in the NRA shall be reported to the NAFO Executive Secretary no less frequently than every 48 hours, in accordance with the NAFO conservation and enforcement measures.

#### II.9. Major infringements

NAFO should establish a class of major infringements, to include:

- (a) refusal to cooperate with an inspector or an observer;
- (b) misreporting of catches;
- (c) mesh size violations;

- (d) hail system violations;
- (e) interference with the satellite tracking system.
  - (i) If a NAFO inspector cites a vessel for having committed, to a serious extent, a major apparent infringement, the Contracting Party of this vessel shall ensure that the vessel concerned is inspected by a duly authorized inspector of that Contracting Party within 48 hours. In order to preserve the evidence, the NAFO inspector shall take all necessary measures to ensure security and continuity of the evidence, including, as appropriate, sealing the vessel's hold, and may remain on board the vessel until the duly authorized inspector arrives.
  - (ii) Where justified, the inspector of the Contracting Party of the vessel concerned shall, where duly authorized to do so, require the vessel to proceed immediately to a nearby port, chosen by the master, which should be either St. Pierre, St. John's, the Azores or the home port of the vessel, for a thorough inspection under the authority of the flag State and in the presence of a NAFO inspector from any other Contracting Party that wishes to participate. If the vessel is not called to port, the Contracting Party must provide due justification to the NAFO Executive Secretary in a timely manner.
  - (iii) Where a NAFO inspector cites a vessel for having committed a major apparent infringement, the inspector shall immediately report this to the NAFO Executive Secretary, who shall in turn immediately report, for information purposes, to the other NAFO Contracting Parties with an inspection vessel in the NCA.
  - (iv) Where a vessel is required to proceed to port for a thorough inspection pursuant to paragraph ii above, a NAFO inspector from another Contracting Party may, subject to the consent of the Contracting Party of the vessel, board the vessel as it is proceeding to port, may remain on board the vessel as it proceeds to port and may be present during the inspection of the vessel in port.
  - (v) If an apparent infringement of the NAFO conservation and enforcement measures has been detected which in the view of the duly authorized inspector is sufficiently serious, the inspector shall take all necessary measures to ensure security and continuity of the evidence including, as appropriate, sealing the vessel's hold for eventual dockside inspection.

## II.10. Follow up on apparent infringements

There shall be a transparent and effective legal process to follow up apparent infringements using all necessary evidence available from all sources, including evidence from other Contracting Parties as required for effective prosecution. The Parties shall make a semi-annual report to the NAFO Executive Secretary on the status of legal proceedings on a case-by-case basis, in sufficient detail for transparency, subject to domestic law, particularly, when convictions are imposed, regarding level of fines, value of forfeited fish and/or gear, and including an explanation if no action is taken.

The penalties provided in legislation shall be such as to provide an effective deterrent. Such penalties may include refusal, suspension or withdrawal of the authorization to fish in the NRA.

## II.11. Pilot project for observers and satellite tracking

In order to improve compliance with NAFO conservation and enforcement measures for their vessels fishing under the NAFO Convention, the Contracting Parties agree to implement a pilot project to provide for properly trained and qualified observers on all vessels fishing in the NRA and satellite-tracking devices on 35 % of their respective vessels fishing in the NRA. Contracting Parties shall take all necessary measures to ensure that observers are able to carry out their duties and that the master and crew of the Contracting Party vessels extend all necessary cooperation to observers. Contracting Parties shall provide to the NAFO Executive Secretary lists of the observers they will be placing on vessels in the NRA.

### A. Observers

1. Each Contracting Party shall require its vessels operating under the NAFO Convention to accept observers on the basis of the following:
  - (a) each Contracting Party shall have the primary responsibility to obtain, for placement on its vessels, independent and impartial observers;

- (b) in cases where a Contracting Party has not placed an observer on a vessel, any other Contracting Party may, subject to the consent of the Contracting Party of the vessel, place an observer on board until that Contracting Party provides a replacement in accordance with paragraph (a);
    - (c) no vessel shall be required to carry more than one observer pursuant to this pilot project at any time.
  2. Observers shall monitor a vessel's compliance with the relevant NAFO conservation and enforcement measures. In particular the observers shall:
    - (a) record and report upon the fishing activities of the vessel and shall verify the position of the vessel when engaged in fishing;
    - (b) observe and estimate catches taken with a view to identifying catch composition, monitor discarding, by-catches and the taking of undersized species;
    - (c) record the gear, mesh sizes and attachments employed by the master;
    - (d) verify entries made to the logbooks (species composition and quantities, round and processed weight, and hail reports).
  3. Observers shall collect catch and effort data on a set-by-set basis. This data shall include location (latitude/longitude), depth, time of net on the bottom, catch composition and discards.
  4. Observers shall carry out such scientific work, for example, collecting samples, as requested by the Fisheries Commission based on the advice of the Scientific Council.
  5. In the case where the observer is deployed on a vessel equipped with devices for automatic remote position recording facilities, the observer shall monitor the functioning of, and report upon any interference with, the satellite system. In order better to distinguish fishing operations from steaming and to contribute to an *a posteriori* calibration of the signals registered by the receiving station, the observer shall maintain detailed reports on the daily activity of the vessel.
  6. When an apparent infringement is identified by an observer, the observer shall, within 24 hours, report it both to a NAFO inspection vessel, using an established code, and to the NAFO Executive Secretary.
  7. Within 30 days following completion of an observer's assignment on a vessel, the observer shall provide a report to the Contracting Party of the vessel and to the NAFO Executive Secretary who shall make it available to any Contracting Party that requests it.
  8. Subject to any other arrangements between the Parties, the salary of an observer shall be covered by the sending Contracting Party. The vessel on which an observer is placed shall provide suitable food and lodging during his deployment.

#### B. *Satellite tracking*

1. Contracting Parties agree that 35 % of their respective vessels fishing in the NRA shall be equipped with an autonomous system able to transmit automatically satellite signals to a land-based receiving station permitting a continuous tracking of the position of the vessel by the Contracting Party of the vessel. Contracting Parties shall endeavour to test several systems of satellite tracking.
2. Contracting Parties whose vessels fish a minimum of 300 days in the NRA are subject to satellite-based position monitoring <sup>(1)</sup>.
3. Each Contracting Party shall install at least one receiving station associated to the satellite tracking system.
4. Each Contracting Party shall transmit, on a real-time basis, entry and exit messages for its vessels equipped with satellite devices to the NAFO Executive Secretary, who in turn shall transmit such information to Contracting Parties with an inspection vessel in the

<sup>(1)</sup> Canada will, in any case, apply the scheme on its vessels fishing in the NRA.

NCA. Contracting Parties shall cooperate with other Contracting Parties which have a NAFO inspection vessel or aircraft in the NCA in order to exchange information on a real-time basis on the geographical distribution of fishing vessels equipped with satellite devices and, on specific request, information related to the identification of a vessel.

5. Subject to any other arrangements between Contracting Parties, each Contracting Party shall pay all costs associated with the satellite tracking system.

C. *Analysis*

1. Each Contracting Party shall prepare a report on the results of the pilot project from the perspective of efficiency and effectiveness, including:
  - (a) overall effectiveness of the project in improving compliance with NAFO conservation and enforcement measures;
  - (b) the effectiveness of the different components of the project;
  - (c) costs associated with observers and satellite tracking;
  - (d) a summary of observers' reports, specifying type and number of observed infractions or important events;
  - (e) estimations of fishing effort from observers as compared to initial estimation by satellite monitoring;
  - (f) analysis of the efficiency in terms of cost/benefit, the latter being expressed in terms of compliance with rules and volume of data received for fisheries management.
2. The reports shall be submitted to the NAFO Executive Secretary in time for their consideration at the NAFO annual meeting of September 1997 and, based on these reports, the Parties agree to establish a permanent scheme that will ensure that the degree of control and enforcement in the NRA provided by the project, as indicated above, is maintained.

## ANNEX II

## QUOTAS FOR GREENLAND HALIBUT

## I. NAFO DECISIONS FOR 1995

The European Community and Canada will jointly propose to NAFO for 1995:

- (a) The TAC for 2 + 3 Greenland halibut shall be divided as follows:
  - 2 + 3K (Canadian 200 miles) 7 000 tonnes
  - 3LMNO 20 000 tonnes
- (b) The 7 000 tonne allocation for 2 + 3K (within Canadian 200 miles) for Greenland halibut shall be allocated to Canada.

## II. VOLUNTARY ARRANGEMENTS FOR 1995

- (a) Canada's catches by its vessels for Greenland halibut will not exceed 10 000 tonnes, subject to any more stringent conservation decisions that Canada may take in light of further scientific advice.
- (b) The European Community's further catches by its vessels for Greenland halibut will not exceed 5 013 tonnes from 16 April 1995.
- (c) The European Community and Canada will not permit their vessels to fish for species covered by the NAFO Convention in the NAFO regulatory area beyond the 15 day period referred to under point A.2 of the agreed minute until the improved fisheries control and enforcement measures set out therein are being implemented.

Beyond agreed catch limits, no by-catches of Greenland halibut shall be retained on board.

## III. 1996 AND THEREAFTER

The European Community and Canada will jointly propose to NAFO for 1996 and thereafter:

- (a) NAFO will manage Greenland halibut in 3LMNO. The allocations will be in the ratio of 10:3 for the European Community and Canada (aside from allocations to other Contracting Parties);
- (b) on the basis of NAFO Scientific Council advice, Canada will manage Greenland halibut in Canadian waters in 2 + 3K;
- (c) NAFO Scientific Council will provide scientific advice on Greenland halibut for units 0 + 1, 2 + 3K and 3LMNO.

### Letter from Canada

Sir,

With reference to the 20 April 1995 agreed minute between the European Community and Canada, I can confirm that the posting of a bond for the release of the vessel 'Estai' and the payment of bail for the release of its master cannot be interpreted as meaning that the European Community or its Member States recognize the legality of the arrest or the jurisdiction of Canada beyond the Canadian 200 mile zone against fishing vessels flying the flag of another State.

I can also confirm that, expeditiously, the Attorney-General of Canada will consider the public interest in his decision on staying the prosecution against the vessel 'Estai' and its master; in such case, the bond, bail and catch or its proceeds will be returned to the master.

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

*For the Government of Canada*

### Letter from the European Community

Sir,

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

'With reference to the 20 April 1995 agreed minute between the European Community and Canada, I can confirm that the posting of a bond for the release of the vessel "Estai" and the payment of bail for the release of its master cannot be interpreted as meaning that the European Community or its Member States recognize the legality of the arrest or the jurisdiction of Canada beyond the Canadian 200 mile zone against fishing vessels flying the flag of another State.

I can also confirm that, expeditiously, the Attorney-General of Canada will consider the public interest in his decision on staying the prosecution against the vessel "Estai" and its master; in such case, the bond, bail and catch or its proceeds will be returned to the master.'

In reference to the second paragraph of your letter, I should point out that, for the European Community, the stay of prosecution against the 'Estai' and its master is essential for the application of the said agreed minute, and therefore the bond, bail and the catch or its proceeds must be returned to the master on the date of the signature of the agreed minute.

I have the further honour to inform you that, with this understanding, the European Community is in agreement with the contents of your letter.

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

*On behalf of  
the European Community*

**Note from Canada**

Sir,

To facilitate adoption by other NAFO Contracting Parties of the measures set out in Annex I of the agreed minute, where necessary, Canada is ready to pay the cost, other than room and board, of observers on board the vessels of such NAFO Contracting Parties. With reference to Annex I, point II.11 of the agreed minute, Canada will facilitate the development of the observers on the European Community vessels.

*For the Government of Canada*

**Note from European Community**

Sir,

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

'To facilitate adoption by other NAFO Contracting Parties of the measures set out in Annex I of the agreed minute, where necessary, Canada is ready to pay the cost, other than room and board, of observers on board the vessels of such NAFO Contracting Parties. With reference to Annex I, point II.11 of the agreed minute, Canada will facilitate the deployment of the observers on the European Community vessels.'

Furthermore, I would like to inform you that in respect of Annex I, point II.11, the European Community, under point A.2 of the agreed minute, will make every effort to install the said satellite tracking devices within the next two months. If, for technical reasons, this is not possible, it is agreed that the European Community and Canada will discuss the matter further.

I have the honour to inform you that the European Community, with this understanding, is in agreement with the contents of your note.

*On behalf of  
the European Community*

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**Letter from the European Union to the Government of Canada**

Sir,

I have the honour to inform you that, for the European Community, the agreed minute of 20 April 1995, and in particular paragraph III (a) of Annex II, implies that the Community quota for Greenland halibut for 1996 and for ensuing years in zone 3LMNO will in any event be fixed at 55,35%.

The European Community hopes that, owing to joint efforts, additional quotas may be obtained, in full compliance with the historic and legitimate rights of all the NAFO States.

*On behalf of  
the European Community*

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