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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1487/98
of 13 July 1998
establishing the standard import values for determining the entry price of certain
fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2375/96⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 July 1998.

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

Done at Brussels, 13 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 13 July 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

| CN code | Third country code ⁽¹⁾ | Standard import value | |
|------------------------------------|-----------------------------------|-----------------------|-------|
| 0702 00 00 | 066 | 42,2 | |
| | 999 | 42,2 | |
| 0707 00 05 | 052 | 79,8 | |
| | 999 | 79,8 | |
| 0709 90 70 | 052 | 34,5 | |
| | 999 | 34,5 | |
| 0805 30 10 | 382 | 65,1 | |
| | 388 | 59,0 | |
| | 524 | 51,8 | |
| | 528 | 56,2 | |
| | 999 | 58,0 | |
| 0808 10 20, 0808 10 50, 0808 10 90 | 064 | 89,8 | |
| | 388 | 72,2 | |
| | 400 | 91,0 | |
| | 508 | 96,9 | |
| | 512 | 67,0 | |
| | 524 | 88,6 | |
| | 528 | 71,5 | |
| | 800 | 232,0 | |
| | 804 | 120,3 | |
| | 999 | 103,3 | |
| | 0808 20 50 | 388 | 108,1 |
| | | 400 | 66,8 |
| 512 | | 81,7 | |
| 528 | | 92,8 | |
| 804 | | 181,6 | |
| 0809 10 00 | 999 | 106,2 | |
| | 052 | 181,7 | |
| | 064 | 118,2 | |
| 0809 20 95 | 999 | 149,9 | |
| | 052 | 320,8 | |
| | 060 | 147,0 | |
| 0809 40 05 | 064 | 223,2 | |
| | 400 | 281,7 | |
| | 404 | 476,4 | |
| | 616 | 155,9 | |
| | 999 | 267,5 | |
| | 064 | 131,1 | |
| | 066 | 103,7 | |
| | 624 | 270,8 | |
| 999 | 168,5 | | |

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22. 11. 1997, p. 19). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1488/98

of 13 July 1998

amending Regulation (EEC) No 2807/83 laying down detailed rules for recording information on Member States' catches of fish

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as last amended by Regulation (EC) No 2635/97⁽²⁾, and in particular Article 6(8) thereof,

Whereas Commission Regulation (EEC) No 2807/83⁽³⁾, as last amended by Regulation (EC) No 395/98⁽⁴⁾, lays down detailed rules for recording information on Member States' catches of fish for which a TAC and quota have been fixed;

Whereas Council Regulation (EC) No 45/98 of 19 December 1997 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished⁽⁵⁾, as last amended by Regulation (EC) No 783/98⁽⁶⁾, (EC) No 50/98 of 19 December 1997 allocating, for 1998, Community catch quotas in Greenland waters⁽⁷⁾ and (EC) No 65/98 of 19 December 1997 fixing, for certain stocks of highly migratory fish, the total allowable catches for 1998, their distribution in quotas to Member States and certain conditions under which they may be fished⁽⁸⁾, as amended by Regulation (EC) No 1283/98⁽⁹⁾, set for 1998 new TACs and allocate these TACs among Member States in order to limit the catches of a number of additional fish stocks or group of fish stocks;

Whereas it is therefore necessary to amend Regulation (EEC) No 2807/83;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2807/83 is amended as follows:

1. in Annex VII, point 1, the following is added:

| | | |
|-----------------------------|-----------------|-----|
| <i>Lepidorhombus</i> spp. | Megrims | LEZ |
| <i>Lophiidae</i> | Anglerfish | ANF |
| <i>Psetta maxima</i> | Turbot | TUR |
| <i>Scophthalmus rhombus</i> | Brill | BLL |
| <i>Rajidae</i> | Skates and rays | SRX |
| <i>Limanda limanda</i> | Dab | DAB |
| <i>Platichthys flesus</i> | Flounder | FLE |

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 276, 10. 10. 1983, p. 1.

⁽⁴⁾ OJ L 50, 20. 2. 1998, p. 17.

⁽⁵⁾ OJ L 12, 19. 1. 1998, p. 1.

⁽⁶⁾ OJ L 113, 15. 4. 1998, p. 8.

⁽⁷⁾ OJ L 12, 19. 1. 1998, p. 72.

⁽⁸⁾ OJ L 12, 19. 1. 1998, p. 145.

⁽⁹⁾ OJ L 178, 23. 6. 1998, p. 1.

| | | |
|-----------------------------------|-------------------|-------|
| <i>Microstomus kitt</i> | Lemon sole | LEM |
| <i>Glyptocephalus cynoglossus</i> | Witch | WIT |
| <i>Mallotus villosus</i> | Capelin | CAP |
| <i>Trachurus</i> spp. | Horse mackerel | JAX |
| <i>Pandalus borealis</i> | Northern prawn | PRA |
| <i>Ammodytidae</i> | Sandeel | SAN |
| <i>Solea</i> spp. | Common sole | SOX |
| <i>Penaeus</i> spp. | "Penaeus" shrimps | PEN |
| <i>Thunnus thynnus</i> | Bluefin tuna | BFT |
| <i>Xiphias gladius</i> | Swordfish | SWO'; |

2. in Annex VII, point 1, the following lines are deleted:

| | | |
|-----------------------------------|----------------|-------|
| <i>Lepidorhombus whiffiagonis</i> | Megrim | MEG |
| <i>Lophius</i> spp. | Angler/Monk | MON |
| <i>Trachurus trachurus</i> | Horse mackerel | HOM'; |

3. in Annex VII, point 2, the following is added:

| | | |
|---------------------------------|---------------------|-------|
| <i>Boreogadus saida</i> | Polar cod | POC |
| <i>Coryphaenoides rupestris</i> | Roundnose grenadier | RNG'. |

Article 2

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

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

Done at Brussels, 13 July 1998.

For the Commission

Emma BONINO

Member of the Commission

COMMISSION REGULATION (EC) No 1489/98
of 13 July 1998
amending for the 13th time Regulation (EC) No 913/97 adopting exceptional
support measures for the pigmeat market in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Spain, the Commission adopted Regulation (EC) No 913/97 ⁽³⁾, as last amended by Regulation (EC) No 1407/98 ⁽⁴⁾, to introduce exceptional support measures for the pigmeat market in that Member State;

Whereas, because the veterinary and trade restrictions continue to apply, the number of piglets which may be delivered to the competent authorities should be

increased so that the exceptional measures can continue from 26 June 1998;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 913/97 is replaced by the Annex hereto.

Article 2

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

It shall apply with effect from 26 June 1998.

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

Done at Brussels, 13 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 131, 23. 5. 1997, p. 14.

⁽⁴⁾ OJ L 188, 2. 7. 1998, p. 26.

*ANNEX**ANNEX I*

Total maximum number of animals from 6 May 1997:

| | |
|---|--------------|
| Pigs for fattening | 655 000 head |
| Piglets | 350 000 head |
| Cull sows | 8 000 head |
| Pigs of the Iberian breed for fattening | 6 000 head' |

COMMISSION REGULATION (EC) No 1490/98**of 13 July 1998****amending Regulation (EC) No 659/97 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards intervention arrangements in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, as amended by Commission Regulation (EC) No 2520/97⁽²⁾, and in particular Article 30(6) and Articles 48 and 57 thereof,

Whereas Commission Regulation (EC) No 659/97⁽³⁾, as amended by Regulation (EC) No 1946/97⁽⁴⁾, lays down detailed rules for the application of Regulation (EC) No 2200/96 as regards intervention arrangements in the fruit and vegetables sector;

Whereas minimum requirements should be laid down for products to be withdrawn for which there is no Community marketing standard;

Whereas tomatoes produced in the period 16 July to 15 October must meet the marketing standard and must therefore comply with the packaging requirements, given the particular harvest and production conditions for that product;

Whereas the second subparagraph of Article 15(3) of Regulation (EC) No 2200/96 provides that Member States may set a maximum level for the supplement to the Community withdrawal compensation; whereas, however, that Article provides that the amount of the supplement added to the Community withdrawal compensation may not exceed the maximum level of withdrawal prices applying in the 1995/96 marketing year; whereas criteria should be laid down for setting that supplement in order to maintain the withdrawal of products from the market as an instrument for stabilising the market in fresh products and not an outlet substituting the market;

Whereas, in the case of tomatoes intended for processing, the Community withdrawal compensation plus any supplement set by the Member States may not exceed the minimum processing price set for the marketing year in

question to prevent withdrawal of those products from being an alternative to processing;

Whereas Article 24 of Regulation (EC) No 2200/96 provides that growers who are not members of any producer organisation may benefit from the intervention system via such organisations; whereas provision should be made to allow measures to be laid down at national level where necessary to ensure that those provisions are applied effectively;

Whereas, for the purposes of the free distribution of products withdrawn from the market, social, educational and/or health institutions should be treated in the same way as the institutions laid down to that end in Regulation (EC) No 2200/96;

Whereas in the case of free distribution operations in third countries the Member States must submit plans for those operations to the Commission; whereas plans must contain in particular the agreement of the third countries concerned; whereas, in the case of transport by sea, a coefficient of 0,6 should be applied to the transport costs that may be borne by the Commission;

Whereas Article 15a of Regulation (EC) No 659/97 should be prolonged until the 2000/01 marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 659/97 is hereby amended as follows:

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

'2. Where standards have been adopted pursuant to Article 2 of Regulation (EC) No 2200/96, products withdrawn from the market comply with those standards, with the exception of the provisions on the presentation and marking of the product. Products may be withdrawn without sizing by quality class, provided that the lower limit for class II is met.

However, tomatoes withdrawn from 16 July to 15 October must comply with the marketing standard laid down in Regulation (EEC) No 778/83.'

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.

⁽³⁾ OJ L 100, 17. 4. 1997, p. 22.

⁽⁴⁾ OJ L 274, 7. 10. 1997, p. 4.

2. The following paragraph 3 is added to Article 2:

'3. Where no marketing standards have been adopted pursuant to Article 2 of Regulation (EC) No 2200/96, the minimum requirements laid down in Annex VII must be met. Member States may lay down provisions supplementing those minimum requirements.'

3. Article 6 is replaced by:

Article 6

1. Article 2 of this Regulation notwithstanding, Regulation (EC) No 411/97 shall apply to the payment of withdrawal compensation for products not listed in Annex II to Regulation (EC) No 2200/96 and for the grant of a supplement to the Community withdrawal compensation provided for in Article 15(3)(a) and (b) of Regulation (EC) No 2200/96.

2. The maximum prices applying to the 1995/96 marketing year and the supplements which the Member States applying the second subparagraph of Article 15(3) of Regulation (EC) No 2200/96 may not exceed are set out in Annex VIII.

3. Member States which set a maximum level for the supplement to the Community withdrawal compensation under the second subparagraph of Article 15(3) of Regulation (EC) No 2200/96 shall take account of the following:

- withdrawals are a short-term instrument to stabilise supply on the market in fresh products,
- withdrawals must in no case constitute an outlet substituting the market,
- withdrawals must not disturb management of the market in fruit and vegetables intended for processing.

One month before the start of the marketing year, Member States shall notify the maximum levels of the supplements set for each product in Annex II.

In the special case of tomatoes intended for processing, the supplement to be set must be at a level such that the sum of the Community withdrawal compensation and the supplement thus set does not exceed the minimum price for processing set for the marketing year in question under Regulation (EC) No 2201/96.'

4. — The third and fourth subparagraphs of Article 8(1) are replaced by the following:

'The producer organisations shall certify that the products withdrawn comply with the standards in force where such standards have been adopted

pursuant to Article 2 of Regulation (EC) No 2200/96 or, where, no such standards exist, the minimum requirements laid down in Annex VII.

The producer organisations shall notify the competent national authorities of the measures taken in accordance with the national framework referred to in Article 10 with a view to protecting the environment during withdrawal operations.'

— Article 8(2)(b) is replaced by the following:

'(b) by no later than two months after the start of each marketing year, an estimate of the areas cultivated per product listed in Annex II and, where applicable, per variety.'

— The following paragraph 3 is added to Article 8:

'3. Member States shall take, if necessary, measures to ensure that farmers who are members of any producer organisation are actually allowed the benefits of the intervention scheme provided for in Article 23 of Regulation (EC) No 2200/96.'

5. In Article 12, 'and (b)' is inserted after 'second indent of Article 30(1)(a)' and the following sentence is added:

'Rest homes, day-nurseries, psychiatric establishments and other social, educational and-or health institutions shall be treated in the same way as those institutions.'

6. Article 14(3) is replaced by the following:

'3. Member States shall submit plans to the Commission for each free distribution operation, together with:

- the names of the producer organisations withdrawing the products in question,
- the quantity intended to be distributed,
- the names of the charitable organisations approved by the Member State and responsible for the operation,
- the substance of the agreements as provided for in Article 16(4),
- the names of the charitable organisations in charge of distribution in the third countries,
- the agreements with the third countries concerned,
- details of the means of transport to be used.

They shall send the Commission copies of the notifications to the FAO Consultative Subcommittee on Surplus Disposal after the operation has been authorised by the Commission.

The Commission shall decide on a case-by-case basis whether to authorise such operations in the light in particular of the guarantees of successful conclusion and the situation on the market.

At the end of each operation, the Member States shall send the Commission the information specified in Annex VI. On request, they shall report to the Commission on the operation's implementation in the third countries.'

7. The following sentence is added to the second subparagraph of Article 15(1):

'In the case of transport by sea, the Commission shall determine the transport costs which may be defrayed on the basis of the real costs of transport and the distance. The compensation thus determined may not

exceed the costs of land transport over the shortest distance between the place of loading and the theoretical point of exit. A correcting factor of 0,6 shall be applied to the amounts referred to in point 1 of Annex V.'

8. The third indent of the second subparagraph of Article 15(2) is replaced by:

'— take-over by the beneficiary bodies.'

9. In Article 15a 'For the 1997/98 marketing year.' is replaced by 'Up to and including the 2000/01 marketing year'.

10. The fourth indent of Article 16(6) is replaced by:

'— take-over by the beneficiary bodies.'

11. The following new Annexes VII and VIII are added:

ANNEX VII

MINIMUM REQUIREMENTS FOR PRODUCTS WITHDRAWN

1. Products withdrawn must be:
 - intact,
 - sound: produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
 - clean, practically free of any visible foreign matter,
 - practically free from pests and attacks of pests,
 - free of abnormal external moisture,
 - free of any foreign smell and/or taste.
2. The products must be sufficiently developed and sufficiently ripe having regard to their type.
3. The products must have the characteristics of the variety and/or commercial type.

ANNEX VIII

MAXIMUM PRICES APPLICABLE TO THE 1995/96 MARKETING YEAR AND THE RESULTING SUPPLEMENTS TO THE COMMUNITY WITHDRAWAL COMPENSATION

(ecu/100 kg)

| Product | Maximum price 1995/96 | Maximum supplement | | | | | |
|--------------|-----------------------|------------------------|------------------------|--------------------------|------------------------|------------------------|--------------|
| | | 1997/98 marketing year | 1998/99 marketing year | 1999/2000 marketing year | 2000/01 marketing year | 2001/02 marketing year | From 2002/03 |
| Tomatoes | 12,84 | 6,40 | 6,72 | 7,04 | 7,37 | 7,69 | 8,01 |
| Cauliflowers | 13,51 | 4,17 | 4,64 | 5,10 | 5,57 | 6,04 | 6,50 |
| Apples | 15,04 | 4,35 | 4,73 | 5,10 | 5,48 | 5,86 | 6,23 |
| Grapes | 15,45 | 4,76 | 5,29 | 5,83 | 6,36 | 6,90 | 7,43 |
| Apricots | 23,36 | 4,46 | 5,41 | 6,35 | 7,30 | 8,24 | 9,19 |
| Nectarines | 25,43 | 8,04 | 8,91 | 9,78 | 10,65 | 11,52 | 12,39 |
| Peaches | 22,53 | 7,88 | 8,61 | 9,35 | 10,08 | 10,81 | 11,54 |
| Pears | 14,83 | 4,65 | 5,01 | 5,37 | 5,73 | 6,09 | 6,44 |
| Aubergines | 7,62 | 2,33 | 2,59 | 2,86 | 3,12 | 3,39 | 3,65 |
| Oranges | 15,85 | 1,52 | 1,59 | 1,65 | 1,72 | 1,78 | 1,85 |
| Mandarins | 17,48 | 1,33 | 1,96 | 2,59 | 3,22 | 3,85 | 4,48 |
| Clementines | 13,70 | 0,96 | 0,91 | 0,86 | 0,80 | 0,75 | 0,70 |
| Satsumas | 10,49 | 0,00 | 0,00 | 0,00 | 0,00 | 0,00 | 0,00 |
| Lemons | 17,26 | 3,89 | 3,96 | 4,04 | 4,11 | 4,19 | 4,26 |

Article 2

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

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

Done at Brussels, 13 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1491/98
of 13 July 1998

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

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

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas, pursuant to Article 2 (2) and Article 3 of above-mentioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods; whereas, pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/

97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States; whereas those prices should be fixed immediately so the customs duties applicable can be determined; whereas, to that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 15 July 1998.

It shall apply from 15 to 28 July 1998.

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

Done at Brussels, 13 July 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁴⁾ OJ L 289, 22. 10. 1997, p. 1.

ANNEX

(ECU/100 pieces)

| Period from 15 to 28 July 1998 | | | | |
|--------------------------------|-------------------------------|---------------------------------|----------------------|----------------------|
| Community producer price | Uniflorous (bloom) carnations | Multiflorous (spray) carnations | Large-flowered roses | Small-flowered roses |
| | 13,69 | 14,12 | 21,98 | 11,07 |
| Community import prices | Uniflorous (bloom) carnations | Multiflorous (spray) carnations | Large-flowered roses | Small-flowered roses |
| Israel | 7,82 | 3,38 | 8,60 | 7,64 |
| Morocco | 17,64 | 14,62 | — | — |
| Cyprus | — | — | — | — |
| Jordan | — | — | — | — |
| West Bank and Gaza Strip | — | — | — | — |

COMMISSION REGULATION (EC) No 1492/98**of 13 July 1998****amending Regulation (EEC) No 2179/92 laying down detailed rules for the application of the specific import measures for the Canary Islands as regards tobacco**

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 6 (2) thereof,

Whereas Article 6 of Regulation (EEC) No 1601/92 provides for exemption from customs duties for direct imports into the Canary Islands of up to 20 000 tonnes of raw and semi-manufactured tobacco intended for the local manufacture of tobacco products;

Whereas Commission Regulation (EEC) No 2179/92 of 30 July 1992 laying down detailed rules for the application of the specific import measures for the Canary Islands as regards tobacco⁽³⁾, as last amended by Regulation (EC) No 1202/97⁽⁴⁾, lays down detailed rules for the

application of that measure; whereas the products qualifying under the scheme should be itemized;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2179/92 is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 1 July 1998.

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

Done at Brussels, 13 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 217, 31. 7. 1992, p. 79.

⁽⁴⁾ OJ L 170, 28. 6. 1997, p. 24.

ANNEX

ANNEX

Products eligible for exemption from customs duties on direct imports into the Canary Islands for the period 1 July 1998 to 30 June 1999

| CN code | Description | Coefficient of equivalence | Maximum quantity (tonnes) |
|---------------|---|----------------------------|---------------------------|
| 2401 10 | Tobacco, not stemmed/stripped | 0,72 | 27 780 ⁽¹⁾ |
| 2401 20 | Tobacco, partly or wholly stemmed/stripped | 1,00 | 20 000 ⁽¹⁾ |
| ex 2401 20 | Outer coverings for cigars presented on supports, in reels for the manufacture of tobacco ⁽²⁾ | 1,05 | 125 |
| 2401 30 | Tobacco waste | 0,28 | 700 |
| ex 2402 10 00 | Unfinished cigars without wrapping | 1,05 | 100 |
| ex 2403 10 00 | Cigarette rag (finished mixtures of tobacco for the manufacture of cigarettes, cigars, cheroots and cigarillos) | 1,05 | 500 |
| ex 2403 91 00 | Homogenized or reconstituted tobacco, whether or not put up in sheets or strip | 1,05 | 700 |
| ex 2403 99 90 | Expanded tobacco | 1,05 | 1 025 |

⁽¹⁾ The actual quantity is to be determined on the basis of utilization of other headings (CN codes) pursuant to Article 3 (2).

⁽²⁾ Monitoring arrangements for this particular utilization are laid down in the relevant Community provisions.

COMMISSION REGULATION (EC) No 1493/98
of 13 July 1998
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated vegetable oil to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid⁽²⁾; whereas it is necessary to specify the time limits and conditions of supply to determine the resultant costs;

Whereas, in order to ensure that the supplies are carried out for a given lot, provision should be made for tenderers to be able to mobilise either rape-seed oil or sunflower

oil; whereas the contract for the supply of each such lot is to be awarded to the tenderer submitting the lowest tender,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The supply shall cover the mobilisation of vegetable oil produced in the Community. Mobilisation may not involve a product manufactured and/or packaged under inward processing arrangements.

Tenders shall cover either rape-seed oil or sunflower oil. Tenders shall be rejected unless they specify the type of oil to which they relate.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 13 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action No:** 1521/95
2. **Beneficiary** (?): Peru
3. **Beneficiary's representative:** Programa Nacional de Asistencia Alimentaria (PRONAA), av. Argentina 3017, El Callao (fax (551) 33 76 35)
4. **Country of destination:** Peru
5. **Product to be mobilized:** vegetable oil: refined rapeseed oil or refined sunflower oil
6. **Total quantity (tonnes net):** 500
7. **Number of lots:** one
8. **Characteristics and quality of the product** (?) (?) (?): see OJ C 114, 29.4.1991, p. 1 (III.A (1)(a) or (b))
9. **Packaging:** see OJ C 267, 13.9.1996, p. 1 (10.4 A, B and C(2))
10. **Labelling or marking** (?): see OJ C 114, 29.4.1991, p. 1 (III.A(3))
 - Language to be used for the markings: Spanish
 - Supplementary markings: 'Distribución gratuita'
11. **Method of mobilisation of the product:** mobilisation of refined vegetable oil produced in the Community
 - Mobilisation may not involve a product manufactured and/or packaged under inward-processing arrangements
12. **Specified delivery stage:** free at destination (7)
13. **Alternative delivery stage:** free at port of shipment
14. (a) **Port of shipment:** —
 - (b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** entrepôt PRONAA (see point 3)
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 27.9.1998
 - second deadline: 11.10.1998
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 17 — 30.8.1998
 - second deadline: 31.8 — 13.9.1998
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 28.7.1998
 - second deadline: 11.8.1998
20. **Amount of tendering guarantee:** ECU 15 per tonne
21. **Address for submission of tenders and tendering guarantees** (?): Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels
telex 25670 AGREC B; fax (32-2) 296 70 03/296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32-2) 295 14 65).
Torben Vestergaard (tel. (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— health certificate.
- (⁵) Notwithstanding OJ C 114, point III. A(3)(c) is replaced by the following: ‘the words “European Community”’.
- (⁶) Tenders shall be rejected unless they specify the type of oil to which they relate.
- (⁷) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).
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COMMISSION REGULATION (EC) No 1494/98
of 13 July 1998
on the supply of cereals as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as

Community food aid ⁽²⁾; whereas it is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 13 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action No:** 1520/95
2. **Beneficiary** (?): Peru
3. **Beneficiary's representative:** Programa Nacional de Asistencia Alimentaria (PRONAA), av. Argentina 3017, El Callao (fax (551) 33 76 35)
4. **Country of destination:** Peru
5. **Product to be mobilised:** common wheat flour
6. **Total quantity (tonnes net):** 2 340
7. **Number of lots:** one
8. **Characteristics and quality of the product** (3) (5) (?): see OJ C 114, 29.4.1991, p. 1 (II.B(1)(a))
9. **Packaging** (?): see OJ C 267, 13.9.1996, p. 1 (2.2, A(1)(c), (2)(c) and B(1))
10. **Labelling or marking** (?): see OJ C 114, 29.4.1991, p. 1 (II.B(3))
 - language to be used for the markings: Spanish
 - supplementary markings: 'Distribución gratuita'
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage:** free at destination (6)
13. **Alternative delivery stage:** free at port of shipment
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** entrepôt PRONAA (see point 3)
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 27.9.1998
 - second deadline: 11.10.1998
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 17 — 30.8.1998
 - second deadline: 31.8 — 13.9.1998
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 28.7.1998
 - second deadline: 11.8.1998
20. **Amount of tendering guarantee:** ECU 5 per tonne
21. **Address for submission of tenders and tendering guarantees** (?): Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
telex 25670 AGREC B; fax (32 2) 296 70 03/296 70 04 (exclusively)
22. **Export refund** (?): refund applicable on 24.7.1998, fixed by Commission Regulation (EC) No 1345/98 (OJ L 184, 27.6.1998, p. 10)

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32 2) 295 14 65).
Torben Vestergaard (tel. (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39) is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 22 of this Annex.
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following documents:
— phytosanitary certificate.
- (⁶) Notwithstanding OJ C 114, point II.B(3)(c) is replaced by the following: 'the words "European Community"'.
(⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
(⁸) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC, (OJ L 157, 7.7.1995, p. 1)).
(⁹) The flour must be enriched by the addition of 30 mg iron per kilogram.
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COMMISSION REGULATION (EC) No 1495/98
of 13 July 1998
on the supply of split peas as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated split peas to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid⁽²⁾; whereas it is necessary to specify the time limits and conditions of supply to determine the resultant costs;

Whereas, in order to ensure that the supplies are carried out, provision should be made for tenderers to be able to mobilise either green split peas or yellow split peas,

HAS ADOPTED THIS REGULATION:

Article 1

Split peas shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annex, in accordance with Regulation (EC) No 2519/97, and under the conditions set out in the Annex.

Tenders shall cover either green split peas or yellow split peas. Tenders shall be rejected unless they specify the type of peas to which they relate.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 13 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action No:** 1883/94
2. **Beneficiary** (2): Peru
3. **Beneficiary's representative:** Programa Nacional de Asistencia Alimentaria (PRONAA), Av. Argentina No 3017, El Callao. Fax: (511) 33 76 35
4. **Country of destination:** Peru
5. **Product to be mobilized** (6): split peas
6. **Total quantity (tonnes net):** Quantity specified in the tender for a total amount of ECU 1 370 433 in pursuance of Article 7(3)(e) of Regulation (EC) No 2519/97
The tender shall be expressed in kilograms of net product
7. **Number of lots:** 1
8. **Characteristics and quality of the product** (3) (4) (7): —
9. **Packaging** (5): see OJ C 267, 13.9.1996, p. 1 (4.0 A1.c, 2.c and B.1)
10. **Labelling or marking** (6): see OJ C 114, 29.4.1991, p. 1 (IV.A.(3))
— Language to be used for the markings: Spanish
— Supplementary markings: —
11. **Method of mobilization of the product:** the Community market
The product must originate from the Community
12. **Specified delivery stage:** free at destination (8)
13. **Alternative delivery stage:** free at port of shipment
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** entrepôt PRONAA (see point 3)
— port or warehouse of transit: —
— overland transport route: —
17. **Period or deadline of supply at the specified stage:**
— first deadline: 11.10.1998
— second deadline: 25.10.1998
18. **Period or deadline of supply at the alternative stage:**
— first deadline: 31.8 — 13.9.1998
— second deadline: 7 — 20.9.1998
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
— first deadline: 28.7.1998
— second deadline: 11.8.1998
20. **Amount of tendering guarantee:** ECU 5 per tonne
21. **Address for submission of tenders and tendering guarantees** (1): Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel
tlx: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund:** —

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32 2) 295 14 65).
Torben Vestergaard (tel. (32 2) 299 30 50).
- (²) The supplier shall contact the beneficiary or the representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
- phytosanitary certificate (the phytosanitary certificate shall indicate that the product is free from *trogoderma granarium*, *bruchus sp.*, *callosobruchus sp.*)
- (⁵) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁶) Notwithstanding OJ C 114, point IV.A(3)(c) is replaced by the following: 'the words "European Community"' and point IV.A(3)(b) by the following: 'pois cassés'.
- (⁷) Tenders shall be rejected unless they specify the type of peas to which they relate.
- (⁸) Yellow or green peas (*Pisum sativum*) for human consumption of the most recent crop. The peas must not have been coloured artificially. The split peas must be steam-treated for at least two minutes or have been fumigated (⁹) and meet the following requirements:
- moisture: maximum 15 %,
 - foreign matters: maximum 0,1 %,
 - broken split peas: maximum 10 % (pea fragments passing through a sieve of circular mesh of 5 mm diameter),
 - percentage of discoloured seeds or of different colour: maximum 1,5 % (yellow peas), maximum 15 % (green peas),
 - cooking time: maximum 45 minutes (after soaking for 12 hours).
- (⁹) In addition to the provisions of Article 14(3) of Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on port State control (Council Directive 95/21/EC (OJ L 157, 7. 7. 1995, p. 1)).
-

(⁹) The successful tender shall supply to the beneficiary or its representative, on delivery a fumigation certificate.

**DECISION No 1496/98/EC OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL**

of 22 June 1998

**establishing an action programme to improve awareness of Community law
within the legal professions (Robert Schuman project)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 100a thereof,

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

Having regard to the opinion of the Economic and Social
Committee ⁽²⁾,

Acting in accordance with the procedure laid down in
Article 189b of the Treaty ⁽³⁾,

- (1) Whereas Declaration No 19 on the implementa-
tion of Community law annexed to the Final Act of
the Treaty on European Union stresses that it is
essential for the proper functioning of the
Community that the measures taken by the
different Member States should result in
Community law being applied with the same ef-
fectiveness and rigour as in the application of their
national law;
- (2) Whereas the completion of the internal market has
required a considerable legislative effort involving,
inter alia, the approximation of national laws with
a view to creating an area without internal frontiers;
- (3) Whereas the effective and uniform application of
the Community rules in question represents a new
priority which is essential to the smooth func-
tioning of the internal market;
- (4) Whereas those Community rules on the freedoms
of the internal market which have direct effect may
be invoked before any national court in accordance
with procedures defined by national law; whereas
citizens, consumers and undertakings must be able
to rely on the application of those rules and to
benefit from the rights and guarantees which they
confer in the Member States as a whole; whereas
legal certainty and the credibility of the internal
market are at stake as is, more generally, con-
fidence in the whole process of European integra-
tion;

(5) Whereas citizens, consumers and undertakings will
be unable to assert all their rights under the
Community legal order before any national court
unless those members of the legal professions most
directly involved in applying Community law,
namely judges, prosecutors and lawyers, are suffi-
ciently informed and trained to do so;

(6) Whereas the Commission communication to the
Council of 22 December 1993 entitled 'Making the
most of the internal market: strategic programme'
emphasises the importance, for individuals as well
as for the smooth functioning of the internal
market, of national courts being in a position to
resolve a larger proportion of cases concerning the
conformity of rules or conduct with Community
law and, to that end, the need to improve know-
ledge of Community law within the legal profes-
sions;

(7) Whereas in its resolution of 13 February 1996 on
the Commission's 12th Annual Report on
monitoring the application of Community law ⁽⁴⁾
the European Parliament asked the Commission to
put forward a programme for the purpose of
training and informing the legal professions in the
field of Community law with a view to making the
application of Community law by national courts
more uniform and effective;

(8) Whereas raising awareness of Community law
among members of the legal professions involved
in the administration of justice in the Member
States is likely to improve cooperation between
national courts and the Court of Justice of the
European Communities which is an inherent part
of the Community legal order;

(9) Whereas, in accordance with the principle of subsi-
diarity and by virtue of Article 127 of the Treaty, it
is not for the European Community to assume the
role of the Member States in determining the
organisation or content of training for members of
the legal professions involved in the administration
of justice, namely judges, prosecutors and lawyers;

⁽¹⁾ OJ C 378, 13. 12. 1996, p. 17, and OJ C 368, 5. 12. 1997,
p. 6.

⁽²⁾ OJ C 206, 7. 7. 1997, p. 63.

⁽³⁾ Opinion of the European Parliament of 24 October 1997 (OJ
C 339, 10. 11. 1997, p. 410), Council Common Position of
9 March 1998 (OJ C 135, 30. 4. 1998, p. 25) and Decision of
the European Parliament of 30 April 1998 (OJ C 152, 18. 5.
1998).

Council Decision of 18 May 1998.

⁽⁴⁾ OJ C 65, 4. 3. 1996, p. 37.

- (10) Whereas it is within the Community's remit to propose the establishment of support arrangements designed to help Member States to remedy a lack of training and information wherever this may affect the correct application of Community law necessary for the smooth functioning of the internal market;
- (11) Whereas the objective of making members of the legal professions involved in the administration of justice, namely judges, prosecutors and lawyers, more aware of Community law must form part of overall arrangements which, from checks on the correct transposition into national legislation of Community law to the penalties applicable in the event of that law being breached, are designed to ensure the effective and uniform application of the rules governing the internal market;
- (12) Whereas achieving this objective entails using specific resources adapted to the requirements and constraints of professional practice; whereas the creation of a specific instrument the objective of which is to improve knowledge of Community law on the part of members of legal professions involved in the administration of justice in the Member States, namely judges, prosecutors and lawyers, complements existing Community programmes and initiatives as far as the particular target group is concerned,

HAVE DECIDED AS FOLLOWS:

Article 1

Establishment of the Robert Schuman project

1. This Decision establishes the programme known as the 'Robert Schuman project' for a period of three years.
2. By means of this financial support instrument, the Community intends to encourage and support initiatives designed to raise awareness of Community law among members of the legal professions involved in the administration of justice, namely judges, prosecutors and lawyers within the Member States.

Article 2

Objectives

1. The Robert Schuman project shall have as its purpose to:
 - (a) encourage the launch of training initiatives of a practical nature in Community law in the Member States (initial or continuing training) by bodies responsible for training members of the legal professions involved in the administration of justice, namely judges, pro-

secutors and lawyers or those preparing to take part in the administration of justice;

- (b) encourage the development, in the Member States, of information resources (traditional or based on new communication and information technology) in Community law for members of the legal professions involved in the administration of justice, namely judges, prosecutors and lawyers;
- (c) support initiatives likely to facilitate implementation of the above two forms of support, complement them or enhance their impact.

2. The Robert Schuman project shall support and complement training and information work on Community law undertaken by the Member States, while not encroaching on their responsibility for defining course content and organising vocational training.

Article 3

Instrument of Community intervention

1. The Robert Schuman project shall be designed to provide financial support to initiatives launched in the Member States with a view to achieving the objectives referred to in Article 2.

2. Each of those objectives shall correspond to a specific aspect of the Robert Schuman project: 'training', 'information' or 'accompanying initiatives'.

Article 4

Financial provisions

The financial framework for the implementation of this programme for a period of three years commencing on the date of entry into force of this Decision is hereby set at ECU 5,6 million.

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

Article 5

Eligibility conditions

1. Institutions responsible in the Member States at local, regional or national level or at Community level for:

— the continuing vocational training of members of the legal professions involved in the administration of justice, namely judges, prosecutors and lawyers,

or

— the initial vocational training of those preparing to take part in the administration of justice,

shall be considered eligible for financial support under the Robert Schuman project.

2. The institutions covered by paragraph 1 shall be:

- (a) the courts;
- (b) bar associations and equivalent professional bodies;
- (c) Ministries of Justice, high councils of the judiciary or similar bodies and bodies responsible at a high level for the training of the judiciary and judicial officers;
- (d) approved vocational schools or educational institutes responsible for the initial or continuing training of members of the legal professions involved in the administration of justice, namely judges, prosecutors and lawyers;
- (e) the universities.

Article 6

Project selection criteria

1. Eligible institutions shall apply for support under the Robert Schuman project by submitting a training, information or accompanying project to the competent Commission departments.

2. Projects shall be selected, and financial support awarded, on the basis of the following criteria:

(a) *Practical use*

The measures envisaged must enable the target groups to acquire knowledge adapted to, and immediately useful in, the day-to-day practice of their profession.

(b) *Accessibility*

The measures envisaged must be designed to raise awareness among the greatest possible number of members of the legal professions involved in the administration of justice, namely judges, prosecutors and lawyers, and shall, in particular, benefit those who have not yet become acquainted with Community law.

(c) *Adjustment to constraints of professional practice*

The way in which the measures envisaged are implemented must reflect the needs of professional practice (particularly in terms of timetabling and geographical proximity).

(d) *Cost-effectiveness*

When assessing projects submitted under the Robert Schuman project, the Commission shall work on the basis of the principles laid down by the relevant financial Regulations, in particular the principles of sound financial management, economy and cost-effectiveness.

Costs entailed by the measures envisaged shall be reasonable having regard to their objectives. Cost-effectiveness

may be improved by partnerships involving a number of eligible institutions pooling their resources.

3. The following optional assessment criteria shall also be taken into account:

- (a) the inter-professional dimension of measures (involvement of judges, prosecutors and lawyers in implementing them or as target groups);
- (b) the cross-border dimension of measures (involvement of nationals of more than one Member State in implementing them or as target groups).

Article 7

Support arrangements

1. Financial support under the Robert Schuman project, which is designed to encourage, complement and support the work of the institutions referred to in Article 5, shall be provided in addition to local, regional or national funds and shall be used to achieve projects. Financial support thus awarded may not, therefore, entail the realisation of direct or indirect profits.

2. Financial support under the Robert Schuman project shall be awarded for one or two years.

3. So as to ensure continuity in the projects, the recipient of a Robert Schuman project grant shall undertake to continue the project without support from the Commission, as from the date on which the grant ceases for a period equivalent to that for which the grant was made.

Recipients shall undertake to repay all amounts disbursed if they fail to meet that obligation.

Exceptionally, a derogation from the obligation to continue the work may be granted if the nature of a project prevents its continuation or if the recipient is confronted by circumstances, notably of an internal regulatory or financial nature, which prevent the project from being continued.

4. Financial support provided under the Robert Schuman project shall be awarded in accordance with the Commission's rules governing grants. Compliance with those rules shall be monitored by the Commission and the Court of Auditors of the European Communities.

Article 8

Implementation

1. The Commission shall be responsible for carrying out this programme and shall adopt practical arrangements for its implementation.

2. A call for expressions of interest shall be published each year in the *Official Journal of the European Communities* to inform potential applicants of the Robert Schuman project's objectives and the conditions governing the award of grants.

Article 9

Consistency of Community action

1. The Commission shall be responsible, jointly with the Member States, for ensuring the overall consistency of this programme and other Community training or information initiatives.

2. The Robert Schuman project shall complement action carried out under other Community programmes, in particular the Leonardo da Vinci programme for the implementation of a European Community vocational training policy, the Jean Monnet project to promote teaching on European integration at university level and the Grotius programme of incentives and exchanges for legal practitioners (joint action adopted on the basis of Article K.3 of the Treaty on European Union).

Article 10

Assessment and monitoring

1. The Commission shall be responsible for assessing and monitoring this programme on a periodic basis and shall keep the Member States regularly informed.

2. The Commission shall submit an assessment report on implementation of the programme to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions no later than two years after the programme enters into force.

Article 11

Entry into force

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

Done at Luxembourg, 22 June 1998.

For the European Parliament

The President

J. M. GIL-ROBLES

For the Council

The President

J. CUNNINGHAM

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 29 June 1998

on the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Government of the Republic of Guinea concerning the provisional application of the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999

(98/449/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast⁽¹⁾, and in particular Article 15 thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with the second paragraph of Article 15 of the aforesaid Agreement, the Community and the Republic of Guinea have conducted negotiations to determine any amendments and additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of those negotiations, a new Protocol was initialled on 11 December 1997;

Whereas, under that Protocol, Community fishermen enjoy fishing possibilities in the waters under the sovereignty or jurisdiction of the Republic of Guinea for the period 1 January 1998 to 31 December 1999;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, it is essential that the new Protocol be applied as soon as possible; whereas the two parties have accordingly initialled an Agreement in the form of an Exchange of Letters providing for the initialled Protocol to apply provisionally from the day following that on which the Protocol currently in force expires;

Whereas the Agreement in the form of an Exchange of Letters should be approved, pending a final decision taken under Article 43 of the Treaty;

⁽¹⁾ OJ L 111, 27. 4. 1983, p. 1.

Whereas the fishing possibilities should be apportioned among the Member States on the basis of the traditional allocation of fishing possibilities under the fisheries Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Government of the Republic of Guinea concerning the provisional application of the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999 is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an Exchange of Letters and of the Protocol are attached to this Decision.

Article 2

The fishing possibilities laid down in the Protocol shall be allocated, in gross registered tonnage (GRT) or number of vessels, among the Member States as follows:

(a) cephalopods/fin-fish:

| | |
|---------|-----------|
| Spain: | 1 350 grt |
| Italy: | 1 200 grt |
| Greece: | 1 450 grt |

(b) shrimps:

| | |
|-----------|---------|
| Spain: | 700 grt |
| Portugal: | 200 grt |
| Greece: | 100 grt |

(c) tuna seiners:

| | |
|---------|------------|
| France: | 19 vessels |
| Spain: | 14 vessels |

(d) pole-and-line tuna vessels:

| | |
|---------|-----------|
| France: | 8 vessels |
| Spain: | 5 vessels |

(e) surface longliners:

| | |
|-----------|------------|
| France: | 3 vessels |
| Spain: | 23 vessels |
| Portugal: | 2 vessels. |

If licence applications from those Member States do not exhaust the fishing possibilities established in the Protocol, the Commission may consider licence applications from any other Member State.

Article 3

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Article 4

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

Done at Luxembourg, 29 June 1998.

For the Council

The President

R. COOK

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and the Government of the Republic of Guinea concerning the provisional application of the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999

A. Letter from the Government of the Republic of Guinea

Sir,

With reference to the Protocol, initialled on 11 December 1997, establishing the fishing possibilities and the financial compensation for the period 1 January 1998 to 31 December 1999, I have the honour to inform you that the Government of the Republic of Guinea is ready to apply that Protocol on a provisional basis from 1 January 1998, pending the entry into force of the Protocol in accordance with Article 7 thereof, provided that the European Community is prepared to do the same.

This is on the understanding that the first instalment of the financial consideration specified in Article 2 of the Protocol is paid by 30 June 1998.

I should be obliged if you would confirm the European Community's agreement to such provisional application.

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

For the Government of the Republic of Guinea

B. Letter from the Community

Sir,

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

'With reference to the Protocol, initialled on 11 December 1997, establishing the fishing possibilities and the financial compensation for the period 1 January 1998 to 31 December 1999, I have the honour to inform you that the Government of the Republic of Guinea is ready to apply that Protocol on a provisional basis from 1 January 1998, pending the entry into force of the Protocol in accordance with Article 7 thereof, provided that the European Community is prepared to do the same.

This is on the understanding that the first instalment of the financial consideration specified in Article 2 of the Protocol is paid by 30 June 1998.

I should be obliged if you would confirm the European Community's agreement to such provisional application.'

I have the honour to confirm the European Community's agreement to such provisional application.

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

On behalf of the Council of the European Union

PROTOCOL

establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 1998 to 31 December 1999

Article 1

For a period of two years from 1 January 1998, the fishing possibilities granted under Article 2 of the Agreement shall be as follows:

1. fin-fish and cephalopod trawlers: 4 000 gross registered tonnes (grt) per year;
2. shrimp trawlers: 1 000 gross registered tonnes (grt) per year;
3. freezer tuna seiners: 33 vessels;
4. pole-and-line tuna vessels: 13 vessels;
5. surface longliners: 28 vessels.

Where appropriate and where the state of resources so permits, the Joint Committee provided for in Article 10 of the Agreement shall consider including new categories of fish and shall lay down the technical and financial conditions under which they can be fished by Community vessels.

Article 2

1. The financial compensation referred to in Article 8 of the Agreement shall amount to ECU 2 800 000 for the first year (of which ECU 1 400 000 by way of a financial consideration and ECU 1 400 000 for the measures listed in Article 4 of the current Protocol) and ECU 3 700 000 for the second year (of which ECU 1 850 000 by way of a financial consideration and ECU 1 850 000 for the measures listed in Article 4 of this Protocol) for the fishing possibilities listed in Article 1. That financial consideration shall be payable by 30 June each year at the latest.

2. The use to which the financial consideration is put shall be the sole responsibility of the Government of the Republic of Guinea.

3. The financial consideration shall be paid into an account specified by the Government of the Republic of Guinea and opened with the public treasury.

Article 3

At the request of the Community, the fishing possibilities established in Article 1(1) may be increased by successive instalments of 1 000 grt a year. In that case, the financial

consideration referred to in Article 2 shall be increased proportionately, *pro rata temporis*.

Article 4

Of the overall financial compensation established in Article 2(1), the following measures shall be financed to the amount of ECU 1 400 000 in the first year and ECU 1 850 000 in the second year, according to the following breakdown:

1. scientific and technical programmes to improve knowledge of fishery and biological resources within Guinea's fishing zone: ECU 450 000;
2. support for fishery surveillance bodies: ECU 800 000;
3. support for artisanal fishing: ECU 320 000;
4. institutional support for the Ministry of Fisheries: ECU 800 000;
5. awards for study, practical training and seminars in the various scientific, technical and economic disciplines relating to fisheries: ECU 390 000;
6. Guinea's contribution to international fisheries organisations: ECU 100 000;
7. costs of Guinean delegates' participation in international meetings on fisheries: ECU 390 000.

The measures and the annual amounts allocated thereto shall be decided on by the Ministry of Fisheries, which shall inform the Commission thereof.

The annual amounts shall be made available to the bodies concerned by 30 June each year at the latest. The Government of the Republic of Guinea shall provide the bank account numbers to be used for such payments.

The Ministry of Fisheries shall forward an annual report to the delegation of the European Commission on the implementation of the measures and the results obtained. The Commission reserves the right to ask the Ministry of Fisheries for any additional information on the results and to reconsider the payments concerned should the measures not be implemented.

Article 5

Should the Community fail to make the payments provided for in Articles 2 and 4, the application of this Protocol may be suspended.

Article 6

The Annex to the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast is hereby repealed and replaced by the Annex hereto.

Article 7

This Protocol shall enter into force on the date on which it is signed.

It shall apply from 1 January 1998.

—

ANNEX

CONDITIONS GOVERNING FISHING BY COMMUNITY VESSELS IN GUINEA'S FISHING ZONE

A. Licence application and issuing formalities

At least 30 days before the date on which the requested term of validity commences, the competent Community authorities are to present an application for each vessel that is to be used for fishing under the Agreement to the Ministry of Fisheries via the delegation of the European Commission in Guinea.

The applications are to be made out using the forms provided for that purpose by the Ministry of Fisheries, a specimen of which is attached hereto (Appendix 1).

Licence applications are to be accompanied by proof of payment of the fee covering the licence's term of validity. Payment is to be made into an account opened with the public treasury of Guinea.

The fees include all national and local taxes, with the exception of port fees and charges for the provision of services.

Within 30 days of receipt of proof of payment as referred to above, the licences for all vessels will be issued by the Ministry of Fisheries to the shipowners or their representatives via the delegation of the European Commission in Guinea.

The following annual periods serve to determine the term of validity of licences:

- first period: 1 January to 31 December 1998,
- second period: 1 January to 31 December 1999.

Licences cannot commence running during one annual period and expire during the following annual period.

Licences are issued for specific vessels and are not transferable. However, at the request of the Community and where *force majeure* is proven, a vessel's licence will be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the vessel to be replaced is to return the cancelled licence to the Ministry of Fisheries via the delegation of the European Commission in Guinea.

The new licence must state:

- the date of issue,
- the term of validity of the new licence, covering the period from the date of arrival of the replacement vessel to the date of expiry of the licence of the replaced vessel.

In the event of replacement, no fee as referred to in Article 5(2) of the Agreement is due for the unexpired period of validity.

Licences must be held on board at all times.

I. Provisions applicable to trawlers

1. Vessels must put into the port of Conakry once a year before licences are issued so that the regulation inspection can be carried out. This inspection is to be carried out by duly authorised persons only and must take place within 24 working hours of the vessel's arrival in port, providing notice of arrival has been given at least 48 working hours in advance. Where licences are renewed within the calendar year, the vessels need not undergo a second inspection.

The costs of technical inspections are to be borne by the shipowners and cannot exceed ECU 250 per vessel per year.

2. Each vessel must be represented by an agent of Guinean nationality established in Guinea.
3. (a) Licences are issued for three, six or twelve months and are renewable. The term of validity of licences must be taken into account when calculating the utilisation of the fishing possibilities granted under Article 1 of the Protocol.

(b) The fees to be paid by shipowners, expressed in ecus per gross registered tonne (GRT), are as follows:

— for annual licences:

| | first year | second year |
|----------------------|------------|-------------|
| fin-fish trawlers: | 126 | 132 |
| cephalopod trawlers: | 150 | 158 |
| shrimp trawlers: | 152 | 160 |

— for six-month licences:

| | first year | second year |
|----------------------|------------|-------------|
| fin-fish trawlers: | 65 | 68 |
| cephalopod trawlers: | 77 | 81 |
| shrimp trawlers: | 78 | 82 |

— for three-month licences:

| | first year | second year |
|----------------------|------------|-------------|
| fin-fish trawlers: | 33 | 35 |
| cephalopod trawlers: | 39 | 41 |
| shrimp trawlers: | 40 | 42 |

However, an additional fee of ECU 30 per grt per year is payable by vessels failing to land 200 kg of fish per grt per year in accordance with part C.

II. Provisions applicable to tuna vessels and surface longliners

Licences must be kept on board at all times; however, fishing is authorised on receipt of the notification of payment of the advance forwarded by the Commission to the Guinean Ministry of Fisheries. Furthermore, pending receipt of the original of the licence, a copy of the licence drawn up can be sent by fax for keeping on board.

The fees are set at ECU 20 per tonne per year caught within Guinea's fishing zone.

Licences are to be issued following payment to the Ministry of Fisheries of a lump sum of ECU 1 800 per year for each tuna seiner, ECU 300 per year for each pole-and-line tuna vessel and ECU 500 per year for each surface longliner, covering the fees for:

- 90 tonnes of tuna caught per year in the case of seiners,
- 15 tonnes of tuna caught per year in the case of pole-and-line tuna vessels,
- 25 tonnes of tuna caught per year in the case of surface longliners.

The final statement of the fees due for the fishing period is to be drawn up by the Commission at the end of each calendar year on the basis of the catch statements made for each vessel and confirmed by the scientific institutes responsible for verifying catch data, such as the Institut Français de Recherche Scientifique pour le Développement en Coopération (Orstom) and the Instituto Español de Oceanografía (IEO), in cooperation with the Centre National des Sciences Halieutiques de Boussoura (CNSHB). The statement is to be forwarded simultaneously to the Ministry of Fisheries and to the shipowners. No later than 30 days after the final statement is notified, any additional charges due are to be paid by the shipowners to the Ministry of Fisheries using the account opened with the public treasury of Guinea.

However, if the final statement is lower than the abovementioned advance, the resulting balance will not be reimbursed.

B. Statements of catch

All Community vessels authorised under the Agreement to fish in Guinea's fishing zone are required to declare their catches to the Ministry of Fisheries, with a copy to the delegation of the European Commission in Guinea, as follows:

- trawlers must declare their catches using the specimen statement attached hereto (Appendix 2). Statements of catch must be drawn up each month and presented at least once each quarter,
- tuna seiners, pole-and-line tuna vessels and surface longliners must keep fishing logs using the form in Appendix 3 for each fishing period spent in Guinea's fishing zone. Within 45 days of the end of the fishing period spent in Guinea's fishing zone, the forms must be sent to the Ministry of Fisheries via the delegation of the European Commission in Guinea.

Forms must be completed legibly and must be signed by the master of the vessel.

Should this provision not be complied with, the Ministry of Fisheries reserves the right to suspend the licences of offending vessels until the formality has been completed. The delegation of the European Commission in Guinea is to be notified of such cases.

Where applicable, the Joint Committee provided for in Article 10 of the Agreement is to consider equipping Community fishing vessels with facilities for the electronic transmission of data covering fishing operations.

C. Landing of catches

As a contribution towards supplying the local population with fish caught in Guinea's fishing zone, trawlers authorised to fish in Guinea's fishing zone are required to land 200 kg of fish per grt per year free of charge.

Landings may be made individually or collectively, mention being made of the vessels concerned.

D. By-catches

Crustaceans held on board fin-fish trawlers may not account for more than 9 % nor cephalopods for more than 9 % of their total catch in Guinea's fishing zone.

Crustaceans held on board cephalopod trawlers may not account for more than 15 % of their total catch in Guinea's fishing zone.

Fish held on board shrimp trawlers may not account for more than 30 % nor cephalopods for more than 20 % of their total catch in Guinea's fishing zone.

E. Signing-on of seamen

Owners holding fishing licences issued under the Agreement are to contribute to the practical vocational training of Guinean nationals, subject to the conditions and limits set out below:

1. each trawler owner must undertake to employ:
 - two Guinean seamen on vessels of up to 200 grt,
 - three Guinean seamen on vessels of more than 200 grt but not more than 350 grt,
 - four Guinean seamen on vessels of more than 350 grt;
2. for the fleet of tuna seiners, six Guinean seamen must be signed on permanently;
3. for the fleet of pole-and-line tuna vessels, five Guinean seamen must be signed on for the duration of the vessels' actual presence in Guinean waters, all of them to be assigned to different vessels;
4. for the fleet of surface longliners, the shipowners must undertake to employ two Guinean seamen per vessel for the duration of the vessels' actual presence in Guinean waters;

5. the wages of these Guinean seamen are to be fixed before the licences are issued, by mutual agreement between the shipowners or their representatives and the Ministry of Fisheries; the wages are to be paid by the shipowners and must include the seamen's social security contributions (including life, accident and health insurance).

Should the seamen not be signed on, the owners of tuna seiners, pole-and-line tuna vessels and surface longliners are required to pay the Ministry of Fisheries a lump sum equivalent to the wages of the seamen not signed on in accordance with points 2, 3 and 4 above.

That sum is to be used for the training of Guinean sea fishermen and must be paid into an account specified by the Ministry of Fisheries.

F. Observers

1. The observer's task is to check on fishing activities in Guinea's fishing zone and to collect all statistical data on fishing operations by the vessel concerned. Observers must be granted every facility needed to carry out their duties, including access to premises and documents and must in particular be allowed to report fishing data by radio once a week.

2. All trawlers must take on board an observer appointed by the Ministry of Fisheries.

Observers must not normally remain on board for more than two trips.

3. At the request of the Ministry of Fisheries, addressed to the European Commission, tuna vessels and surface longliners must take on board an observer, who must not remain on board any longer than is necessary to accomplish his duties.

The masters of vessels must facilitate the work of the observers, who must be accorded the conditions enjoyed by the vessels' officers.

The travelling costs of observers taken on board in foreign ports are to be borne by the shipowner.

4. The wages and social insurance contributions of observers are to be paid by the Ministry of Fisheries.

In the case of trawlers, shipowners are to pay ECU 15 to the Centre National de Surveillance des Pêches (CNSP) for each day an observer spends on board as a contribution towards the expenses arising from the observer's presence on board.

5. Should a vessel with a Guinean observer on board leave Guinea's fishing zone, all steps must be taken for his return to Conakry as soon as possible at the expense of the shipowner.

G. Inspection and monitoring

Community vessels fishing in Guinea's fishing zone must permit and assist any Guinean officials responsible for inspection and monitoring to board the vessel and carry out their duties on board. The officials must not remain on board any longer than is necessary to verify catches by random checks and to conduct any other inspection relating to fishing activities.

H. Fishing zones

All the vessels referred to in Article 1 of the Protocol are authorised to fish in waters beyond 10 nautical miles.

I. Meshes authorised

The minimum mesh size authorised for the cod end (mesh stretched) is:

- (a) 40 mm for shrimps;
- (b) 70 mm for cephalopods;
- (c) 70 mm for fin-fish;
- (d) 16 mm for fishing for live bait.

These mesh sizes also apply to trawls used for fishing with outriggers.

J. Entering and leaving the zone

Community vessels fishing under the Agreement in Guinea's fishing zone must report the date and time and their position each time they enter and leave Guinea's fishing zone to the radio station of the Centre National de Surveillance des Pêches (CNSP).

The CNSP will inform the shipowners of the call sign and operating frequencies of the station at the time the licence is issued.

Where they cannot communicate this information by radio, vessels may use alternative means, such as fax (CNSP: No 1-212-4794-885; Ministry of Fisheries: 224-41-35-23).

K. Boarding of vessels

1. The delegation of the European Commission in Guinea must be notified within 48 hours of any fishing vessel flying the flag of a Member State of the Community and operating under an Agreement between the Community and a third country that is boarded within Guinea's fishing zone and must at the same time be sent a summary report of the circumstances surrounding, and the reasons leading to, the boarding.

2. In the case of vessels authorised to fish in Guinean waters, before any measures are considered with regard to the vessel's master or crew or any action is contemplated with regard to its cargo and equipment other than to safeguard evidence relating to the alleged infringement, a conciliation meeting is to be held within 48 hours of receipt of the abovementioned information between the delegation of the European Commission, the Ministry of Fisheries and the inspection authorities, possibly attended by a representative of the Member State concerned.

At the meeting, the parties will exchange any relevant documentation and information, and in particular automatically recorded data showing the vessel's positions during the trip up to the time of boarding, that may help clarify the circumstances surrounding the facts.

The shipowner or his representative is to be informed of the outcome of the meeting and of the meeting and of any measures resulting from the boarding.

3. Before any judicial proceedings are initiated, an attempt must be made to resolve the matter of the alleged infringement by compromise. Should no compromise be reached, that attempt is to be abandoned no later than three working days after the boarding.

4. Should no compromise be reached and the case consequently be brought before a competent judicial body, pending the judgment a bank security payable by the shipowner is to be set by the competent authorities within 48 hours of abandonment of the attempt to reach a compromise. The security must not exceed the maximum penalty laid down for such an infringement under national law. Where the master of the vessel concerned is not found guilty, the bank security is to be refunded to the shipowner by the competent authorities as soon as the case is settled.

5. The vessel and crew are to be released:

- when the conciliation meeting is closed if the outcome so permits,
- once the obligations arising from the compromise reached have been fulfilled, or
- once the bank security is lodged (in connection with judicial proceedings).

Appendix 1

APPLICATION FORM
FOR A
FISHING LICENCE

| For official use only | Remarks |
|------------------------|---------|
| Nationality: | |
| Licence No: | |
| Date of signing: | |
| Date of issue: | |

APPLICANT

Name of firm:

Trade register No:

First name and surname of applicant:

Date and place of birth:

Occupation:

Address:

.....

No of employees:

Name and address of co-signatory:

.....

VESSEL

Type of vessel: Registration No:

New name: Former name:

Date and place of construction:

Original nationality:

Length: Beam: Hold:

Gross tonnage: Net tonnage:

Type of building materials:

Make of main engine: Type: Rating:

Propeller: Fixed Variable Ducted

Transit speed:

Call sign: Call frequency:

List of sounding, navigating and transmission instruments:

| | | | | | | |
|-------|--------------------------|-------|--------------------------|-----------------------------------|--------------------------|--------------|
| Radar | <input type="checkbox"/> | Sonar | <input type="checkbox"/> | Net sonde | <input type="checkbox"/> | |
| VHF | <input type="checkbox"/> | SSB | <input type="checkbox"/> | Net sonde satellite navigation | <input type="checkbox"/> | Other: |

No of seamen:

CONSERVATION

Packed in ice Ice and refrigeration

Freezing in brine Dry Refrigerated sea water

Total refrigerating power:

Freezing capacity in tonnes/24 hours:

Hold capacity:

TYPE OF FISHING

A. Demersal

Inshore demersal Deep-sea demersal

Type of trawl: Shrimps Fish
Cephalopods

Length of trawl: Headline:

Mesh size in the body:

Mesh size in the wings:

Speed of trawling:

B. Deep-sea pelagic (tuna)

Pole and line No of poles and lines

Seine Length of net: Depth of net:

No of tanks: Capacity in tonnes:

C. Longlines and pots

Surface Bottom

Length of lines: No of hooks:

No of lines:

No of pots:

SHORE INSTALLATIONS

Address and permit No:

.....

Name of firm:

Activities:

Domestic wholesale fish trade

Export

Type and No of wholesale trader's card:

Description of processing and conservation plant:

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

No of employees:

NB: Indicate affirmative answers by a tick in the appropriate box.

Technical remarks

Authorisation of the Ministry of Fisheries

Appendix 2

STATISTICS ON CATCH AND ACTIVITY

OFFICE OF THE SECRETARY OF STATE FOR FISHERIES

| | | |
|--------|------------------|-------|
| Month: | Fishing method: | Year: |
| | Port of landing: | |

| | |
|---------------------------|--|
| Engine rating: | |
| Gross registered tonnage: | |

| | |
|---------------------|--|
| Name of vessel: | |
| Nationality (flag): | |

| Date | Fishing zone | | Number of fishing operations | Number of fishing hours | Species of fish | | | | | | Totals | |
|------|--------------|----------|------------------------------|-------------------------|-----------------|--|--|--|--|--|--------|--|
| | Longitude | Latitude | | | | | | | | | | |
| 1/ | | | | | | | | | | | | |
| 2/ | | | | | | | | | | | | |
| 3/ | | | | | | | | | | | | |
| 4/ | | | | | | | | | | | | |
| 5/ | | | | | | | | | | | | |
| 6/ | | | | | | | | | | | | |
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| 27/ | | | | | | | | | | | | |
| 28/ | | | | | | | | | | | | |
| 29/ | | | | | | | | | | | | |
| 30/ | | | | | | | | | | | | |
| 31/ | | | | | | | | | | | | |
| | | | | | | | | | | | TOTAL | |

COMMISSION

COMMISSION DECISION

of 3 July 1998

amending Decision 97/586/EC on certain protective measures in respect of infectious anaemia in salmon in Norway

(notified under document number C(1998) 1845)

(Text with EEA relevance)

(98/450/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, as last amended by Directive 96/43/EC ⁽²⁾, and in particular Article 18(7) thereof,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽³⁾, as last amended by Directive 96/43/EC, and in particular Article 19(7) thereof,

Whereas, further to an outbreak of infectious salmon anaemia (ISA) in Norway, the Commission, by Decision 97/586/EC ⁽⁴⁾ has taken safeguard measures in order to prevent the introduction of that disease in the Community; whereas these measures apply until 1 July 1998;

Whereas recently new cases of ISA have been reported in Norway;

Whereas it is therefore necessary to maintain these safeguard measures in place;

Whereas the list of farms and establishments from which Norway can export slaughtered and non-eviscerated salmon must be updated;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 97/586/EC is amended as follows:

1. in Article 5, the date '1 July 1998' shall be replaced by the date '1 July 1999'.
2. Annex I is replaced by the following text:

⁽¹⁾ OJ L 268, 24. 9. 1991, p. 56.

⁽²⁾ OJ L 162, 1. 7. 1996, p. 1.

⁽³⁾ OJ L 373, 31. 12. 1990, p. 1.

⁽⁴⁾ OJ L 238, 29. 8. 1997, p. 41.

ANNEX I

**HOLDINGS AND ESTABLISHMENTS LOCATED ALONG THE NORWEGIAN COAST
BETWEEN THE SWEDISH BORDER AND THE BORDER BETWEEN THE COMMUNES OF
HÅ AND EIGERSUND FROM WHICH SLAUGHTERED, NON-EVISCERATED SALMON
MAY BE DISPATCHED TO THE COMMUNITY**

1. Holdings

| | Code | Name of holding |
|-----|---------|---|
| 1. | VAFS 10 | Storøy laks, c/o Hidra Edelfisk A/S, 4432 Hidrasund |
| 2. | BD/r 2 | Marin Production, v/Torjan Bodvin, 4812 Kongshamn |
| 3. | TK/K 2 | Lien Sjø-ørret, Thor Lien, 3166 Sannidal |
| 4. | TK/K 1 | Skagerak Ørret |
| 5. | AA/A 2 | Marin Production A/S, Bota, 4920 Staubø |
| 6. | AA/L 1 | Åkerøy Ørretoppdrett, v/Karl Olaf Jørgensen, 4470 Høvåg |
| 7. | AA/L 4 | Hellesund Fiskeoppdrett A/S, v/Karl Olaf Jørgensen, 4470 Høvåg |
| 8. | AA/R 3 | Hellesund Fiskeoppdrett A/S, v/Karl Olaf Jørgensen, 4470 Høvåg |
| 9. | VA/S 2 | Langenes Fiskeoppdrett A/S, Reinhardsen & Co., Tordenskjoldsgt. 30, 4612 Kristiansand |
| 10. | VA/S 1 | Borøy Fiskeoppdrett A/S, v/Ragnar Severinsen, 4630 Kristiansand |
| 11. | VA/LD 4 | Korshamn Fiskeoppdrett A/S, Berge, 4580 Lyngdal |
| 12. | VA/LD 8 | Lindesnes Laks A/S, v/Terje Gabrielsen, 4512 Lindesnes |
| 13. | VA/F 3 | Rasvåg Fiskeoppdrett A/S, v/Arnfred Hansen, 4432 Hidrasund |
| 14. | VA/F 4 | Øyna Fiskeoppdrett A/S, Boks 96, 4401 Flekkefjord |
| 15. | VA/F 5 | Aqua Sør A/S, v/Tore Skarpnes, 4432 Hidrasund |
| 16. | VA/F 13 | Støytland Fisk A/S, 4401 Flekkefjord |
| 17. | VA/F 10 | Hidra Edelfisk A/S, 4432 Hidrasund |
| 18. | VA/KL 3 | Hidra Edelfisk A/S, 4432 Hidrasund |
| 19. | VA/F 14 | Agder Fiskeoppdrett A/S, Postboks 96, 4401 Flekkefjord |
| 20. | R/HA 2 | Holmane Edelfisk A/S, 4364 Sirevåg |

2. Establishments

| | Code | Name of establishment |
|----|--------|---|
| 1. | VA-60 | Abelnes Aqua A/S, Abelnes, 4400 Flekkefjord |
| 2. | VA-69 | Ulland A/S, Kirkehamn, 4432 Hidrasund |
| 3. | VA-70 | Hidra Edelfisk A/S, Bukstad, 4432 Hidrasund |
| 4. | VA-113 | Reinhardsen & Co., Tordenskjoldsgt. 30, 4612 Kristiansand |

Article 2

The Member States shall alter the measures they apply in trade in order to bring them into line with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 3 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

(Conventions signed between Member States)

DECISION No 1/98
of 30 June 1998
of the Committee set up by Article 18 of the Dublin Convention of 15 June 1990,
concerning provisions for the implementation of the Convention

(98/451/CMS)

THE COMMITTEE set up by Article 18 of the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed in Dublin on 15 June 1990 ⁽¹⁾ (hereinafter referred to as 'the committee' and 'the Convention' respectively),

HAVING REGARD to Article 18(1) and (2) of the Convention,

WHEREAS it is necessary to supplement Decision No 1/97 of the committee of 9 September 1997 concerning provisions for the implementation of the Convention ⁽²⁾, in order to ensure the effective implementation thereof;

WHEREAS, in particular, the use of information on the ways and means asylum seekers enter the European Union in determining the State responsible under the Convention should be clarified;

WHEREAS the exchange of fingerprint data between Member States, in accordance with their national law, is a useful mechanism for confirming identity and identifying the Member State of arrival in the European Union in support of the operation of the Convention;

WHEREAS the development of practical cooperation between the Member States would facilitate implementation of the Convention,

HAS DECIDED AS FOLLOWS:

Article 1

Information on ways and means asylum seekers enter the European Union

1. Subject to paragraph 2, when making and examining applications under Article 11 of the Convention, the Member States concerned should be prepared together to take account, in appropriate cases, of relevant information

⁽¹⁾ OJ C 254, 19. 8. 1997, p. 1.

⁽²⁾ OJ L 281, 14. 10. 1997, p. 1.

from reliable and verifiable sources on the ways and means asylum seekers enter the European Union.

2. It is understood that the information referred to in paragraph 1 is not in itself sufficient to determine the responsibility and the competence of a Member State under the Convention, but it may contribute to the evaluation of other indications relating to the individual asylum seeker.

3. Member States shall ensure that information obtained about the ways and means asylum seekers enter the European Union is made available promptly to officials responsible for making and examining applications under Article 11 of the Convention.

Article 2

Exchange of fingerprints under Article 15 of the Convention

1. Without prejudice to any provisions in the Convention or in other decisions of the committee, each Member State may request fingerprint information under Article 15(2) of the Convention from another Member State where there are reasons to do so in pursuance of the objectives stated in Article 15(1) thereof.

2. The provision of fingerprint information in response to requests made pursuant to paragraph 1 shall be subject to the national law of the requested Member State and to the principles of data protection applicable in the European Union.

Article 3

Applications to assume responsibility

Applications under Article 11 of the Convention shall contain all the information available to the Member State making the application which is necessary for determining responsibility for examining the asylum application.

*Article 4***Liaison and cooperation**

1. Each Member State shall take such steps as are necessary, in particular by means of visits, where practicable, to ensure that close working relationships are maintained between its own officials and officials in other Member States who are responsible for carrying out functions in relation to the Convention and with whom it has significant dealings.
2. Where possible and where mutually beneficial to do so, each Member State should exchange liaison officers with other Member States, with a view to improving communication links.
3. A handbook for practitioners of the Convention shall be prepared, distributed, updated and supplemented by the General Secretariat of the Council of the European Union. The handbook shall contain such information as

would be helpful to practitioners. Its contents shall be kept under regular review.

*Article 5***Entry into force**

This Decision shall enter into force on the day of its publication in the Official Journal.

Done at Brussels, 30 June 1998.

For the Committee

The Chairman

J. STRAW
